

VICTORIA.



VOTES
AND
PROCEEDINGS
OF THE
LEGISLATIVE
COUNCIL.

SESSION.

1858-9.







VICTORIA.



VOTES AND PROCEEDINGS
OF THE
LEGISLATIVE COUNCIL

DURING THE SESSION

1858-9,

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

By Authority:

JOHN FERRES, GOVERNMENT PRINTER, MELBOURNE.



TABLE OF CONTENTS.

	PAGE.
INDEX	v
LIST OF PAPERS LAID UPON THE TABLE, NOT ORDERED TO BE PRINTED	xiii
SUMMARY OF BILLS INTRODUCED INTO THE COUNCIL	xv
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. Contract for Railway Loan	165
	„ 2. Pay or Pensions	171
	„ 3. Mr. Stuart's Exploration in South Australia	283
	„ 4. Minutes of Department of Agriculture	293
	„ 5. The Aborigines	305
	„ 6. Recent Additions to the Commission of the Peace	309
	„ 7. Appropriations for School Purposes	315
	„ 8. Railway Loan—Estimate of Advantages from	391
	„ 9. Complaints under 21 Vic., No. 29, Secs. 22 and 54	393
	„ 10. Mr. Justice Williams—Leave of Absence	395

MESSAGE FROM HIS EXCELLENCY THE GOVERNOR :—

B	1. Indian Relief Fund	397
---	------------------------------	-----

REPORTS OF SELECT COMMITTEES :—

D	1. Printing—First Report	401
	„ 2. South Province Electoral Roll	405
	„ 3. Printing—Second Report	477
	„ 4. Elections and Qualifications	481
	„ 5. Refreshment Rooms—Progress Report... ..	489
	„ 6. Elections and Qualifications (Report on Second Petition)... ..	493
	„ 7. Impounding Act	547
	„ 8. Aborigines	601
	„ 9. Board of Land and Works	715
	„ 10. Printing—Third Report	745
	„ 11. Divorce	749
	„ 12. The Library	761

PETITIONS :—

E	1. Citizens and Electors of Melbourne against Electoral Districts Alteration Bill	765
	„ 2. Inhabitants of Lake Learmonth—Distillation of Spirits	767
	„ 3. United Free Methodists, Geelong—Distillation of Spirits	769
	„ 4. Inhabitants of Amherst—Distillation of Spirits	771
	„ 5. Inhabitants of Camperdown—Distillation of Spirits	773

	Minutes of Proceedings.	Printed Papers.
	Page.	Page.
Fitz Roy Ward Improvement—Return of Receipts year ending 31st August, 1858— Laid on Council Table - - - - -	21	
Friday, 11th February, made a Day of Business - - - - -	104	
Fridays (till the end of the Session) made Days of Business - - - - -	107	
G.		
Gardens for Soldiery—Motion for Address - - - - -	59, 67	
Gold Fields Act—Orders in Council—Divisions of the Mining District, Maryborough (4th October, 1858). Polling Places, Maryborough District (4th October, 1858)—Laid on Council Table - - - - -	15	
Revoking Bye Law LXVII. of Mining Board, Beechworth—Laid on Council Table (31st January, 1859)—Laid on Council Table - - - - -	50	
(7th February, 1859)—Laid on Council Table - - - - -	99	
(22nd February, 1859)—Laid on Council Table - - - - -	125	
Gold Mining on Private Property Bill—Brought in by Message from Legislative Assembly. (<i>Vide</i> "Summary on Bills") - - - - -	137	
Governor's Speech—(Opening Parliament) - - - - -	124	
Read by the President - - - - -	1, 2	
Appointment of Committee to prepare Address in Reply to (Proroguing Parliament) - - - - -	5	
Governor's Reply to Address on opening of Parliament - - - - -	139, 140	
Grammar Schools—Motion for Returns - - - - -	11	
Gun Boats and Harbor Defences—Motion for Laying on the Table Evidence before Select Committee of Last Session - - - - -	50	
Motion for Address to Governor, with Evidence on - - - - -	30	
Gunpowder Act Amendment Bill—Brought in by Message from Legislative Assembly. (<i>Vide</i> "Summary on Bills") - - - - -	68	
H.		
Health (Central Board of)—Third Annual Report, 1857—Laid on Council Table - - - - -	6	
Officer's Report for Half-year ending 30th June, 1858—Laid on Council Table - - - - -	15	
I.		
Impounding Act—Select Committee on—Appointed - - - - -	15	
Report— { Brought up, received, and ordered to be printed - - - - -	93	547
{ Adopted - - - - -	107	
Indian Relief Fund—Message from the Governor - - - - -	8	397
Ordered to be printed, with its Enclosures - - - - -		
Innkeepers and Carriers Bill—Brought in by Message from Legislative Assembly. (<i>Vide</i> "Summary on Bills") - - - - -	90	
Intestate Estates—Curator of—Motion for Correspondence - - - - -	20	
Intestate Estates Bill—Brought in by Message from Legislative Assembly. (<i>Vide</i> "Summary on Bills") - - - - -	30	
K.		
Kilda (St.) and Brighton Railway Bill—Brought in by Message from Legislative Assembly. (<i>Vide</i> "Summary on Bills") - - - - -	85	
L.		
Land and Works—Management of Board of—Committee appointed - - - - -	23	
Powers of Committee extended - - - - -	29	
Message to Legislative Assembly for member of that House to attend as witness Message to Legislative Assembly for members of that House to attend as witnesses	32	
Progress Report brought up and ordered to be printed - - - - -	84	
Lawarne—Inquisition on the body of one—Motion for copy of - - - - -	107	715
Return laid on Council Table - - - - -	45	
Letters insufficiently stamped—Motion for Return - - - - -	71	
Return laid on Council Table - - - - -	43	
Library (Joint) Committee—Appointed - - - - -	59	
Report brought up and ordered to be printed - - - - -	8	
Public—Report of Trustees—Laid on Council Table - - - - -	137	761
	56	
M.		
Mail Service (Australian)—Continuance of—Despatch from Secretary of State—Laid on Council Table - - - - -	87	
Extension of Royal Mail Contract—Despatch from Secretary of State—Laid on Council Table - - - - -		
Between Great Britain and Australia (16th October, 1858)—Laid on Council Table - - - - -		
Management of Board of Land and Works—Committee appointed - - - - -	23	
Extension of Powers of Committee - - - - -	29	
Message to Legislative Assembly for member of that House to attend as witness Message to Legislative Assembly for members of that House to attend as witnesses	32	
Progress Report brought up and ordered to be printed - - - - -	84	
	107	715

	Minutes of Proceedings.	Printed Papers.
	Page.	Page.
Marriage Bill—Brought in (<i>Hon. J. Hood.</i>) (<i>Vide</i> "Summary on Bills")	12	
Marriage of Princess Royal—Despatch from Secretary of State acknowledging receipt of Address on—Laid on Council Table	45	
Members (New)—Sworn (<i>Hon. T. T. a'Beckett</i> , and <i>Hon. A. Fraser</i>)	4	
Sworn { (<i>Hon. J. B. Bennett</i>)	5	
{ (<i>Hon. D. J. Tierney</i>)	7	
Election of (<i>Hon. G. S. Coppin</i>)	12	
Sworn (<i>Hon. G. S. Coppin</i>)	19	
Election of (<i>Hon. C. Vaughan</i>)	19	
Sworn (<i>Hon. C. Vaughan</i>)	29	
Election of (<i>Hon. B. Williams</i>)	29	
Sworn (<i>Hon. B. Williams</i>)	33	
Election of (<i>Hon. D. Wilkie</i>)	33	
Sworn (<i>Hon. D. Wilkie</i>)	111	
Members present after six o'clock—Motion	111	
Meteorological Report (Third)—Laid on Council Table	25	
Mining Association Act—Orders in Council—Model Form of Instrument of Association.		
Fees to be taken by Clerks of Courts of Mines—Laid on Council Table	9	
Amendment Bill—Brought in by Message from Legislative Assembly. (<i>Vide</i> "Summary on Bills")	34	
Mining Board of Sandhurst—Motion	27	
Message from Governor—Indian Relief Fund	8	397
Ordered to be printed, with its Enclosures	8	
Message from Legislative Assembly—Transmitting Intestate Estates Bill	30	
Transmitting Electoral Districts Alteration Bill	33	
Transmitting Mining Association Act, 1858, Amendment Bill	34	
Giving leave to Member to attend as witness	40	
Transmitting Duty on Spirits Bill	46	
Transmitting Constitution Act Construction Bill	50	
Transmitting County Courts Act Amendment Bill	60	
Transmitting Shortening of Parliaments Bill	60	
Transmitting Officials in Parliament Bill	63	
Transmitting Expiring Laws Continuation Bill	64	
Transmitting Oyster Fisheries Bill	64	
Returning Duties on Spirits Bill	68	
Transmitting Gunpowder Act Amendment Bill	72	
Returning Electoral Districts Alteration Bill	75	
Refusing consent—Members to attend as witnesses	76	
Giving leave to Member to attend as a witness	83	
Returning Gunpowder Bill	83	
Agreeing to Report of Joint Committee on Refreshment Rooms	85	
Transmitting Spirit Dealers Registration Bill	85	
Transmitting National Bank of Australasia Bill, St. Kilda and Brighton Railway Bill, and Melbourne Exchange Company Bill	90	
Giving leave for Members to attend as witnesses	94	
Transmitting Fisheries Bill	94	
Transmitting Innkeepers and Carriers Bill	97	
Returning Oyster Fisheries Bill	97	
Transmitting Australian Trust Company's Bill	98	
Transmitting Report and Proceedings of Select Committees on the National Bank of Australasia Bill, and the St. Kilda and Brighton Railway Bill	102	
Transmitting Report and Proceedings of the Select Committees on Australian Trust Company Bill, and Melbourne Exchange Company Bill	102	
Transmitting Wesleyan Church Lands Bill	107	
Transmitting Bendigo Waterworks Company Bill	117	
Informing Council that they had agreed to the Amendments in Expiring Laws Continuation Bill	117	
Transmitting Report and Proceedings of Wesleyan Church Lands Bill	119	
Transmitting Registration Act Amendment Bill	120	
Transmitting Castlemaine Gas Company Bill	124	
Transmitting Report and Proceedings of Select Committee on Castlemaine Gas Company Bill	124	
Transmitting Report and Proceedings of Select Committee on Bendigo Waterworks Company	125	
Returning Marriage Bill	127	
Transmitting Synod of Victoria Law Amendment Bill	127	
Transmitting Ballarat Bye Law Bill	132	
Transmitting Assessment on Stock Bill, Preservation of Fish Bill, Bills of Sale Bill, Chinese Bill, and Audit Bill	132	
Transmitting Melbourne and Essendon Railway Bill	136	
Agreeing to Amendments in Innkeepers and Carriers Bill, County Courts Act Amendment Bill, and Protection of Fisheries Bill	136	
Transmitting Appropriation Bill, Dog Act Extension Bill, and Gold Mining on Private Property Bill	137	
Returning Board of Agriculture Bill	137	
Transmitting Report and Proceedings of Select Committee on Melbourne and Essendon Railway Bill	138	
Returning Officials in Parliament Bill	138	
Returning Registration Act Amendment Bill	138	
Returning Melbourne and Essendon Railway Bill	138	
Transmitting Stock and Shares in Execution Bill	138	
Returning Supreme Court Terms Sittings and Holidays Bill	138	
Returning Audit Bill	138	
Returning Appropriation Bill	138	
Returning Ballarat Bye Law Bill	138	

	Minutes of	Printed
	Proceedings.	Papers.
	Page.	Page.
Petition from—James Macoboy—Ballaarat Byelaw Bill - - - - -	123	
R. B. Gibbs and two others—Ballaarat Byelaw Bill - - - - -	127	
John Campbell and others—Synod of Victoria Law Amendment Bill - - - - -		
Police Department—General Report of Acting Chief Commissioner—Laid on Council Table - - - - -	56	
Port Augusta (Journal of Expedition to, by J. M. Stewart)—Laid on Council Table - - - - -	39	283
Ordered to be printed - - - - -		
Postal Communication (Steam), Circular Despatch—Laid on Council Table - - - - -	9	
President detained from Council Chamber by illness - - - - -	101	
Princess Royal—Marriage of—Despatch from Secretary of State acknowledging receipt of Address—Laid on Council Table - - - - -	45	
Printing Committee appointed - - - - -	9	
First Report brought up, adopted, and ordered to be printed - - - - -	12	401
Second Report brought up, adopted, and ordered to be printed - - - - -	61	477
Third Report brought up, adopted, and ordered to be printed - - - - -	130	745
Proclamation opening Parliament - - - - -	1	
Protection of Women and Children Bill—Brought in (<i>Hon. T. H. Fellows</i>). (<i>Vide</i> "Summary on Bills") - - - - -	15	
R.		
Railway Loan—Negociation of—Motion - - - - -	23	
Estimate of Advantages from—	Motion - - - - -	55
	Return laid on Council Table - - - - -	81
	Ordered to be printed - - - - -	85
Statement—Motion for withdrawal - - - - -	97	391
Railway Loan Contract—Laid on Council Table - - - - -	7	
Ordered to be printed. (<i>Vide</i> "First Report of Printing Committee") - - - - -	12	165
Refreshment Rooms and Stables Joint Committee—Appointed - - - - -	8	
Progress Report—	Brought up - - - - -	53
	Adopted - - - - -	60
	Ordered to be printed. (<i>Vide</i> "Second Report of Printing Committee") - - - - -	61	489
Message ordered to be sent to Assembly to inform them that the Council had adopted the Report of - - - - -	61	
Registration Act Amendment Bill—Brought in by Message from Legislative Assembly. (<i>Vide</i> "Summary on Bills") - - - - -	97	
Reservation of Bills for the signification of Her Majesty's pleasure - - - - -	72	
	139	
Revenue Collections in North Western Province—Motion for Returns of - - - - -	20	
Royal Assent to Bills - - - - -	72, 138, 139	
S.		
Sandhurst Mining Board—Motion - - - - -	27	
Sanitary Station (Report on) for 1858—Laid on Council Table - - - - -	134	
Schedule D—Statement of Expenditure	1856—Laid on Council Table - - - - -	30
	1857—Laid on Council Table - - - - -	31
School Purposes (Appropriation for)—Return of—Laid on Council Table - - - - -	71	
Ordered to be printed - - - - -	72	315
Science (Board of)—First Annual Report—Laid on Council Table - - - - -	134	
Session (Close of)—Consideration of Bills at—Motion - - - - -	79	
Shortening of Parliaments Bill—Brought in by Message from Legislative Assembly. (<i>Vide</i> "Summary on Bills") - - - - -	60	
Soldiery (Garden for)—Motion for Address - - - - -	59, 67	
South Province Electoral Rolls—Motion - - - - -	15	
Select Committee on—Appointed - - - - -	20	
Thirty Copies of—Laid on Council Table - - - - -	27	
Report of Select Committee on—	Brought up, received, and ordered to be printed - - - - -	59
	Adopted - - - - -	85
Speech of Governor—(Opening Parliament) - - - - -	1, 2	
Read by the President - - - - -	5	
Committee to prepare Reply to—Appointed - - - - -		
Address in Reply to—Adopted and ordered to be presented - - - - -	7, 8	
(Prorogation of Parliament) - - - - -	139, 140	
Spirit Dealers Registration Act Amendment Bill—Brought in by Message from Legislative Assembly. (<i>Vide</i> "Summary on Bills") - - - - -	83	
Spirits (Duty on) Distilled in Victoria Bill—Brought in by Message from Legislative Assembly. (<i>Vide</i> "Summary on Bills") - - - - -	40	
St. Kilda and Brighton Railway Bill—Brought in by Message from Legislative Assembly. (<i>Vide</i> "Summary on Bills") - - - - -	85	
Standing Orders—Committee appointed - - - - -	8	
Suspension of—No. 24 - - - - -	5, 55, 68, 75	
Suspension of—No. 115 - - - - -	102	
Suspension of - - - - -	127	
Statistics of Colony of Victoria, 1856—Laid on Council Table - - - - -	15	
1857—Laid on Council Table - - - - -	134	
Steam Postal Communication—Circular Despatch from Secretary of State (16th June, 1858)—Laid on Council Table - - - - -	9	
Stock and Shares in Execution Sale Bill—Brought in by Message from Legislative Assembly. (<i>Vide</i> "Summary on Bills") - - - - -	132	
Supreme Court Terms, Sittings, and Holidays Bill—Brought in (<i>Hon. H. Miller</i>). (<i>Vide</i> "Summary on Bills") - - - - -	29	
Swearing in of Members - - - - -	3, 4, 12, 19, 29, 33	
Synod of Victoria Law Amendment Bill—Brought in by Message from Legislative Assembly. (<i>Vide</i> "Summary on Bills") - - - - -	117	

	Minutes of Proceedings.	Printed Papers.
	Page.	Page.
T.		
Telegraph (Electric)—Half-yearly Report (to 30th June, 1858)—Laid on Council Table	87	
Half-yearly Report (to 31st December, 1858)—Laid on Council Table	134	
(Submarine)—Communication between Cape Otway and Tasmania—Laid on Council Table	87	
Telegraphic Communication with England—Despatch (with Enclosures) from Secretary of State (29th May, 1858)—Laid on Council Table	6	
Trade and Customs—(Accounts relating to, 1857)—Laid on Council Table		
Trust Company's Bill (Australian)—Brought in by Message from Legislative Assembly. (<i>Vide</i> "Summary on Bills")	90	
U.		
University of Melbourne—Proceedings of (year ending 30th April, 1858)—Laid on Council Table	30	
V.		
Vacation of Seat by a Member—(<i>Hon. J. Allan</i>)	3	
W.		
Wesleyan Church Lands Bill — Brought in by Message from Legislative Assembly. (<i>Vide</i> "Summary on Bills")	94	
Williams (Mr. Justice)—Correspondence on the subject of Leave of Absence to—Laid on Council Table	123	
Ordered to be printed. (<i>Vide</i> "Third Report of Printing Committee")	130	395
Women and Children Protection Bill—Brought in (<i>Hon. T. H. Fellows</i>). (<i>Vide</i> "Summary on Bills")	15	
Wrecks and Casualties—Return of—(from 1835 to 1858)—Laid on Council Table	131	
Writ—Issue of—for Return of Member for		
Western Province		}
North Western Province		
Central Province		
South Province		
South Western Province	3	
Western Province		
Eastern Province		
North Western Province		



LIST OF PAPERS LAID UPON THE TABLE,

NOT ORDERED TO BE PRINTED.

-
- 1858.
- 7th Oct. 1. Trade and Customs—Accounts relating to—1857.
 „ 2. Central Board of Health.—Third annual Report—1857.
 „ 3. Telegraphic Communication with England—Despatch (with Enclosures) from Secretary of State (29th May, 1858).
 „ 4. National Education—Fifth Report of Commissioners of—1857.
 „ 5. Second Progress Report of the Commissioners appointed to inquire and report upon the best mode of providing Offices for the Civil Service of the Colony, and the most eligible sites for any new buildings that may be necessary for such purpose (9th April, 1858).
- 12th Oct. 6. Steam Postal Communication—Circular Despatch (with Enclosures) from the Right Honorable the Secretary of State (16th June, 1858).
 „ 7. Letter from W. Westgarth, Esq., intimating that a flock of Alpacas had been purchased for presentation to the Colony.
 „ 8. National Board of Education Rules (16th July, 1858, and 10th August, 1858).
 „ 9. Mining Association Act—Orders in Council.—Model Form of Instrument of Association (12th August 1858). Fees to be taken by Clerks of Courts of Mines (12th August, 1858).
- 19th Oct. 10. List of Pensions granted under 50th Section of the Constitution Act.
 „ 11. Finance Accounts—1856 to 1859.
 „ 12. Statement shewing the Votes for the Service of 1858, and the Expenditure during and for the first nine months of the same year.
- 20th Oct. 13. Health Officer's Report for half year ended 30th June, 1858.
 „ 14. Gold Fields Act—Orders in Council pursuant to Act of Parliament, 21 Vic. No. 32.
 „ 15. Statistics of the Colony of Victoria for the year 1856.
- 26th Oct. 16. Fitz Roy Ward Improvement.—Return of Receipts and Expenditure for year ending 31st August, 1858.
- 2nd Nov. 17. Third Meteorological Report.
- 3rd Nov. 18. Annual Report of Government Botanist and Director of Botanic Garden (24th October, 1858).
 „ 19. South Province Electoral Rolls.—Thirty copies of the old and thirty copies of the new.
- 9th Nov. 20. Report of the Proceedings of the Council of the University of Melbourne, year ending 30th April, 1858.
 „ 21. Statement of Expenditure during 1857, on account of the year 1856, out of the Monies set apart under Schedule D of the Constitution Act.
 „ 22. Statement of Expenditure under Schedule D for and during the year 1857.
- 23rd Nov. 23. Bank Liabilities and Assets.—General Abstract of sworn Returns (Quarter ending 30th September, 1858).
- 24th Nov. 24. Report of Resident Commissioner at Port Curtis (29th October, 1858).
- 30th Nov. 25. Despatch from Secretary of State (8th September, 1858), acknowledging receipt of Address from the Parliament of Victoria, on the occasion of the Marriage of Her Royal Highness the Princess Royal.
- 1st Dec. 26. Law of Divorce.—Despatch from Right Honorable the Secretary of State (17th April, 1858).
 „ 27. Gold Fields Act.—Order in Council (22nd November, 1858) revoking Bye-Law No. LXVII of Mining Board of Beechworth.
- 7th Dec. 28. Public Library.—Report of Trustees (accompanying Estimates for the service of the year 1859).
 „ 29. Police Department.—General Report of Acting Chief Commissioner (18th October, 1858).
 „ 30. Building Stone.—Report of Board.
- 14th Dec. 31. Return of Letters insufficiently stamped.
- 17th Dec. 32. Copy of the Inquisition on the body of Nicholas Lawarne.
 „ 33. Report of the Sheriff relating to recent executions at Her Majesty's Gaol, Melbourne (13th December, 1858).
 „ 34. Defences of the Colony.—Report of Commissioners (9th December, 1858).
- 1859.
- 18th Jan. 35. Criminal Statistics (10th May, 1858).
 20th Jan. 36. Denominational Schools.—Appendix to Report for 1856-7.
 d.

- 1859.
- 27th Jan. 37. Civil Service.—Returns furnished to the Honorable the Chief Secretary (31st January, 1858).
- „ 38. Continuance of Australian Mail Service.—Circular Despatch from the Right Honorable the Secretary of State (9th September, 1858).
- „ 39. Extension of Royal Mail Contract.—Circular Despatch—Right Honorable the Secretary of State (9th September, 1858).
- „ 40. Mail Service between Great Britain and Australia.—Circular Despatch—Right Honorable the Secretary of State (16th October, 1858).
- „ 41. Electric Telegraph.—Half-yearly Report (up to 30th June, 1858).
- „ 42. Submarine Telegraphic Communication between Cape Otway and Tasmania.—Second Report (25th October, 1858).
- 8th Feb. 43. Gold Fields Act.—Order in Council (31st January, 1859).
- 15th Feb. 44. Ballarat Mining District.—(21 Vic., No. 32, Sec. XII.)—Order in Council (20th December, 1858).
- 17th Feb. 45. Gold Fields Act.—(21 Vic., No. 32.)—Order in Council (7th February, 1859).
- 22nd Feb. 46. Report from Messrs. A. R. C. Selwyn and J. G. Knight to the Joint Committee on the Parliament Buildings on the Darley Freestone.
- „ 47. Return of Wrecks and Casualties from 1835 to 1858.
- „ 48. Gold Workings, Dandenong (19th February, 1859).
- „ 49. Electric Telegraph.—Half-yearly Report (to 31st December, 1858).
- „ 50. Births, Deaths, and Marriages.—Fifth Annual Report (year ending 30th June, 1858).
- „ 51. Statistics of the Colony of Victoria, 1857.
- „ 52. Board of Science—First Annual Report.
- „ 53. Sanitary Station—Report on, for 1858.
- 24th Feb. 54. Gold Fields Act.—Orders in Council (14th February, 1859,) (22nd February, 1859,) (22nd February, 1859).

VICTORIA.

SUMMARY OF PROCEEDINGS ON BILLS IN THE LEGISLATIVE COUNCIL DURING THE SESSION 1858-9.

No.	SHORT TITLES OF BILLS.	By whom and when initiated.	PROGRESS.															Number of Act.	REMARKS.				
			First Reading.	Second Reading.	Committee.	Report.	Re-committed.	Report after Re-commitment.	Adoption of Report.	Third Reading.	Passing.	Sent to Legislative Assembly.	Returned.	Amendments considered.	Retransmitted to Legislative Assembly.	Assent.	Publication in the Government Gazette.						
1	Board of Agriculture Bill	Honorable H. Miller	1858, 7th Oct.	1858, 7th Oct.	1858, 9th Nov.	1858, 9th Nov.	1859, 20th Jan.	..	..	1859, 26th Jan.	1859, 1st Feb.	1859, 1st Feb.	1859, 1st Feb.	..	1859, 17th Feb.	1859, 18th Feb.	..	1859, 24th Feb.	1859, 4th Mar.	LXXXIII.	Withdrawn.—9th November, 1858.	
2	Divorce Bill	Honorable J. P. Fawcner	12th Oct.	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..
3	Marriage Bill	Honorable J. Hood	19th Oct.	19th Oct.	26th Oct.	26th Oct.	30th Nov.	..	..	1858, 16th Nov.	1858, 17th Nov.	1858, 17th Nov.	1858, 17th Nov.	..	1858, 19th Feb.	1858, 11th Feb.	..	1858, 24th Feb.	1st Mar.	LXX.	Lapsed. Order of Day for further consideration in Committee having been discharged from the Paper—7th December, 1858.	
4	Protection of Women and Children Bill	Honorable T. H. Fellows	20th Oct.	20th Oct.	26th Oct.	26th Oct.	30th Nov.	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..
5	Disorderly Meetings and Party Processions Bill	Honorable T. H. Fellows	2nd Nov.	2nd Nov.	9th Nov.	9th Nov.	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..
6	Supreme Court Terms Sittings and Holidays Bill	Honorable H. Miller	9th Nov.	9th Nov.	16th Nov.	16th Nov.	16th Nov.	1st Dec.	1st Dec.	2nd Dec.	7th Dec.	7th Dec.	7th Dec.	..	22nd Feb.	..	..	..	..	..	..	Lapsed. Further considered in Committee, 16th November, 1858, and not thence reported on. Lapsed. The amendments made by the Legislative Assembly not having been considered.
7	Intestate Estates Bill	Message from Legislative Assembly	9th Nov.	9th Nov.	16th Nov.	16th Nov.	16th Nov.	..	..	17th Nov.	23rd Nov.	23rd Nov.	..	..	..	..	..	1858, 17th Dec.	1858, 24th Dec.	LXI.	..	
8	Charitable Institutions Regulations Bill	Honorable J. Hodson	16th Nov.	16th Nov.	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..
9	Electoral Districts Alteration Bill	Message from Legislative Assembly	16th Nov.	16th Nov.	24th Nov.	24th Nov.	2nd Dec.	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..
10	Mining Associations Act Amendment Bill	Message from Legislative Assembly	16th Nov.	16th Nov.	23rd Nov.	23rd Nov.	23rd Nov.	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..
11	Divorce Bill (No. 2)	Honorable J. P. Fawcner	16th Nov.	16th Nov.	23rd Nov.	23rd Nov.	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..
12	Duty on Spirits Bill	Message from Legislative Assembly	23rd Nov.	23rd Nov.	2nd Dec.	2nd Dec.	7th Dec.	..	..	14th Dec.	14th Dec.	14th Dec.	14th Dec.	..	15th Dec.	..	..	..	..	..	..	..
13	Constitution Act Construction Bill	Message from Legislative Assembly	30th Nov.	30th Nov.	14th Dec.	14th Dec.	14th Dec.	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..
14	County Courts Act Amendment Bill	Message from Legislative Assembly	1st Dec.	1st Dec.	16th Dec.	16th Dec.	27th Jan.	1859, 27th Jan.	1859, 27th Jan.	1859, 1st Feb.	1859, 3rd Feb.	1859, 3rd Feb.	1859, 3rd Feb.	..	1859, 17th Feb.	..	..	..	1859, 24th Feb.	1859, 4th Mar.	LXXVI.	..
15	Shortening of Parliaments Bill	Message from Legislative Assembly	14th Dec.	14th Dec.	15th Dec.	15th Dec.	15th Dec.	..	..	15th Dec.	15th Dec.	15th Dec.	..	..	..	..	..	..	..	..	..	..
16	Officials in Parliament Bill	Message from Legislative Assembly	14th Dec.	14th Dec.	18th Jan.	18th Jan.	26th Jan.	1859, 1st Feb.	1859, 3rd Feb.	1859, 27th Jan.	1859, 9th Feb.	1859, 10th Feb.	1859, 10th Feb.	..	1859, 18th Feb.	22nd Feb.	..	..	..	..	..	..
17	Expiring Laws Continuation Bill	Message from Legislative Assembly	15th Dec.	15th Dec.	16th Dec.	16th Dec.	16th Dec.	..	..	16th Dec.	17th Dec.	17th Dec.	17th Dec.	..	8th Feb.	..	..	..	..	..	..	..
18	Oyster Fisheries Bill	Message from Legislative Assembly	15th Dec.	15th Dec.	17th Dec.	17th Dec.	18th Jan.	1859, 19th Jan.	1859, 20th Jan.	1859, 20th Jan.	1859, 26th Jan.	1859, 27th Jan.	1859, 27th Jan.	..	1859, 1st Feb.
19	Gunpowder Act Amendment Bill	Message from Legislative Assembly	16th Dec.	16th Dec.	17th Dec.	17th Dec.	17th Dec.	18th Jan.	18th Jan.	18th Jan.	18th Jan.	..	26th Jan.
20	Spirit Dealers Registration Act Amendment Bill	Message from Legislative Assembly	1859, 26th Jan.	1859, 26th Jan.	1859, 1st Feb.	1859, 1st Feb.	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..
21	National Bank of Australasia Bill	Message from Legislative Assembly	27th Jan.	27th Jan.	3rd Feb.	3rd Feb.	10th Feb.	..	..	11th Feb.	11th Feb.	11th Feb.	..	..	..	..	..	..	..	..	..	..
22	St. Kilda and Brighton Railway Company's Extension of Powers Bill	Message from Legislative Assembly	27th Jan.	27th Jan.	3rd Feb.	3rd Feb.	10th Feb.	..	..	11th Feb.	11th Feb.	11th Feb.	..	..	..	..	..	..	..	..	..	..
23	Melbourne Exchange Company's Bill	Message from Legislative Assembly	27th Jan.	1st Feb.	9th Feb.	9th Feb.	11th Feb.	..	..	11th Feb.	11th Feb.	11th Feb.	..	..	..	..	..	..	..	..	..	..
24	Fisheries Bill	Message from Legislative Assembly	1st Feb.	1st Feb.	9th Feb.	9th Feb.	10th Feb.	..	..	11th Feb.	11th Feb.	11th Feb.	11th Feb.	..	17th Feb.	..	..	..	..	..	..	..
25	Innkeepers and Carriers Act Amendment Bill	Message from Legislative Assembly	1st Feb.	1st Feb.	9th Feb.	9th Feb.	11th Feb.	..	..	15th Feb.	15th Feb.	15th Feb.	15th Feb.	..	17th Feb.	..	..	..	..	..	..	..
26	Australian Trust Company's Bill	Message from Legislative Assembly	1st Feb.	1st Feb.	11th Feb.	11th Feb.	11th Feb.	..	..	11th Feb.	11th Feb.	11th Feb.	11th Feb.	..	..	..	..	..	..	..	..	..
27	Wesleyan Church Lands Bill	Message from Legislative Assembly	3rd Feb.	3rd Feb.	9th Feb.	9th Feb.	10th Feb.	..	..	11th Feb.	11th Feb.	11th Feb.	..	..	..	..	..	..	..	..	..	..
28	Bendigo Water Works Company's Bill	Message from Legislative Assembly	8th Feb.	8th Feb.	9th Feb.	9th Feb.	11th Feb.	..	..	11th Feb.	11th Feb.	11th Feb.	..	..	..	..	..	..	..	..	..	..
29	Registration Act Amendment Bill	Message from Legislative Assembly	8th Feb.	8th Feb.	9th Feb.	9th Feb.	15th Feb.	..	..	17th Feb.	17th Feb.	17th Feb.	..	..	..	..	..	..	..	..	..	..
30	Castlemaine Gas Company's Bill	Message from Legislative Assembly	8th Feb.	8th Feb.	9th Feb.	9th Feb.	10th Feb.	..	..	11th Feb.	11th Feb.	11th Feb.	..	..	..	..	..	..	..	..	..	..
31	Synod of Victoria Law Amendment Bill	Message from Legislative Assembly	15th Feb.	15th Feb.	18th Feb.	18th Feb.	18th Feb.	..	..	18th Feb.	18th Feb.	18th Feb.	..	..	..	..	..	..	..	..	..	..
32	Ballaarat Bye-Law Bill	Message from Legislative Assembly	15th Feb.	18th Feb.	22nd Feb.	22nd Feb.	22nd Feb.	..	..	23rd Feb.	23rd Feb.	23rd Feb.	23rd Feb.	..	24th Feb.	..	..	..	..	..	..	..
33	Assessment on Stock Bill	Message from Legislative Assembly	16th Feb.	16th Feb.	17th Feb.	17th Feb.	17th Feb.	..	..	17th Feb.	17th Feb.	17th Feb.	..	..	..	..	..	..	..	..	..	..
34	Preservation of Fish Bill	Message from Legislative Assembly	16th Feb.	17th Feb.	18th Feb.	18th Feb.	18th Feb.	..	..	18th Feb.	18th Feb.	18th Feb.	..	..	..	..	..	..	..	..	..	..
35	Bills of Sale Bill	Message from Legislative Assembly	16th Feb.	16th Feb.	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..
36	Chinese Bill	Message from Legislative Assembly	16th Feb.	16th Feb.	17th Feb.	17th Feb.	17th Feb.	..	..	17th Feb.	17th Feb.	17th Feb.	..	..	..	..	..	..	..	..	..	..
37	Audit Act Amendment Bill	Message from Legislative Assembly	16th Feb.	16th Feb.	16th Feb.	16th Feb.	18th Feb.	..	..	22nd Feb.	22nd Feb.	22nd Feb.	..	..	..	..	..	..	..	..	..	..
38	Melbourne and Essendon Railway Bill	Message from Legislative Assembly	16th Feb.	16th Feb.	17th Feb.	18th Feb.	18th Feb.	..	..	18th Feb.	18th Feb.	18th Feb.	..	..	..	..	..	..	..	..	..	..
39	Appropriation Bill	Message from Legislative Assembly	17th Feb.	17th Feb.	23rd Feb.	23rd Feb.	23rd Feb.	..	..	23rd Feb.	23rd Feb.	23rd Feb.	..	..	..	..	..	..	..	..	..	..
40	Dog Act Extension Bill	Message from Legislative Assembly	17th Feb.	17th Feb.	22nd Feb.	22nd Feb.	22nd Feb.	..	..	23rd Feb.	23rd Feb.	23rd Feb.	..	..	..	..	..	..	..	..	..	..
41	Gold Mining on Private Property Bill	Message from Legislative Assembly	17th Feb.	17th Feb.	22nd Feb.	22nd Feb.	22nd Feb.	..	..	23rd Feb.	23rd Feb.	23rd Feb.	..	..	..	..	..	..	..	..	..	..

RECAPITULATION.

Bills initiated during the Session	41
Passed and assented to	28
Reserved for signification of Her Majesty's pleasure	3
Not returned from Legislative Assembly	2
Withdrawn	2
Lapsed	6
	41

No. 1.

Minutes of the Proceedings
OF THE
LEGISLATIVE COUNCIL.

THURSDAY, 7TH OCTOBER, 1858.

His Excellency the Governor having, by Proclamation bearing date at Melbourne the sixth day of September, One thousand eight hundred and fifty-eight, appointed the Parliament to open this day at the hour of Two o'clock, P.M., the same was read by the Clerk, as follows:—

MEETING OF 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 the present Parliament has been and now stands prorogued to Friday, the tenth day of September instant; and whereas it is expedient further to prorogue the said Parliament: Now therefore, I, Sir Henry Barkly, the Governor of Victoria, do by this my Proclamation further prorogue the said Parliament until Thursday, the seventh day of October now next ensuing; and I do hereby proclaim and direct that the said Parliament shall assemble on that day at the Parliament Houses, in the City of Melbourne, at Two of the clock in the afternoon, for the despatch of business: And the Members of the 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 sixth day of September, in the year of Our Lord One thousand eight hundred and fifty-eight, and in the twenty-second year of Her Majesty's Reign.

(L.S.)

HENRY BARKLY.

By His Excellency's Command,

H. S. CHAPMAN,

For and in the absence of the Chief Secretary.

GOD SAVE THE QUEEN!

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,

The principal objects which I have in view in calling you together for the despatch of business, are to afford you an opportunity of disposing of the measures of constitutional reform which were introduced during the last session of Parliament, and of making provision for the exigencies of the public service for the ensuing year.

I am aware that at this season of the year it must be inconvenient to many of you to be absent from your private occupations, but I trust that the present session may be brought to a close before the end of the year; and it will be my earnest endeavor, with your aid and co-operation, to bring future sessions within that portion of the year which can be most conveniently spared by the Members of both Houses of Parliament from their private engagements.

GENTLEMEN OF THE LEGISLATIVE ASSEMBLY,

The Estimates for the ensuing year will be laid before you without delay. They have been framed with due regard to economy, without impairing the efficiency of the public service. I trust you will find that the important object of devoting as large a proportion of the net revenue as possible to public works has been kept steadily in view, so as to give employment to the industrious classes of the community, and to provide for the internal improvement of the country.

HONORABLE GENTLEMEN OF THE LEGISLATIVE COUNCIL,
GENTLEMEN OF THE LEGISLATIVE ASSEMBLY,

In accordance with the intention expressed by me when I last addressed you, the measures for the amendment of the Constitution which failed to become law during the last session, will be at once laid before you. I allude to the Bills for altering the electoral districts and increasing the number of members, and for shortening the duration of Parliament from five to three years. The last measure, you will recollect, failed only in consequence of its not having been agreed to by an absolute majority of the Assembly in accordance with the provisions of the Constitution Act to that effect. A Bill will also be introduced to limit the number of persons holding office under the Crown who may hold seats in either House of Parliament. These several measures comprise all that are deemed necessary to bring the Assembly into the closest harmony with the interests and welfare of the people. The first is absolutely indispensable in order to give effect to the extended franchise which has already become law, to distribute more equally the representation of the people, and to provide a sufficient number of members to conduct the public business.

To bring these several measures into operation when passed, a dissolution of the Assembly will be necessary. In order that this event may not be delayed, it will be the duty of my advisers to submit for your consideration only such measures as are absolutely required, and as are not of a character to extend the duration of the present session. Among these I may enumerate Bills for amending some defects in the Assessment Act of last session; for consolidating and amending the Acts relating to the Chinese; for reducing into one Act and generally improving the law for the construction and maintenance of roads; for the amendment of the Audit Act; and for regulating weights and measures. The Audit Act Amendment Bill will embrace the amendments proposed last session, with such other alterations as experience has pointed out to be necessary.

Although the gold lying in private lands remains the property of the Crown, mining on such lands has been for some time extensively carried on without the sanction of the law under agreements made between the owners of such lands and the miners. A short measure will at once be laid before you for the purpose of giving these agreements validity without prejudice to any future legislation respecting mining on private property, which may be remitted with propriety to the new Parliament. Measures have also been prepared for consolidating the Acts relating to religious bodies; for amending the law of partnership; for establishing a Board of Agriculture, and for other objects of a useful character. I trust you will find time during the session for giving these measures your earnest consideration, though it is not the intention of my advisers to press them so as to delay that appeal to the new constituencies to which I have already alluded.

During the recess I appointed a Board of Commissioners to investigate and report upon the important subject of the defences of the country against foreign aggression. Their report will be laid before you as soon as it reaches me; and you will, I have no doubt, adopt such measures thereupon as you may deem necessary for the security of our ports and harbors.

It is with great satisfaction that I am enabled to inform you that the railway works on both the trunk lines are going on most favorably. The difficulties incidental to the initiation and early progress of works of such magnitude have been entirely overcome, and I have no reason to anticipate any interruption to their steady prosecution.

I have directed a copy of the contract made with the banks for the negotiation of the railway loan, to be laid before both Houses of Parliament. This document completes the papers on the subject already in your possession.

A Despatch from the Secretary of State on the failure of the contract for the mail service between England and Australia will also be placed in your hands; and in order to strengthen the hands of the Imperial Government in entering into a new contract, I have directed an additional sum to be placed on the Estimates, to be contributed by the Government of Victoria in the first instance, towards that important service. It is anticipated that a considerable portion of this sum will be ultimately returned to this Government by the contributions of the neighboring colonies.

I would, in conclusion, express my own earnest hope that your counsels may be guided in all things by prudence and moderation, and that they may, under the blessing of Divine Providence, conduce to the continued advancement and prosperity of this highly favored land.

HENRY BARKLY,
Governor.

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

His Excellency the Governor left the Council Chamber.

The President took the Chair.

The President read the Prayer.

The President notified to the Council that letters had been received from the Private Secretary of His Excellency the Governor, reporting severally—That the Honorable John Allan had resigned his seat as Member of the Legislative Council, and that a Writ was issued, returnable on the 1st October, 1858, for a new member;—that a Writ issued by the Governor on the 7th day of June, 1858, for an election of one Member to serve in the Legislative Council for the Western Province, has been returned to His Excellency, by which it appears, upon the authority of Robert Burke, Esq., the Returning Officer, that Daniel Joseph Tierney, Esq., was duly elected;—that the Writ issued for the return of one Member to serve in the Legislative Council for the North Western Province, has been returned to His Excellency, by which it appears, upon the authority of Wm. F. Preshaw, Esq., the Returning Officer, that Alexander Fraser, Esq., was duly elected;—that two years having expired since the first election of the Legislative Council, His Excellency has, in conformity with the third clause of the Constitution Act, issued Writs bearing date, and returnable as stated hereunder, for the election of a Member for each Electoral Province in the room of the undermentioned Gentlemen, who retired as having been the recipients of the least number of votes in each case;—

DATE OF WRIT.	WHEN RETURNABLE.	NAME OF ELECTORAL PROVINCE.	NAME OF RETIRING MEMBER.
31st August, 1858	1st October, 1858	Central	Nehemiah Guthridge.
4th September "	6th " "	South	John Barter Bennett.
13th " "	14th " "	South Western...	James Cowie.
20th " "	28th " "	Western	Charles Vaughan.
25th " "	9th November "	Eastern	Benjamin Williams.
2nd October "	8th " "	North Western	W. H. F. Mitchell.

that the Writ issued by the Governor on the 31st day of August, 1858, for an election of one Member to serve in the Legislative Council for the Central Province has been returned to His Excellency, by which it appears upon the authority of William M. Bell, Esq., the Returning Officer, that Thomas Turner a'Beckett was duly elected, and that the Writ issued by the Governor on the 4th day of September, 1858, for an election of one Member to serve in the Legislative Council for the South Province has been returned to His Excellency, by which it appears upon the authority of J. B. Were, Esq., the Returning Officer, that John Barter Bennett, Esq., was duly elected.

SWEARING IN OF MEMBERS.—The President reminded the Members of the House that by virtue of the Letters Patent hereunder set forth, the requisite Oath of Allegiance could be taken by new Members at the table.

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

To JAMES FREDERICK PALMER, Esquire, President of the Legislative
Council of Victoria,

GREETING—

WHEREAS, by the 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 was enacted, that no member of the Legislative Council shall be permitted to *sit or vote* therein until he shall have *taken and subscribed* before the Governor, or before some person authorised by the Governor in that behalf, *the oath* in the said Bill mentioned, WE DO THEREFORE by these presents command and authorise you from time to time, in the Parliament House, in the City of Melbourne, to administer the said oath to such members of the said Legislative Council as have not already taken

and subscribed the same: IN TESTIMONY whereof we have caused the Seal of our said Colony to be hereunto affixed.

WITNESS our trusty and well-beloved MAJOR-GENERAL MACARTHUR, our Senior Military Officer in command of our Land Forces in our Colony of Victoria, and Officer administering the Government of our said Colony, at Melbourne, in Victoria, this twenty-fifth day of November, One thousand eight hundred and fifty-six, and in the twentieth year of our Reign.

(L. s.)

EDWARD MACARTHUR,
Major-General.

By His Excellency's Command,
WILLIAM C. HAINES.

Entered on Record in Register of Patents, Book
9, page 262, this twenty-fifth day of
November, One thousand eight hundred and
fifty-six.

WILLIAM C. HAINES,
Chief Secretary and Registrar.

NEW MEMBERS.—The Honorable Thomas Turner a'Beckett and Alexander Fraser being severally 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, THOMAS TURNER A'BECKETT, of Walmer House, Victoria Parade, Collingwood, in the county of Bourke, Esquire, do declare and testify that I am duly seised at law or in equity of an estate of freehold for my own use and benefit in lands or tenements in the colony of Victoria, of the yearly value of Five hundred pounds sterling money above all charges and incumbrances affecting the same, and further, that the lands and tenements out of which such qualification arises are situate in the county of Bourke, the descriptions of which lands and tenements are as follow:—

A portion of land consisting of one acre and a quarter, with the dwelling-house and offices erected thereon, situate in Well-street, Brighton, being portion of lot Five, block Three, of Dendy's Special Survey, parish of Moorabbin.

Part of allotment number Nineteen, of block number fourteen, town of Melbourne, having a frontage of twenty-six feet to Little Collins-street by a depth of thirty-nine feet, with the building erected thereon known as the Bishop's Registry, and being in my own occupation.

Part of portion number sixty-six, parish of Jika Jika, having a frontage of ninety-nine feet to Hoddle-street, by a depth of one hundred feet, with the messuage or dwelling-house thereon erected.

Portion number One, in the parish of Moorabbin, county of Bourke, consisting of six acres more or less, less about three-quarters of an acre.

Twenty-eight acres, three roods, twenty-eight perches of portion Twenty-four, parish of Moorabbin.

Five acres of land, being part of sub-division of portion Fifty, parish of Boroondara, in the county of Bourke.

Four acres, twenty-five perches of land, part of portion number Two, parish of Keelbundora, county of Bourke.

Two acres of land more or less, being part of portion One Hundred, parish of Jika Jika, county of Bourke.

And I further declare that I have not collusively or colorably obtained a title to or become possessed of the said lands or tenements or any part thereof for the purpose of enabling me to be returned a Member of the Legislative Council of the Colony of Victoria.

“THO. T. A'BECKETT.

“Oct. 7, 1858.”

“I, ALEXANDER FRASER, do declare and testify that I am duly seised at law or in equity of an estate of freehold for my own use and benefit in lands or tenements in the Colony of Victoria of the value of five thousand pounds, sterling money, above all charges and incumbrances affecting the same: And further, that the lands and tenements out of which such qualification arises are—No. 1. situate in the parish of Prahran, in the county of or reputed county of Bourke; also No. 2, in the district of the Loddon, the description of which such lands and tenements are as follow:—

No. 1. Allotment No. 139 H, parish of Prahran, county of Bourke, containing five acres twelve perches.

No. 2. Five quarter acre allotments fronting Mollison, Forrest, McKenzie, and Wattle streets, township of Sandhurst, Loddon district.

Titles—Crown grants.

And I further declare, that I have not collusively or colorably obtained a title to or become possessed of the said lands or tenements, or any part thereof, for the purpose of enabling me to be returned a member of the Legislative Council of the Colony of Victoria.

“ALEX. FRASER.

SUSPENSION OF STANDING ORDER, No. XXIV.—The Honorable H. Miller moved, That the Standing Order No. XXIV. be suspended, in order that he might obtain leave to bring in a Bill without notice.

Question—put and passed.

BOARD OF AGRICULTURE BILL.—The Honorable H. Miller having obtained leave to bring in a Bill to establish a Board of Agriculture, the Bill was, on the motion of the Honorable H. Miller, read a first time, ordered to be printed, and read a second time on Tuesday the 19th instant.

SPEECH OF HIS EXCELLENCY THE GOVERNOR.—The President reported His Excellency's Speech, and the same was read by the President.

NEW MEMBER.—The Honorable John Barter Bennett, 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, JOHN BARTER BENNETT, 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 and tenements in the Colony of Victoria of the clear value of five thousand pounds, sterling money, above all charges and incumbrances affecting the same. And, further, that all the lands and tenements out of which such qualification arises are situate in the parish of Prahran, in the county or reputed county of Bourke, the descriptions of which lands and tenements are as follow:—Ten acres of land situated at the corner of the Dandenong-Road and Orong-Road; together with the dwelling-house and appurtenances thereunto belonging. And I further declare that I have not collusively or colorably obtained a title to or become possessed of the said lands or tenements, or any part thereof, for the purpose of enabling me to be returned a member of the Legislative Council of Victoria.

“J. B. BENNETT.”

ADDRESS IN REPLY TO HIS EXCELLENCY THE GOVERNOR'S SPEECH.—The Honorable T. T. a'Beckett, with leave of the Council, without notice, moved, That a Select Committee be appointed to prepare an Address to His Excellency the Governor in reply to his speech, delivered to the Parliament, and that such Committee consist of the following members, the Honorables H. Miller, T. McCombie, W. Highett, J. Hood, J. B. Bennett, J. Henty, and the mover.

Debate ensued.

Question—put and passed.

CHAIRMAN OF COMMITTEES—ELECTION OF.—The Honorable H. Miller, with leave of the Council, without notice, moved, That the Honorable J. Hodgson be Chairman of Committees during the present session.

Question—put and passed.

ADJOURNMENT.—The Honorable H. Miller, with leave of the Council, moved, That the House at its rising adjourn until Tuesday next at three o'clock.

Question—put and passed.

SELECT COMMITTEE—MEETING OF.—The Honorable T. T. a'Beckett, with leave of the Council, moved, without notice, That the Select Committee appointed to prepare the Address in reply to His Excellency's Speech, have power to sit on Monday next.

Question—put and passed.

NEW MEMBER.—The Honorable Daniel Joseph Tierney, 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, DANIEL JOSEPH TIERNEY, 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 value of five thousand pounds, sterling money, above all charges and incumbrances affecting the same; and further, that the lands and tenements out of which such qualification arises are situate in the parishes of Sandhurst, Strathfieldsaye, Warrnambool, and Wangoom, in the county of or reputed counties of Villiers and other counties unnamed, the descriptions of which lands and tenements are as follow:—

- No. 1. Allotment 9, section 3, parish of Strathfieldsaye.
- No. 2. Allotment 16, section 17 C, town of Sandhurst.
- No. 3. Allotment 6, section 13 C, town of Sandhurst.
- No. 4. Allotment 2, section 25, town of Warrnambool.
- No. 5. Allotment 1, section 25, town of Warrnambool.
- No. 6. Allotment 16, section 2, parish of Strathfieldsaye.
- No. 7. Allotment 36, section 2, parish of Strathfieldsaye.
- No. 8. Allotment 2, section A, parish of Wangoom.
- No. 9. Lot 53, portion 60, parish of Sandhurst.
- No. 10. Lot 54, portion 61, parish of Sandhurst.

And I further declare that I have not collusively or colorably obtained a title to or become possessed of the said lands or tenements, or any part thereof, for the purpose of enabling me to be returned a member of the Legislative Council of the Colony of Victoria.

“DANIEL JOSEPH TIERNEY.”

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

1. Trade and Customs—Accounts relating to—1857.
2. Central Board of Health—Third Annual Report—1857.
3. Telegraphic Communication with England—Despatch (with Enclosures) from Secretary of State—29th May, 1858.
4. National Education—Fifth Report of Commissioners of—1857.
5. Second Progress Report of the Commissioners appointed to inquire and report upon the best mode of providing offices for the Civil Service of the Colony, and the most eligible sites for any new buildings that may be necessary for such purpose—9th April, 1858.

Ordered severally to lie on the Table.

The Council adjourned at three o'clock until three o'clock on Tuesday, the 12th instant

NOTICES OF MOTION AND ORDERS OF THE DAY.

TUESDAY, 12TH OCTOBER.

NOTICES OF MOTION :—

1. The Hon. W. HIGHETT: To move, That the Honorables J. Stewart, J. Henty, J. H. Patterson, J. Hodgson, and the Mover, be appointed Members of the Joint Committee of both Houses of Parliament to manage the Refreshment Rooms and Stables.
2. The Hon. J. HODGSON: To move, That the Honorables the President, J. P. Fawkner, T. T. a'Beckett, Dr. Hope, and the Mover, be appointed as Members of the Joint Committee to manage the Library.
3. The Hon. T. MCCOMBIE: To move, That the Honorables the President, H. Miller, J. P. Fawkner, J. B. Bennett, J. Hood, and the Mover, be appointed as a Select Committee on the Standing Orders of the House.
4. The Hon. H. MILLER: 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 three o'clock be the hour of meeting on each day.
5. The Hon. H. MILLER: To move, That on Wednesday in each week, the transaction of Government business take precedence of all other business.
6. The Hon. H. MILLER: To move, That the Honorables the President, J. Hodgson, T. T. a'Beckett, and the Mover be appointed as members of the Joint Committee to superintend the Parliament House Buildings.
7. The Hon. J. P. FAWKNER: To move for leave to bring in a Bill to regulate Divorce, grounded on the English Bill, passed August, 1857.

TUESDAY, 19TH OCTOBER.

ORDER OF THE DAY :—

1. BOARD OF AGRICULTURE BILL.—To be read a second time.

MEETING OF SELECT COMMITTEE.

Monday, 11th October.

ADDRESS IN REPLY TO GOVERNOR'S SPEECH—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, 12TH OCTOBER, 1858.

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

The President read the Prayer.

ELECTION OF MEMBER.—The President notified to the Council that a letter had been received from the Private Secretary of His Excellency the Governor, reporting that the Writ issued by the Governor on the 13th day of September, 1858, for an election of one Member to serve in the Legislative Council for the South-Western Province, has been returned to His Excellency, by which it appears, upon the authority of James Noble, Esq., the Returning Officer, that George Coppin, Esq., was duly elected.

RAILWAY LOAN CONTRACT.—The Honorable H. Miller, by command of His Excellency the Governor, laid on the Table a copy of the Contract for the Railway Loan. (16th August, 1858.)

Ordered to lie on the Table.

ADDRESS IN REPLY TO THE GOVERNOR'S SPEECH.—The Honorable T. T. a'Beckett, as Chairman of the Committee appointed to prepare an Address to His Excellency the Governor in reply to his Speech delivered to the Parliament, reported from the Committee an Address drawn by them as follows, viz. :—

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 loyal and faithful subjects, the Members of the Legislative Council of Victoria, beg leave to thank Your Excellency for the Speech with which you have opened the present Session of Parliament.

We beg to assure Your Excellency that our earnest attention will be given to the two principal subjects which you have had in view in calling us together at this time, namely, the measures of Constitutional Reform which were introduced during the last Session of Parliament, and the Estimates of Revenue and Expenditure for the year 1859.

We appreciate the expression of Your Excellency's sense of the inconvenience to many of us of being absent from our private occupations at this time, and join with Your Excellency in hoping that the present Session may be closed before the end of the year, and we learn with satisfaction that it is Your Excellency's desire to hold the future Sessions of Parliament at such periods as may be most convenient to the Members of both Houses.

The several Bills to be laid before us will be taken into consideration so soon as they are submitted, and such diligence used as will prevent the duration of this Session being extended to an unnecessary length.

Should time permit we shall also be prepared to deal with the measures Your Excellency may direct to be introduced to regulate Gold Mining on private lands, as well as the several other measures which Your Excellency has enumerated.

We will receive and take into consideration the Report of the Board of Commissioners on the defences of this country against invasion; and we learn with much satisfaction that the construction of the Main Trunk Lines of Railway is progressing favorably; also that the papers relative to the Railway Loan will be completed by a copy of the contract with the banks which have undertaken the negotiation being presented to Parliament.

We observe that Your Excellency has directed an additional sum to be placed on the Estimates in aid of the Mail Service, consequent on the receipt of a despatch from the Secretary of State announcing the failure of the contract for this purpose.

In conclusion, we join with Your Excellency in hoping Divine Providence may guide our counsels, and that by prudence and moderation these counsels may conduce to the welfare of Victoria.

The Address was read at the Table by the Clerk.

The Honorable T. T. a'Beckett moved, That the Address be now adopted.

Debate ensued.

MESSAGE FROM HIS EXCELLENCY THE GOVERNOR.—The President announced to the Council the receipt of the following Message from His Excellency the Governor :—

1858.

VICTORIA.

INDIAN RELIEF FUND.

HENRY BARKLY,
Governor.

Message No.

The Governor has much pleasure in laying before the Legislative Council a copy of a Despatch from the Secretary of State, conveying the expression of the high sense which Her Majesty the Queen entertains of the generous sympathy evinced by the Legislature and people of Victoria in their liberal contribution towards the fund for the relief of the sufferers from the recent Mutiny in India.

The Governor has also received from the Committee of the Indian Mutiny Relief Fund a special vote of thanks, appropriately engrossed and framed, which will be placed in the possession of the Librarian to the Houses of Parliament.

Government Offices,
Melbourne, 12th October, 1858.

The Despatch from the Right Honorable the Secretary of State was read at the Table by the Clerk.

The Honorable H. Miller moved, That the Message, with its enclosures, be printed.

Question—put and passed.

ADDRESS IN REPLY TO THE GOVERNOR'S SPEECH.—

Debate resumed.

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

The Honorable T. T. a'Beckett moved, That the Address, as now adopted, be presented to His Excellency the Governor to-morrow, at twelve 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.

REFRESHMENT ROOMS AND STABLES (JOINT) COMMITTEE.—The Honorable W. Highett, in accordance with *amended* notice, moved, That the Honorables J. Stewart, S. G. Henty, J. H. Patterson, J. Hodgson, and the Mover, be appointed Members of the Joint Committee of both Houses of Parliament to manage the Refreshment Rooms and Stables.

Question—put and passed.

LIBRARY (JOINT) COMMITTEE.—The Honorable J. Hodgson, in accordance with notice, moved, That the Honorables the President, J. P. Fawkner, T. T. a'Beckett, Dr. Hope, and the Mover, be appointed as Members of the Joint Committee to manage the Library.

Question—put and passed.

STANDING ORDERS COMMITTEE.—The Honorable T. McCombie, in accordance with notice, moved, That the Honorables the President, H. Miller, J. P. Fawkner, J. B. Bennett, J. Hood, and the Mover, be appointed as a Select Committee on the Standing Orders of the House.

Question—put and passed.

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

Question—put and passed.

GOVERNMENT BUSINESS.—The Honorable H. Miller, in accordance with notice, moved, That on Wednesday in each week, the transaction of Government business take precedence of all other business.

Question—put and passed.

PARLIAMENT HOUSE BUILDINGS (JOINT) COMMITTEE.—The Honorable H. Miller, in accordance with *amended* notice, moved, That the Honorables the President, J. Hodgson, T. T. a'Beckett, A. Fraser, and the Mover, be appointed as members of the Joint Committee to superintend the Parliament House Buildings.

Question—put and passed.

DIVORCE BILL.—The Honorable J. P. Fawkner, in accordance with notice, moved, For leave to bring in a Bill to regulate Divorce, grounded on the English Bill, passed August, 1857.

Question—put and passed.

Bill brought up, read a first time, ordered to be printed, and read a second time on Tuesday, the 19th inst.

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

Question—put and passed.

PAPERS.—The Honorable H. Miller presented to the Council the following paper :—

Return to an Address of the Legislative Council, 13th April, 1858, of persons drawing or entitled to draw pay or pension money on the 31st January, 1858.

Ordered to lie on the Table.

PRINTING COMMITTEE.—The Honorable M. Hervey, with leave of the Council, moved, without notice, That a Printing Committee be appointed, and that papers presented to the House be referred to the said Committee for report; such Committee to consist of the Honorables T. H. Power, J. B. Bennett, T. McCombie, J. P. Fawkner, and the Mover.

Question—put and passed.

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

1. Steam Postal Communication—Circular Despatch, with enclosures, from the Right Honorable the Secretary of State, 16th June, 1858.
2. Letter from W. Westgarth, Esq., intimating that a flock of Alpacas had been purchased for presentation to the Colony.
3. National Board of Education Rules, 16th July, 1858, and 10th August, 1858.
4. Mining Association Act—Orders in Council, Model Form of Instrument of Association, 12th August, 1858. Fees to be taken by Clerks of Courts of Mines, 12th August, 1858.

Ordered severally to lie on the Table.

MEETING OF SELECT COMMITTEE.—The Honorable M. Hervey, with leave of the Council, moved, without notice, That the Printing Committee have power to meet during the adjournment.

Question—put and passed.

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

NOTICES OF MOTION AND ORDERS OF THE DAY.

TUESDAY, 19TH OCTOBER.

1. The Hon. J. P. FAWKNER : To ask the Honorable the Commissioner of Trade and Customs, Whether the Executive Council have formed any plan, or intend to submit to the Parliament any plan, to provide means of subsistence for the wives and children of such persons leaving this Colony for distant gold fields or other places, who, being married, leave their families unprovided for.
2. The Hon. J. B. BENNETT : To ask the Commissioner of Trade and Customs, If there would be any objection on the part of the Government to lay upon the Table of the House, for the use of the Members, a number of copies of the Electoral Rolls (new and old), say twenty of each, of the South Province.

NOTICES OF MOTION :—

1. The Hon. T. H. FELLOWS : To move—
 - (1.) That this House having twice experienced the disadvantage of meeting in the summer, is of opinion that the Parliamentary Session should be held during the winter.
 - (2.) That in order to accomplish that object, this House will not during the present Session take into consideration any Bill (except for appropriating the revenue to the service of next year), unless it is introduced by the Government, and is immediately required for administrative purposes.
2. The Hon. J. HOOD : To move for leave to introduce a Bill to amend and consolidate the laws relating to the Solemnization of Matrimony.
3. The Hon. DR. TIERNEY : To move for—
 - (1.) The production of all correspondence between the Curator of Intestate Estates in Melbourne and his agent, Mr. Hensby, Clerk of Petty Sessions at Benalla, touching the real and personal estate of William Dullard, of Benalla, farmer, deceased.
 - (2.) An account of all proofs of debts on the said intestate's estate received by the Curator from the said Mr. Hensby, or from Mr. Charles Shaw, solicitor, of Melbourne, on behalf of the creditors, and all deeds and documents furnished by Dr. Lumsden, of Benalla.
 - (3.) The production of all correspondence between the Curator of Intestate Estates and William Piper, Esq., Police Magistrate, of Benalla, with reference to a certain investigation touching the proceedings of the Clerk of Petty Sessions at Benalla in relation to the estate of the said William Dullard, and the accounts thereof.

ORDERS OF THE DAY :—

1. BOARD OF AGRICULTURE BILL.—To be read a second time.
2. DIVORCE BILL.—To be read a second time.

TUESDAY, 26TH OCTOBER.

1. The Hon. T. McCOMBIE : To move, That a Select Committee be appointed to inquire into the present condition of the Aborigines of this Colony, and the best means of alleviating their absolute wants ; such Committee to consist of the Honorables Messrs. Miller, Henty, Urquhart, Hervey, and the Honorables Drs. Hope and Tierney.

WEDNESDAY, 27TH. OCTOBER.

Union Bank of
Australia.
Bank of New
South Wales.
Bank of Victoria.
London Chartered
Bank of Aus-
tralia.
Colonial Bank of
Australasia.
Bank of Austral-
asia.

2. The Hon. J. F. STRACHAN: To move, That there be laid on the Table of this House a statement demonstrating the relative advantages to the country, in the acceptance by the Government of the proposal for the negociation of the Railway Loan, made by the Banking Corporations (named in the margin) in preference to those made by Messrs. Baring Brothers and Co., London, and Messrs. De Pass Brothers and Co., Melbourne.

MEETING

OF

SELECT COMMITTEE.

Wednesday, 13th October.

PRINTING—at 1 o'clock.

G. W. RUSDEN,

Clerk of the Council and Clerk of the Parliaments.

VICTORIA.



No. 3.

Minutes of the Proceedings

OF THE

LEGISLATIVE COUNCIL.

TUESDAY, 19TH OCTOBER, 1858.

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

The President read the Prayer.

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

VICTORIA.

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

- The Honorable Thomas Turner a'Beckett,
- The Honorable Thomas Howard Fellows,
- The Honorable Matthew Hervey,
- The Honorable Thomas McCombie,
- The Honorable Daniel Joseph Tierney,
- The Honorable John Hunter Patterson,
- The Honorable James Henty,

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

Given under my hand this nineteenth day of October, 1858.

J. F. PALMER,
President.

REPLY OF HIS EXCELLENCY THE GOVERNOR TO THE ADDRESS OF THE COUNCIL.—The President announced to the Council that the Address to His Excellency the Governor, adopted on the 12th instant, had been presented, in accordance with the resolution of the House, to His Excellency the Governor on the 13th instant, and that His Excellency had been pleased to make thereto the following reply :—

MR. PRESIDENT AND HONORABLE GENTLEMEN OF THE LEGISLATIVE COUNCIL,

I receive this loyal and dutiful Address with much satisfaction, and thank you for the assurance it conveys that your earnest attention will be given to the two principal subjects for the consideration of which Parliament has been assembled—the reforms, namely, connected with the Legislative Assembly, and the provision for the public service during the ensuing year; and that, should time permit, you will be prepared to deal also with the other measures enumerated in my opening speech.

HENRY BARKLY.

ALPACAS.—The Honorable J. H. Patterson, with leave of the Council, moved without notice, That the House record its thanks to Messrs. W. Westgarth, E. Wilson, and their coadjutors, who have so generously presented this Colony with a flock of Alpacas for the promotion of its interests, and that the President be requested to intimate the same to those gentlemen.

Question—put and passed.

PETITIONS.—The Honorable G. Urquhart presented to the Council a Petition signed by Robert B. Tucker and other Inhabitants of Kyneton, praying for relief with respect to the passage of a Railway route at a distance from Kyneton.

Petition received.

The Honorable J. B. Bennett presented to the Council a Petition signed by J. N. McLeod and other pastoral tenants of the Crown in the Western District, praying that their case may be taken into consideration with regard to the payment of the assessment on stock.

Petition received.

NEW MEMBER.—The Honorable George Selth Coppin 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, GEORGE SELTH COPPIN, do declare and testify that I am duly seised at law or in equity of an estate of freehold for my own use and benefit in lands or tenements in the Colony of Victoria of the yearly value of Five hundred pounds sterling money above all charges and incumbrances affecting the same; and further, that the lands and tenements out of which such qualification arises, are situate in the county of Bourke, the descriptions of which lands and tenements are as follow :—

No. 1. About nine acres of land with buildings thereon, known as Cremorne Gardens, being part of portions 2 and 3 in the municipality of Richmond, parish of Jika Jika, county of Bourke.

No. 2. About three acres of land being part of portions 2 and 3 in the municipality of Richmond, parish of Jika Jika, county of Bourke.

And I further declare that I have not collusively or colorably obtained a title to or become possessed of the said lands or tenements or any part thereof for the purpose of enabling me to be returned a Member of the Legislative Council of the Colony of Victoria.

“GEORGE SELTH COPPIN.

“Melbourne, October 19th, 1858.”

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

Pensions, List of—granted under the 50th section of the Constitution Act.

Ordered to lie on the Table.

PAPERS.—The Honorable H. Miller presented to the Council the following papers:—

1. Finance Accounts—1856 to 1859.

2. Statement showing the Votes for the service of 1858, and the Expenditure during, and for the first nine months of the same year.

Ordered to lie on the Table.

PRINTING COMMITTEE—FIRST REPORT.—The Honorable M. Hervey, as Chairman of the Select Committee on Printing, brought up the First Report of the Committee, and moved that the same be adopted and printed.

Question—put and passed.

PARLIAMENTARY SESSION.—The Honorable T. H. Fellows, in accordance with notice, moved, (1.) That this House having twice experienced the disadvantage of meeting in the summer, is of opinion that the Parliamentary Session should be held during the winter.

Debate ensued.

Question—put and passed.

The Honorable T. H. Fellows, in accordance with *amended* notice, moved—

(2.) That in order to accomplish that object, this House will not during the present Session take into consideration any Bill (except for appropriating the revenue to the service of next year), unless it is introduced by the Government.

Debate ensued.

Question—put and negatived.

MARRIAGE BILL.—The Honorable J. Hood, in accordance with notice, moved for leave to bring in a Bill to amend and consolidate the laws relating to the solemnization of Matrimony.

Question—put and passed.

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

POSTPONEMENTS.—The following Orders of the Day were severally postponed until Tuesday, the 26th instant:—

“Board of Agriculture Bill”—To be read a second time.

“Divorce Bill”—To be read a second time.

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

NOTICES OF MOTION AND ORDERS OF THE DAY.

WEDNESDAY, 20TH OCTOBER.

1. The Hon. J. H. PATTERSON: To ask the Honorable the Commissioner of Trade and Customs whether the Government would not be induced, under the circumstances of the Port Curtis gold field delusion, to direct that the Government steamer *Victoria* be made available to proceed to Port Curtis for the relief of those distressed miners who have left this Colony and are unable to return.

NOTICES OF MOTION :—

1. The Hon. T. H. POWER: To move, That a Select Committee be appointed to inquire into the working of the present Impounding Act, such Committee to consist of the Honorables H. Miller, J. P. Fawkner, M. Hervey, G. Urquhart, and the Mover.

2. The Hon. T. H. FELLOWS : To move, That there be laid upon the Table of this House a copy of the Governor's Minute as to the recommendation of gentlemen for the commission of the peace.
3. The Hon. T. H. FELLOWS : To move for leave to bring in a Bill for the Maintenance and Protection of Women and Children.
4. The Hon. J. B. BENNETT : To move, That there be laid on the Table of this House twenty copies of the old and twenty copies of the new Electoral Rolls of the South Province.

TUESDAY, 26TH OCTOBER.

NOTICES OF MOTION :—

1. The Hon. T. McCOMBIE : To move, That a Select Committee be appointed to inquire into the present condition of the Aborigines of this Colony, and the best means of alleviating their absolute wants ; such Committee to consist of the Honorables Messrs. Miller, Henty, Urquhart, Hervey, and the Honorables Drs. Hope and Tierney.
2. The Hon. G. URQUHART : To move, That a Committee be appointed to inquire into the present management of the Board of Land and Works, and to report on the measures which may be required for the more efficient and economical working of the same, such Committee to consist of the following members, viz. :—The Honorables Messrs. Miller, Strachan, Hervey, Patterson, a'Beckett, McCombie, and the Mover.
3. The Hon. A. FRASER : To move for a return of the revenue collected by the Government within the electoral boundary of the North Western Province, during the nine months ending the 30th September last. Such return to show the amount from the several districts, under the following heads :—
 - (1.) Proportion of gold export duty.
 - (2.) Miners' rights.
 - (3.) Licenses of every description.
 - (4.) Fees of every description.
 - (5.) Proceeds of land sales within the province.
 - (6.) Assessment of stock.
 - (7.) Depasture on public lands.
 - (8.) Courts of every description.
 - (9.) Fines and forfeitures.
 - (10.) Unclaimed poundages.
4. The Hon. A. FRASER : To move for a return of the expenditure by the Government within the electoral boundary of the North Western Province, during the last nine months ending the 30th September last. Such return to show amount (in detail) expended in the several districts, under the following heads :—
 - (1.) Salaries.
 - (2.) Grants to the different boards.
 - (3.) Grants to municipalities.
 - (4.) Surveying.
 - (5.) Public buildings.
 - (6.) Gaols.
 - (7.) Courts of every description.
 - (8.) Gold offices, furniture, &c.
 - (9.) Fencing, and every other expenditure.
5. The Hon. DR. TIERNEY : To move for—
 - (1.) The production of all correspondence between the Curator of Intestate Estates in Melbourne and his agent, Mr. Hensby, Clerk of Petty Sessions at Benalla, touching the real and personal estate of William Dullard, of Benalla, farmer, deceased.
 - (2.) An account of all proofs of debts on the said intestate's estate received by the Curator from the said Mr. Hensby, or from Mr. Charles Shaw, solicitor, of Melbourne, on behalf of the creditors, and all deeds and documents furnished by Dr. Lumsden, of Benalla.
 - (3.) The production of all correspondence between the Curator of Intestate Estates and William Piper, Esq., Police Magistrate, of Benalla, with reference to a certain investigation touching the proceedings of the Clerk of Petty Sessions at Benalla in relation to the estate of the said William Dullard, and the accounts thereof.
6. The Hon. J. P. FAWKNER : To move, (*contingent* on the Divorce Bill being read a second time) that it be referred to a Select Committee to consist of the Honorables M. Hervey, J. Henty, T. H. Power, W. Roope, T. T. a'Beckett, J. B. Bennett, and the Mover, with power to examine witnesses.

ORDERS OF THE DAY :—

1. MARRIAGE BILL.—To be read a second time.
2. BOARD OF AGRICULTURE BILL.—To be read a second time.
3. DIVORCE BILL.—To be read a second time.

WEDNESDAY, 27TH OCTOBER.

NOTICE OF MOTION:—

Union Bank of Australia.
 Bank of New South Wales.
 Bank of Victoria.
 London Chartered Bank of Australia.
 Colonial Bank of Australasia.
 Bank of Australasia.

1. The Hon. J. F. STRACHAN: To move, That there be laid on the Table of this House a statement demonstrating the relative advantages to the country, in the acceptance by the Government of the proposal for the negotiation of the Railway Loan, made by the Banking Corporations (named in the margin) in preference to those made by Messrs. Baring Brothers and Co., London, and Messrs. De Pass Brothers and Co., Melbourne.

G. W. RUSDEN,

Clerk of the Council and Clerk of the Parliaments.

Minutes of the Proceedings
OF THE
LEGISLATIVE COUNCIL.

WEDNESDAY, 20TH OCTOBER, 1858.

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

The President read the Prayer.

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

IMPOUNDING ACT.—The Honorable T. H. Power, in accordance with *amended* notice, moved, That a Select Committee be appointed to enquire into the working of the present Impounding Act, with power to take evidence, such Committee to consist of the Honorables H. Miller, J. P. Fawkner, M. Hervey, G. Urquhart, and the Mover.

Question—put and passed.

RECOMMENDATION FOR THE COMMISSION OF THE PEACE.—The Honorable T. H. Fellows, in accordance with *amended* 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 Governor's Minute as to the recommendation of gentlemen for the Commission of the Peace.

Debate ensued.

Question—put and passed.

PROTECTION OF WOMEN AND CHILDREN.—The Honorable T. H. Fellows, in accordance with notice, moved, That leave be given to bring in a Bill for the Maintenance and Protection of Women and Children.

Question—put and passed.

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

SOUTH PROVINCE ELECTORAL ROLLS.—The Honorable J. B. Bennett, in accordance with *amended* notice, moved, That there be laid on the Table of this House thirty copies of the old and thirty copies of the new Electoral Rolls of the South Province.

Debate ensued.

Question—put and passed.

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

Question—put and passed.

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

1. Health Officer.—Report for the Half-year ended 30th June, 1858.
2. Gold Fields Act.—Orders in Council:—
 - Divisions of the Mining District of Maryborough.—4th October, 1858.
 - Polling Places for the Maryborough Mining District—4th October, 1858.
3. Statistics of the Colony of Victoria for the Year 1856.

Ordered to lie on the Table.

The Council adjourned at a quarter to five o'clock until three o'clock on Tuesday, the 26th instant.

NOTICES OF MOTION AND ORDERS OF THE DAY.

TUESDAY, 26TH OCTOBER, 1858.

NOTICES OF MOTION :—

1. The Hon. T. McCOMBIE : To move, That a Select Committee be appointed to enquire into the present condition of the Aborigines of this Colony, and the best means of alleviating their absolute wants ; such Committee to consist of the Honorables Messrs. Miller, Henty, Urquhart, Hervey, and the Honorables Drs. Hope and Tierney.
2. The Hon. G. URQUHART : To move, That a Committee be appointed to enquire into the present management of the Board of Land and Works, and to report on the measures which may be required for the more efficient and economical working of the same, such Committee to consist of the following members, viz. :—The Honorables Messrs. Miller, Strachan, Hervey, Patterson, a'Beckett, McCombie, and the Mover.
3. The Hon. A. FRASER : To move for a return of the revenue collected by the Government within the electoral boundary of the North-Western Province, during the nine months ending the 30th September last. Such return to show the amount from the several districts, under the following heads :—
 - (1.) Proportion of gold export duty.
 - (2.) Miners' rights.
 - (3.) Licenses of every description.
 - (4.) Fees of every description.
 - (5.) Proceeds of land sales within the province.
 - (6.) Assessment of stock.
 - (7.) Depasture on public lands.
 - (8.) Courts of every description.
 - (9.) Fines and forfeitures.
 - (10.) Unclaimed poundages.
4. The Hon. A. FRASER : To move for a return of the expenditure by the Government within the electoral boundary of the North Western Province, during the last nine months ending the 30th September last. Such return to show amount (in detail) expended in the several districts, under the following heads :—
 - (1.) Salaries.
 - (2.) Grants to the different boards.
 - (3.) Grants to municipalities.
 - (4.) Surveying.
 - (5.) Public buildings.
 - (6.) Gaols.
 - (7.) Courts of every description.
 - (8.) Gold offices, furniture, &c.
 - (9.) Fencing, and every other expenditure.
5. The Hon. DR. TIERNEY : To move for—
 - (1.) The production of all correspondence between the Curator of Intestate Estates in Melbourne and his agent, Mr. Hensby, Clerk of Petty Sessions at Benalla, touching the real and personal estate of William Dullard, of Benalla, farmer, deceased.
 - (2.) An account of all proofs of debts on the said intestate's estate received by the Curator from the said Mr. Hensby, or from Mr. Charles Shaw, solicitor, of Melbourne, on behalf of the creditors, and all deeds and documents furnished by Dr. Lumsden, of Benalla.
 - (3.) The production of all correspondence between the Curator of Intestate Estates and William Piper, Esq., Police Magistrate, of Benalla, with reference to a certain investigation touching the proceedings of the Clerk of Petty Sessions at Benalla in relation to the estate of the said William Dullard, and the accounts thereof.
6. The Hon. J. P. FAWKNER : To move (*contingent* on the Divorce Bill being read a second time), That it be referred to a Select Committee to consist of the Honorables M. Hervey, J. Henty, T. H. Power, W. Roope, T. T. a'Beckett, J. B. Bennett, and the Mover, with power to examine witnesses.
7. The Hon. J. B. BENNETT : To move for a Committee to enquire into the present state of the Electoral Rolls of the South Province, the Committee to consist of the Honorables T. H. Power, M. Hervey, T. H. Fellows, T. T. a'Beckett, and the Mover.

ORDERS OF THE DAY :—

1. MARRIAGE BILL.—To be read a second time.
2. BOARD OF AGRICULTURE BILL.—To be read a second time.
3. DIVORCE BILL.—To be read a second time.

WEDNESDAY, 27TH OCTOBER.

NOTICE OF MOTION:—

1. The Hon. J. F. STRACHAN: To move, That there be laid on the Table of this House a statement demonstrating the relative advantages to the country, in the acceptance by the Government of the proposal for the negotiation of the Railway Loan, made by the Banking Corporations (named in the margin) in preference to those made by Messrs. Baring Brothers and Co., London, and Messrs. De Pass Brothers and Co., Melbourne.

Union Bank of Australia.
Bank of New South Wales.
Bank of Victoria.
London Chartered Bank of Australia.
Colonial Bank of Australasia.
Bank of Australasia.
2. The Hon. T. H. FELLOWS: To move, For leave to bring in a Bill against Disorderly Meetings and Party Processions.
3. The Hon. T. H. FELLOWS: To move, That there be laid on the Table of this House a Return, in the subjoined form, of the Number of Complaints during the first nine months of this year under 21 Victoria No. 29, sec. 22, and of the number of persons actually imprisoned by reason of proceedings under that clause in cases heard at Melbourne, Collingwood, Prahran, Emerald Hill, Williamstown, Geelong, Ararat, Ballarat, Castlemaine, Sandhurst, Beechworth, Maryborough, Dunolly, and other large Towns; and also a Return of the Number of Plaints entered in the County Courts during the same period at the same places, and the Number of Persons Imprisoned under sec. 54.

Name of Place.	Number of Plaints or Complaints.	Number actually Imprisoned.

ORDER OF THE DAY.

1. PROTECTION OF WOMEN AND CHILDREN BILL.—To be read a second time.

MEETING

OF

SELECT COMMITTEE.

Tuesday, 26th October.

IMPOUNDING ACT—at 12 o'clock.

G. W. RUSDEN,

Clerk of the Council and Clerk of the Parliaments.

Minutes of the Proceedings

OF THE

LEGISLATIVE COUNCIL.

TUESDAY, 26TH OCTOBER, 1858.

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

The President read the Prayer.

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

ELECTION OF MEMBER.—The President notified to the Council that a letter had been received from the Private Secretary of His Excellency the Governor, reporting that the Writ issued by the Governor on the 20th day of September, 1858, for an election of one member to serve in the Legislative Council for the Western Province has been returned to His Excellency, by which it appears, upon the authority of Robert Burke, Esq., the Returning Officer, that the Honorable Charles Vaughan was duly elected.

NEW MEMBER.—The Honorable Charles Vaughan 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, CHARLES VAUGHAN, do declare and testify that I am duly seised at law or in equity of an estate of freehold for my own use and benefit in lands or tenements in the Colony of Victoria of the clear value of Five thousand pounds sterling money above all charges and incumbrances affecting the same; and further, that the lands or tenements out of which such qualification arises are situate in the parishes of Cut-paw-paw, Jika Jika, and Mulgrave, in the county or reputed county of Bourke, the descriptions of which lands and tenements are as follow:—

1. Twelve acres of land, being allotment seven of section eight of the parish of Cut-paw-paw, fronting Hobson's river, purchased from the Crown by me in September, One thousand eight hundred and fifty-two.
2. Several pieces or parcels of land, part of portion No. thirty-three, Jika Jika, purchased by me of W. F. Splatt, Esq., in April, One thousand eight hundred and fifty-four.
3. Several other pieces or parcels of land, being portions seventy-six and seventy-nine of the parish of Mulgrave, purchased by me of John Porter, Esq., in November, One thousand eight hundred and fifty-four.

And I further declare, that I have not collusively or colorably obtained a title to or become possessed of the said lands or tenements, or any part thereof, for the purpose of enabling me to be returned a Member of the Legislative Council of the Colony of Victoria.

“CHARLES VAUGHAN.”

ABORIGINES.—The Honorable T. McCombie, in accordance with *amended* notice, moved, That a Select Committee be appointed to enquire into the present condition of the Aborigines of this Colony, and the best means of alleviating their absolute wants; such Committee to consist of the Honorables Messrs. H. Miller, J. Henty, G. Urquhart, M. Hervey, J. H. Patterson, and the Honorables Drs. Hope and Tierney, and the Mover.

Debate ensued.

Question—put and passed.

The Honorable T. McCombie moved, That the Select Committee have power to take evidence.

Question—put and passed.

REVENUE COLLECTIONS IN NORTH-WESTERN PROVINCE.—The Honorable A. Fraser, in accordance with notice, moved, That there be laid upon the Table of this House, a return of the revenue collected by the Government within the electoral boundary of the North-Western Province during the nine months ending the 30th September last; such return to show the amount from the several districts under the following heads:—

- (1.) Proportion of gold export duty.
- (2.) Miners' rights.
- (3.) Licenses of every description.
- (4.) Fees of every description.
- (5.) Proceeds of land sales within the province.
- (6.) Assessment of stock.
- (7.) Depasture on public lands.
- (8.) Courts of every description.
- (9.) Fines and forfeitures.
- (10.) Unclaimed poundages.

Amendment moved by the Honorable J. P. Fawcner, That the following words be added after the word "poundages"—“(11.) Also the proposed expenditure within the said province.”

Debate ensued.

Amendment by leave withdrawn.

Question, by leave, amended by addition of the following words after the word "poundages"—“also a return of the expenditure by the Government within the electoral boundary of the North-Western Province during the last nine months ending the 30th September last; such return to show amount (in detail) expended in the several districts, under the following heads:—

- (1.) Salaries.
- (2.) Grants to the different boards.
- (3.) Grants to municipalities.
- (4.) Surveying.
- (5.) Public buildings.
- (6.) Gaols.
- (7.) Courts of every description.
- (8.) Gold offices, furniture, &c.
- (9.) Fencing, and every other expenditure.”

Debate ensued.

Motion by leave withdrawn.

CURATOR OF INTESTATE ESTATES.—The Honorable Dr. Tierney, in accordance with notice, moved for—

- (1.) The production of all correspondence between the Curator of Intestate Estates in Melbourne and his agent, Mr. Hensby, Clerk of Petty Sessions at Benalla, touching the real and personal estate of William Dullard, of Benalla, farmer, deceased.
- (2.) An account of all proofs of debts on the said intestate's estate received by the Curator from the said Mr. Hensby, or from Mr. Charles Shaw, solicitor, of Melbourne, on behalf of the creditors, and all deeds and documents furnished by Dr. Lumsden, of Benalla.
- (3.) The production of all correspondence between the Curator of Intestate Estates and William Piper, Esq., Police Magistrate, of Benalla, with reference to a certain investigation touching the proceedings of the Clerk of Petty Sessions at Benalla in relation to the estate of the said William Dullard, and the accounts thereof.

Debate ensued.

Motion by leave withdrawn.

SOUTH PROVINCE ELECTORAL ROLLS.—The Honorable J. B. Bennett, in accordance with amended notice, moved, That a Select Committee be appointed to enquire into the present state of the Electoral Rolls of the South Province, and to report in what manner the system of registration may be rendered more perfect, with power to take evidence; the Committee to consist of the Honorables T. H. Power, M. Hervey, T. H. Fellows, T. T. a'Beckett, and the Mover.

Debate ensued.

Question—put and passed.

ADJOURNMENT.—The Honorable J. F. Strachan, with leave of the Council, moved, without notice, That the House, at its rising, adjourn until Tuesday next.

Question—put and passed.

MARRIAGE BILL.—The Order of the Day for the second reading of this Bill being called on, the Honorable J. Hood moved, That the Bill be now read a second time.

Debate ensued.

Question—put and passed.

Bill read a second time.

Ordered—That the said Bill be now considered in Committee of the whole Council.

The President left the Chair.

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

Ordered.

POSTPONEMENTS.—The Order of the Day for the second reading of the Board of Agriculture Bill was postponed until Tuesday, the 2nd November next.

MEETINGS OF SELECT COMMITTEES.—The Honorable J. B. Bennett, with leave of the Council, moved, without notice, That the Select Committees of the House have power to sit during the adjournment.

Question—put and passed.

POSTPONEMENTS.—The Order of the Day for the second reading of the Divorce Bill was postponed until Tuesday next.

The Honorable J. B. Bennett moved, That the business set down for Wednesday, the 27th instant, be postponed until Tuesday next.

Ordered.

PAPERS.—The Honorable H. Miller presented to the Council the following Paper:—

Fitz Roy Ward Improvement.—Return of Receipts and Expenditure—Year ending 31st August, 1858.

Ordered to lie on the Table.

The Council adjourned at half-past five o'clock until three o'clock on Tuesday, the 2nd proximo.

NOTICES OF MOTION AND ORDERS OF THE DAY.

TUESDAY, 2ND NOVEMBER, 1858.

NOTICES OF MOTION:—

1. The Hon. T. H. FELLOWS: To move, That there be laid upon the Table of this House a return in the subjoined form relative to all persons added to any Commission of the Peace during the last or the present months.

Surnames alphabetically.	Christian Names.	Places of		Trade or Calling.
		Abode.	Business.	

2. The Hon. G. URQUHART: To move, That a Committee be appointed to enquire into the present management of the Board of Land and Works, and to report on the measures which may be required for the more efficient and economical working of the same, such Committee to consist of the following members, viz.:—The Honorables Messrs. Miller, Strachan, Hervey, Patterson, a'Beckett, McCombie, and the Mover.

3. The Hon. J. F. STRACHAN: To move, That there be laid on the Table of this House a statement demonstrating the relative advantages to the country, in the acceptance by the Government of the proposal for the negotiation of the Railway Loan, made by the Banking Corporations (named in the margin) in preference to those made by Messrs. Baring Brothers and Co., London, and Messrs. De Pass Brothers and Co., Melbourne.

Union Bank of Australia.
Bank of New South Wales.
Bank of Victoria.
London Chartered Bank of Australia.
Colonial Bank of Australasia.
Bank of Australasia.

4. The Hon. T. H. FELLOWS: To move, For leave to bring in a Bill against Disorderly Meetings and Party Processions.

5. The Hon. T. H. FELLOWS: To move, That there be laid on the Table of this House a Return, in the subjoined form, of the Number of Complaints during the first nine months of this year under 21 Victoria No. 29, sec. 22, and of the number of persons actually imprisoned by reason of proceedings under that clause in cases heard at Melbourne, Collingwood, Prahran, Emerald Hill, Williamstown, Geelong, Ararat, Ballarat, Castlemaine, Sandhurst, Beechworth, Maryborough, Dunolly, and other large Towns; and also a Return of the Number of Plaints entered in the County Courts during the same period at the same places, and the Number of Persons Imprisoned under sec. 54.

Name of Place.	Number of Plaints or Complaints.	Number actually Imprisoned.

ORDERS OF THE DAY:—

1. PROTECTION OF WOMEN AND CHILDREN BILL.—To be read a second time.
2. MARRIAGE BILL.—To be further considered in Committee.
3. BOARD OF AGRICULTURE BILL.—To be read a second time.
4. DIVORCE BILL.—To be read a second time.

NOTICE OF MOTION:—

6. The Hon. J. P. FAWKNER: To move (*contingent* on the Divorce Bill being read a second time), That it be referred to a Select Committee to consist of the Honorables M. Hervey, J. Henty, T. H. Power, W. Roope, T. T. a'Beckett, J. B. Bennett, and the Mover, with power to examine witnesses.

MEETINGS

OF

SELECT COMMITTEES.

Wednesday, 27th October.

ABORIGINES—at 12 o'clock.

SOUTH PROVINCE ELECTORAL ROLLS—at 1 o'clock.

Friday, 29th October.

IMPOUNDING ACT—at 12 o'clock.

G. W. RUSDEN,

Clerk of the Council and Clerk of the Parliaments.

VICTORIA.

No. 6.

Minutes of the Proceedings

OF THE

LEGISLATIVE COUNCIL.

TUESDAY, 2ND NOVEMBER, 1858.

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

The President read the Prayer.

POSTPONEMENT OF NOTICE OF MOTION.—The Honorable J. Hodgson, in the absence of the Honorable T. H. Fellows, moved, That the first notice of motion standing in the name of the Honorable T. H. Fellows be postponed until after the disposal of the other notices of motion on the paper.

Question—put and passed.

MANAGEMENT OF BOARD OF LAND AND WORKS.—The Honorable G. Urquhart, in accordance with notice, moved, That a Committee be appointed to enquire into the present management of the Board of Land and Works, and to report on the measures which may be required for the more efficient and economical working of the same, such Committee to consist of the following members, viz.:—The Honorables Messrs. Miller, Strachan, Hervey, Patterson, a'Beckett, McCombie, and the Mover.

Debate ensued.

A ballot being required, the question was divided.

Question—That a Committee be appointed to enquire into the present management of the Board of Land and Works, and to report on the measures which may be required for the more efficient and economical working of the same—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 President to be the members of Committee, viz.: The Honorables G. Urquhart, H. Miller, J. H. Patterson, T. T. a'Beckett, M. Hervey, T. McCombie, J. F. Strachan, and W. Highett.

PETITION.—The Honorable A. Fraser presented to the Council a Petition signed by John McIntyre and others, praying that steps may be taken to effect a separation of the Divisions of Heathcote, Waranga, and Kilmore from the Mining District of Sandhurst.

Petition received.

NEGOCIATION OF THE RAILWAY LOAN.—The Honorable J. F. Strachan, in accordance with notice, moved, That there be laid on the Table of this House a statement demonstrating the relative advantages to the country, in the acceptance by the Government of the proposal for the negotiation of the Railway Loan, made by the Banking Corporations (namely: Union Bank of Australia, Bank of New South Wales, Bank of Victoria, London Chartered Bank of Australia, Colonial Bank of Australasia, Bank of Australasia) in preference to those made by Messrs. Baring Brothers and Co., London, and Messrs. De Pass Brothers and Co., Melbourne.

Debate ensued.

Question—put.

Council divided.

Contents, 11.
The Hon. J. Hodgson
A. Fraser
G. Coppin
T. H. Power
M. Hervey
J. F. Strachan
G. Urquhart
T. H. Fellows
Dr. Hope
J. B. Bennett
J. Stewart (*Teller.*)

Not Contents, 8.
The Hon. H. Miller
C. Vaughan
W. Highett
J. Hood
W. J. T. Clarke
T. McCombie
T. T. a'Beckett
J. H. Patterson (*Teller.*)

The question was therefore passed.

DISORDERLY MEETINGS AND PARTY PROCESSIONS.—The Honorable T. H. Fellows, in accordance with notice, moved for leave to bring in a Bill against Disorderly Meetings and Party ProceSSIONS.

Question—put and passed.

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

COMPLAINTS UNDER 21 VICTORIA No. 29, SEC. 22.—The Honorable T. H. Fellows moved, in accordance with *amended* notice, That there be laid on the Table of this House a Return, in the subjoined form, of the Number of Complaints during the first nine months of this year under 21 Victoria No. 29, sec. 22, and of the number of persons actually imprisoned by reason of proceedings under that clause in cases heard at Melbourne, Collingwood, Prahran, Emerald Hill, Williamstown, Geelong, Ararat, Ballarat, Castlemaine, Sandhurst, Beechworth, Maryborough, Dunolly, St. Kilda, Raglan, Pleasant Creek and other large Towns; and also a Return of the Number of Plaints entered in the County Courts during the same period at the same places, and the Number of Persons imprisoned under sec. 54.

Name of Place.	Number of Plaints or Complaints.	Number actually imprisoned.

Amendment moved by the Honorable J. Hood, That the following be added to the Tabular Statement, "The number who have gone into the Insolvent Court since the above Act came into operation with liabilities under £250."

Debate ensued.

Amendment, by leave, withdrawn.

Amendment moved by the Honorable J. H. Patterson, That an additional column, under the head of "Cost of Maintenance," be added to the Tabular Statement.

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

Question—That there be laid on the Table of this House a Return, in the subjoined form, of the Number of Complaints during the first nine months of this year under 21 Victoria No. 29, sec. 22, and of the number of persons actually imprisoned by reason of proceedings under that clause in cases heard at Melbourne, Collingwood, Prahran, Emerald Hill, Williamstown, Geelong, Ararat, Ballarat, Castlemaine, Sandhurst, Beechworth, Maryborough, Dunolly, St. Kilda, Raglan, Pleasant Creek, and other large Towns; and also a Return of the Number of Plaints entered in the County Courts during the same period at the same places, and the Number of Persons imprisoned under sec. 54—

Name of Place.	Number of Plaints or Complaints.	Number actually Imprisoned.	Cost of Maintenance.

—put and passed.

COMMISSION OF THE PEACE.—The Honorable T. H. Fellows, in accordance with *amended* notice, moved, That there be laid upon the Table of this House a return in the subjoined form relative to all persons added to any Commission of the Peace during the last two months.

Surnames alphabetically.	Christian Names.	Places of		Trade or Calling.
		Abode.	Business.	

Debate ensued.

Question—put and passed.

REPLY TO ADDRESS.—The Honorable H. Miller, by command of His Excellency the Governor, presented to the Council the Reply of His Excellency the Governor to the Address of the Council, adopted on the 20th ultimo, concerning recommendation for the Commission of the Peace.

The Reply was read at the Table by the Clerk.

VICTORIA.

Recommendation for the Commission of the Peace.

Reply to an Address adopted by the Legislative Council on the 20th October, 1858, on the motion of the Honorable Thomas Howard Fellows.

The Governor has received the Address of the Legislative Council, praying that a copy of his minute as to the recommendation of gentlemen for the Commission of the Peace may be laid on their Table.

The Governor could not, if he would, comply with this request, no minute on the subject having emanated from him.

The Minutes of the Executive Council do, it is true, contain a record of observations made by him a year and a half ago, when the re-publication of the Rolls of the Magistracy was under consideration; but assuming those observations to be within the scope of the Address, it appears on grounds of public policy that it would be inexpedient that confidential conversations of this kind between the Governor and his responsible advisers should be divulged.

Government Offices, Melbourne,
2 November, 1858.

HENRY BARKLY,
Governor.

Ordered—That the Reply do lie on the Table.

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

Third Meteorological Report.

Ordered to lie on the Table.

PROTECTION OF WOMEN AND CHILDREN BILL.—The Order of the Day for the second reading of this Bill being called on, the Honorable T. H. Fellows moved, That the Bill be now read a second time.

Debate ensued.

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

Question—put and negatived.

The Honorable T. McCombie moved, That the debate be adjourned until to-morrow.

Debate ensued.

Question—put and passed.

POSTPONEMENTS.—The following Orders of the Day were severally postponed until Wednesday, the 3rd instant:—

“*Marriage Bill*”—to be further considered in Committee.

“*Board of Agriculture Bill*”—to be read a second time.

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

The Council adjourned at twenty minutes past six o'clock until three o'clock on Wednesday, the 3rd instant.

NOTICES OF MOTION AND ORDERS OF THE DAY.

WEDNESDAY, 3RD NOVEMBER, 1858.

1. The Hon. T. McCOMBIE: To ask the Honorable the Commissioner of Trade and Customs if the attention of the Law Officers of the Crown has been called to the conviction of two Aborigines, “Old Man Billy” and “Young Man Billy,” at Ballaarat, on the 25th ultimo, and if they are aware that the late Attorney Generals of Victoria and New South Wales (Sir W. Stawell and Mr. Plunkett), as well as Judge Willis, Mr. Croke, &c., have expressed the opinion that Aborigines are not amenable to our laws for crimes *inter se*.

Government Business.

ORDER OF THE DAY:—

1. BOARD OF AGRICULTURE BILL.—To be read a second time.

NOTICE OF MOTION:—

1. The Hon. A. FRASER: To move, That an Address be presented to His Excellency the Governor, praying that he will be pleased to separate the three divisions of Heathcote, Waranga, and Kilmore from the Mining Board of Sandhurst.

General Business.

ORDERS OF THE DAY :—

1. PROTECTION OF WOMEN AND CHILDREN BILL.—Adjourned debate on second reading.
2. MARRIAGE BILL.—To be further considered in Committee.
3. DIVORCE BILL.—To be read a second time.

NOTICE OF MOTION :—

1. The Hon. J. P. FAWKNER : To move (*contingent* on the Divorce Bill being read a second time), That it be referred to a Select Committee to consist of the Honorables M. Hervey, J. Henty, T. H. Power, W. Roope, T. T. a'Beckett, J. B. Bennett, and the Mover, with power to examine witnesses.

TUESDAY, 9TH NOVEMBER.

ORDER OF THE DAY :—

1. DISORDERLY MEETINGS AND PARTY PROCESSIONS BILL.—To be read a second time.

WEDNESDAY, 17TH NOVEMBER.

NOTICE OF MOTION :—

1. Hon. J. F. STRACHAN : To move, That, in the opinion of this House, no member thereof should hold any office of emolument in the Government service, in fixed salary, fees, or Government pay in any form, except such Executive Officers as for the time being may be members of the Administration; and that an Address be presented to His Excellency the Governor, requesting that, in confirmation of the above resolution, regulations may be issued to provide that when any person holding office under Government is elected to represent in this House any Electoral Province, such election shall necessitate the immediate resignation of any office so held.

MEETINGS

OF

SELECT COMMITTEES.

Wednesday, 3rd November.

SOUTH PROVINCE ELECTORAL ROLLS—at 12 o'clock.
IMPOUNDING ACT—at 12 o'clock.

Tuesday, 9th November.

MANAGEMENT OF BOARD OF LAND AND WORKS—at 12 o'clock.
ABORIGINES—at 1 o'clock.
REFRESHMENT ROOMS—at 2 o'clock.

G. W. RUSDEN,

Clerk of the Council and Clerk of the Parliaments.

VICTORIA.

No. 7.

Minutes of the Proceedings
OF THE
LEGISLATIVE COUNCIL.

WEDNESDAY, 3RD NOVEMBER, 1858.

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

The President read the Prayer.

POSTPONEMENT.—The Order of the Day for the second reading of the Board of Agriculture Bill was postponed until Tuesday, the 9th instant.

MINING BOARD OF SANDHURST.—The Honorable A. Fraser, in accordance with notice, moved, That an Address be presented to His Excellency the Governor, praying that he will be pleased to separate the three divisions of Heathcote, Waranga, and Kilmore from the Mining Board of Sandhurst.

Debate ensued.

Motion, by leave, withdrawn.

POSTPONEMENT.—The Order of the Day for the resumption of the adjourned debate on the second reading of the Protection of Women and Children Bill was postponed until after the consideration of the next Order of the Day.

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

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

Ordered.

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

“*Protection of Women and Children Bill*”—Adjourned debate on second reading.

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

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

Question—put and passed.

SELECT COMMITTEES.—The Honorable T. T. a'Beckett, with leave of the Council, moved, without notice, That the Select Committees of the House have power to sit during the adjournment.

Question—put and passed.

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

Annual Report of the Government Botanist and Director of the Botanic Garden
(24th October, 1858.)

Ordered to lie on the Table.

SOUTH PROVINCE ELECTORAL ROLLS.—The Honorable H. Miller laid upon the Table thirty copies of the Electoral Rolls of the South Province, in compliance with the Order of the Council of the 20th ultimo.

Ordered to lie on the Table.

The Council adjourned at a quarter to six o'clock until three o'clock on Tuesday, the 9th instant.

NOTICES OF MOTION AND ORDERS OF THE DAY.

TUESDAY, 9TH NOVEMBER.

1. The Hon. T. McCOMBIE: To ask the Honorable the Commissioner of Trade and Customs if the attention of the Law Officers of the Crown has been called to the conviction of two Aborigines, “Old Man Billy” and “Young Man Billy,” at Ballaarat, on the 25th ultimo, and if they are aware that the late Attorney Generals of Victoria and New South Wales (Sir W. Stawell and Mr. Plunkett), as well as Judge Willis, Mr. Croke, &c., have expressed the opinion that Aborigines are not amenable to our laws for crimes *inter se*.

2. The Hon. T. McCOMBIE : To ask the Honorable the Commissioner of Trade and Customs, if any of the Custom House Officers, who are of lower grade than Landing Waiters, have, at the present time, any share in the seizures of contraband goods attempted to be landed in the Colony ?
- (2.) The inferior officers being usually in charge of lighters and vessels discharging cargo, would it not be an incentive to increased vigilance on their parts if they were allowed an interest in the goods seized ?
- (3.) Is there any existing law or regulation which would prevent this arrangement from being at once made ?
3. The Hon. T. H. POWER : To ask what use the Government intend to make of the Tram Road to the Yan Yean.

NOTICES OF MOTION :—

1. The Hon. H. MILLER : To move for leave to bring in a Bill to fix the Terms, Sittings, and Holidays of the Supreme Court.
2. The Hon. G. URQUHART : To move, That an Address be presented to His Excellency the Governor, with Minutes of Evidence taken before a Committee of this House on the Gun Boats and Harbor Defences, with a view to request that the same may be conveyed to the Royal Commission now sitting on the Defences.

ORDERS OF THE DAY :—

1. DISORDERLY MEETINGS AND PARTY PROCESSIONS BILL.—To be read a second time.
2. BOARD OF AGRICULTURE BILL.—To be read a second time.
3. MARRIAGE BILL.—To be further considered in Committee.
4. PROTECTION OF WOMEN AND CHILDREN BILL.—Adjourned debate on second reading.
5. DIVORCE BILL.—To be read a second time.

Contingent—on second reading of the Divorce Bill—

NOTICE OF MOTION :—

1. The Hon. J. P. FAWKNER : To move, That the Bill be referred to a Select Committee to consist of the Honorables M. Hervey, J. Henty, T. H. Power, W. Roope, T. T. a'Beckett, J. B. Bennett, and the Mover, with power to examine witnesses.

WEDNESDAY, 17TH NOVEMBER.

NOTICE OF MOTION :—

1. Hon. J. F. STRACHAN : To move, That, in the opinion of this House, no member thereof should hold any office of emolument in the Government service, in fixed salary, fees, or Government pay in any form, except such Executive Officers as for the time being may be members of the Administration ; and that an Address be presented to His Excellency the Governor, requesting that, in confirmation of the above resolution, regulations may be issued to provide that when any person holding office under Government is elected to represent in this House any Electoral Province, such election shall necessitate the immediate resignation of any office so held.

MEETINGS
OF
SELECT COMMITTEES.

Thursday, 4th November.

SOUTH PROVINCE ELECTORAL ROLLS—at 12 o'clock.

Tuesday, 9th November.

MANAGEMENT OF BOARD OF LAND AND WORKS—at 12 o'clock.

ABORIGINES—at 1 o'clock.

REFRESHMENT ROOMS—at 2 o'clock.

Wednesday, 10th November.

IMPOUNDING ACT—at 12 o'clock.

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

VICTORIA.

No. 8.

Minutes of the Proceedings
OF THE
LEGISLATIVE COUNCIL.

TUESDAY, 9TH NOVEMBER, 1858.

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

The President read the Prayer.

ELECTION OF MEMBER.—The President notified to the Council that letters had been received from the Private Secretary to His Excellency the Governor, reporting severally—That the Writ issued by the Governor on the 25th day of September last, for an election of one member to serve in the Legislative Council for the Eastern Province, has been returned to His Excellency, by which it appears, upon the authority of John Goodman, Esquire, the Returning Officer, that Benjamin Williams, Esquire, was duly elected; and that the Writ issued by the Governor, for an election of one member to serve in the Legislative Council for the North-Western Province, has been returned to His Excellency, by which it appears, upon the authority of Wm. F. Preshaw, Esquire, the Returning Officer, that David Elliott Wilkie, Esquire, was duly elected.

PETITION.—The President laid upon the Table a Petition from William Rutledge, praying that it may be declared that Daniel John Tierney was not duly qualified to be a member of the Western Province, and that the election of the said Daniel John Tierney may be declared void accordingly.

NEW MEMBER.—The Honorable Benjamin Williams 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, BENJ. WILLIAMS, do declare and testify that I am duly seised at law or in equity of an estate of freehold for my own use and benefit in lands or tenements in the Colony of Victoria of the clear value of five thousand pounds, sterling money, above all charges and incumbrances affecting the same: And further, that the lands and tenements out of which such qualification arises are situate in the city of Melbourne and township of Sandhurst, in the county or reputed county of Bourke, and of a county unnamed, the descriptions of which lands and tenements are as follow:—

House, 185, Queen-street, Melbourne;
Houses, 34 and 36, Bourke-street, Melbourne;
Houses and lands, Bay-street, Sandridge;
House and land, Ackland-street, St. Kilda;
House and land, Pall Mall, Sandhurst;

And I further declare, that I have not collusively or colorably obtained a title to or become possessed of the said lands or tenements, or any part thereof, for the purpose of enabling me to be returned a member of the Legislative Council of the Colony of Victoria.

“BENJ. WILLIAMS.”

MANAGEMENT OF BOARD OF LAND AND WORKS.—The Honorable G. Urquhart, with leave of the Council, without notice, moved, That the Select Committee on the Management of the Board of Land and Works be empowered to take evidence.

Question—put and passed.

PETITION.—The Honorable J. P. Fawcner moved, That the petition from William Rutledge, presented to the Council by the President, be referred to the Committee of Elections and Qualifications.

Question—put and passed.

PAPERS.—The Honorable H. Miller presented to the Council Correspondence on the subject of crimes committed by the Aborigines *inter se*, with an opinion of the Attorney General thereon (8th November, 1858), and moved that the same be referred to the Printing Committee.

Question—put and passed.

SUPREME COURT TERMS, SITTINGS, AND HOLIDAYS BILL.—The Honorable H. Miller, in accordance with notice, moved for leave to bring in a Bill to regulate the Terms, Sittings, and Holidays of the Supreme Court.

Question—put and passed.

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

GUN BOATS AND HARBOR DEFENCES.—The Honorable G. Urquhart, with leave of the Council, moved, without notice, That the evidence taken before the Select Committee of the House on Gun Boats and Harbor Defences in the preceding session be laid upon the Table of the House.

Question—put and passed.

The Honorable G. Urquhart, in accordance with *amended* notice, moved, That an Address be presented to His Excellency the Governor, covering the minutes of evidence taken before a Committee of the House on the Gun Boats and Harbor Defences, with a request that His Excellency would be pleased to cause the same to be conveyed to the Royal Commission now sitting on the Defences.

Question—put and passed.

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

1. University of Melbourne, Proceedings of (year ending 30th April, 1858).
2. Statement of Expenditure during 1857, on account of the year 1856, out of the monies set apart under Schedule D to Act 18 and 19 Victoria, c. 55.

Ordered to lie on the Table.

DISORDERLY MEETINGS AND PARTY PROCESSIONS BILL.—The Order of the Day for the second reading of this Bill being read, the Honorable T. T. a'Beckett, in the absence of the Honorable T. H. Fellows, moved, That this Order of the Day be postponed until after the disposal of the other Orders of the Day.

Amendment moved by the Honorable J. Hood, That all the words after the word "That" be omitted, with the view to insert the words, "the Council proceed to the next Order of the Day."

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

Question—That this Order of the Day be postponed until after the disposal of the other Orders of the Day—put and passed.

BOARD OF AGRICULTURE BILL.—The Order of the Day for the second reading of this Bill being read, the Honorable H. Miller moved, That the Bill be now read a second time.

Amendment moved by the Honorable M. Hervey, That all the words after the word "be" be omitted, with the view to insert the words, "referred to a Select Committee of the House, with power to take evidence, and that the Committee consist of the following members :—The Honorables J. P. Fawkner, T. McCombie, T. H. Power, G. Urquhart, J. H. Patterson, G. S. Coppin, J. F. Strachan, H. Miller, R. Thomson, and the Mover."

Debate ensued.

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

<p style="text-align: center;">Contents, 12.</p> <p>The Hon. H. Miller G. S. Coppin B. Williams W. Highett C. Vaughan J. Hood Dr. Hope Dr. Tierney W. Roope T. T. a'Beckett J. Henty J. H. Patterson (<i>Teller</i>).</p>	<p style="text-align: center;">Not Contents, 11.</p> <p>The Hon. R. Thomson A. Fraser T. H. Power T. H. Fellows J. P. Fawkner M. Hervey G. Urquhart T. McCombie J. F. Strachan W. J. T. Clarke J. Hodgson (<i>Teller</i>).</p>
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The question was therefore passed.

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

Bill read a second time.

Ordered—That the said Bill be now considered in Committee of the whole Council.

The President left the Chair.

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

Ordered.

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

MR. PRESIDENT—

The Legislative Assembly transmit to the Legislative Council a Bill intituled "*An Act to amend the Law relating to the Administration of the Estates of Deceased Persons,*" to which they desire the concurrence of the Legislative Council.

FRAN^s. MURPHY,
Speaker.

Legislative Assembly Chambers,
Melbourne, 3rd November, 1858.

The Bill, on the motion of the Honorable H. Miller, read a first time, ordered to be printed, and read a second time on Thursday next.

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

VICTORIA.

Pursuant to the provisions of "*The Victoria Electoral Act of 1856*," I do hereby appoint
The Honorable Robert Thomson
to be a member of the Committee of Elections and Qualifications, in room of the Honorable Daniel Joseph Tierney, for the time being disqualified from serving on the Committee, by reason of the presentation of a Petition respecting his qualification.

Given under my hand this ninth day of November, 1858.

J. F. PALMER,
President.

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

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

The Honorable J. Hood moved, That the adoption of the Report of the Committee be made an Order of the Day for Thursday, the 11th instant.

Ordered.

PROTECTION OF WOMEN AND CHILDREN 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.

Amendment moved by the Honorable J. Hood, That the word "now" be omitted, with the view to add the words "this day six months" after the word "time."

Debate ensued.

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.

Ordered—That the said Bill be now considered in Committee of the whole Council.

The President left the Chair.

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

Ordered.

DIVORCE BILL.—The Order of the Day for the second reading of this Bill being read, the Honorable J. P. Fawkner, with leave of the Council, withdrew the Bill now before the Council, with the view to introduce another Bill on the same subject in the present session.

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

Question—put and passed.

DISORDERLY MEETINGS AND PARTY PROCESSIONS 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—That the Bill be now read a second time—put.

Council divided.

Contents, 11.
The Hon. J. H. Patterson
G. Urquhart
B. Williams
J. F. Strachan
Dr. Hope
R. Thomson
T. H. Power
J. P. Fawkner
T. H. Fellows
J. B. Bennett
J. Hodgson (*Teller*).

Not Contents, 8.
The Hon. Dr. Tierney
H. Miller
G. S. Coppin
T. T. a'Beckett
C. Vaughan
W. J. T. Clarke
W. Highett
J. Hood (*Teller*).

The question was therefore passed.

Bill read a second time.

Ordered—That the said Bill be now considered in Committee of the whole Council.

The President left the Chair.

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

Ordered.

PAPERS.—The Honorable H. Miller presented to the Council the following Paper—
Statement of Expenditure under Schedule D for and during the year 1857.

Ordered to lie on the Table.

SELECT COMMITTEES.—The Honorable J. B. Bennett, with leave of the Council, moved, without notice, That the Select Committees of the Council have power to sit during the adjournment.

Question—put and passed.

POSTPONEMENTS.—Ordered—That all business set down on the Notice Paper for intermediate days be postponed until Tuesday next.

MESSAGE TO THE LEGISLATIVE ASSEMBLY.—The Honorable G. Urquhart, with leave of the Council, moved, without notice, That a message be taken to the Legislative Assembly to request that the Honorable Charles Gavan Duffy, a member of the Assembly, may have leave to attend the Committee of this House sitting on the Management of the Board of Land and Works.

Question—put and passed.

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

NOTICES OF MOTION AND ORDERS OF THE DAY.

TUESDAY, 16TH NOVEMBER.

1. The Hon. T. H. POWER: To ask the Honorable the Commissioner of Trade and Customs if any of the Crown land reserves that heretofore have been used as resting places by persons for travelling stock have recently been let to parties on condition of their destroying the thistles, and if power be given to such persons under any agreement to impound and lay damages for trespass on stock that may now encroach on such reserves.
2. The Hon. T. McCOMBIE: To ask the Honorable the Commissioner of Trade and Customs—
 - (1.) If the recently appointed port gaugers are recognised Customs officers.
 - (2.) If so, what objection is there on the part of the Customs authorities to allow the duties to be received at the Customs upon their certificates of quantities of spirits in bonded warehouses.
3. The Hon. G. S. COPPIN: To ask the Honorable the Commissioner of Trade and Customs, if it is the intention of Government to devote any portion of the new building in the course of erection at the Public Library for a Ladies' Reading Room.

NOTICE OF MOTION:—

1. The Hon. J. HODGSON: To move for leave to bring in a Bill for the Government and Regulation of Charitable Institutions.

ORDERS OF THE DAY:—

1. SUPREME COURT TERMS, SITTINGS, AND HOLIDAYS BILL.—To be read a second time.
2. BOARD OF AGRICULTURE BILL.—To be further considered in Committee.
3. PROTECTION OF WOMEN AND CHILDREN BILL.—To be further considered in Committee.
4. DISORDERLY MEETINGS AND PARTY PROCESSIONS BILL.—To be further considered in Committee.
5. INTESTATE ESTATES BILL.—To be read a second time.
6. MARRIAGE BILL.—Adoption of Report.

WEDNESDAY, 17TH NOVEMBER.

NOTICE OF MOTION:—

1. Hon. J. F. STRACHAN: To move, That, in the opinion of this House, no member thereof should hold any office of emolument in the Government service, in fixed salary, fees, or Government pay in any form, except such Executive Officers as for the time being may be members of the Administration; and that an Address be presented to His Excellency the Governor, requesting that, in confirmation of the above resolution, regulations may be issued to provide that when any person holding office under Government is elected to represent in this House any Electoral Province, such election shall necessitate the immediate resignation of any office so held.

MEETINGS OF SELECT COMMITTEES.

Wednesday, 10th November.

SOUTH PROVINCE ELECTORAL ROLLS—at half-past 10 o'clock.
IMPOUNDING ACT—at 12 o'clock.

Wednesday, 17th November.

MANAGEMENT OF BOARD OF LAND AND WORKS—at 12 o'clock.
ABORIGINES—at 1 o'clock.

G. W. RUSDEN,

Clerk of the Council and Clerk of the Parliaments.

No. 9.

Minutes of the Proceedings
OF THE
LEGISLATIVE COUNCIL.

TUESDAY, 16TH NOVEMBER, 1858.

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

The President read the Prayer.

ELECTIONS AND QUALIFICATIONS.—The President laid upon the Table, for the second time, the Warrant appointing a member of the Committee of Elections and Qualifications in room of a member for the time being disqualified.

NEW MEMBER.—The Honorable David Elliot Wilkie 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, DAVID ELLIOT WILKIE, do declare and testify that I am duly seised at law or in equity of an estate of freehold for my own use and benefit in lands or tenements in the Colony of Victoria, of the clear value of Five thousand pounds, sterling money, above all charges and incumbrances affecting the same: And further that the lands and tenements out of which such qualification arises are situate in the city of Melbourne, in the county or reputed county of Bourke, and in the parish of Edgecombe, in the county of Dalhousie, the descriptions of which lands and tenements are as follow :—

House, 106 Collins-street east, with adjoining land, in the city of Melbourne.

Sections A, B, C, D, E, F, of block No. 1,

Sections C, D, E, F, of block No. 2, in the parish of Edgecombe, in the county of Dalhousie, and occupied as farms.

And I further declare that I have not collusively or colorably obtained a title to or become possessed of the said lands or tenements, or any part thereof, for the purpose of enabling me to be returned a member of the Legislative Council of the Colony of Victoria.

“DAVID ELLIOT WILKIE, M.D.”

REGULATION OF CHARITABLE INSTITUTIONS.—The Honorable J. Hodgson, in accordance with notice, moved for leave to bring in a Bill for the government and regulation of Charitable Institutions.

Question—put and passed.

Bill brought in, read a first time, ordered to be printed, and read a second time this day fortnight.

DIVORCE BILL.—The Honorable J. P. Fawcner, in accordance with the permission of the Council given on the 9th instant, brought up a Bill to amend the law relating to Divorce and Matrimonial Causes in Victoria.

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

SUPREME COURT TERMS, SITTINGS, AND HOLIDAYS BILL.—The Order of the Day for the second reading of this Bill being read, the Honorable H. Miller moved, That the Bill be now read a second time.

Question—put and passed.

Bill read a second time.

Ordered—That the said Bill be now considered in Committee of the whole Council.

The President left the Chair.

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

Ordered.

MESSAGES FROM THE LEGISLATIVE ASSEMBLY.—A Message from the Legislative Assembly was brought by Mr. Chapman and three other Members with the Bill therein described :—

MR. PRESIDENT—

The Legislative Assembly transmit to the Legislative Council a Bill intituled “An Act to alter the Electoral Districts of Victoria and to increase the Number of Members of the Legislative Assembly thereof,” to which they desire the concurrence of the Legislative Council.

FRAN^s. MURPHY,
Speaker.

Legislative Assembly Chambers,
Melbourne, 12th November, 1858.

The Messengers withdrew.

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

MR. PRESIDENT—

The Legislative Assembly transmit to the Legislative Council a Bill intituled “*An Act to amend the Mining Association Act, 1858,*” to which they desire the concurrence of the Legislative Council.

Legislative Assembly Chambers,
Melbourne, 12th November, 1858.

FRAN^S. MURPHY,
Speaker.

ELECTORAL DISTRICTS ALTERATION BILL.—The Honorable H. Miller moved, That this Bill be now read a first time, printed, and read a second time on Thursday next.
Amendment moved by the Honorable J. P. Fawkner, That the words “on Thursday next,” be omitted, with the view to insert the words “this day fortnight” in lieu thereof.
The Honorable H. Miller, with leave of the Council, withdrew the words “on Thursday next,” and substituted the words “this day week” in lieu thereof.
Debate ensued.
Question—That the word “week,” proposed to be omitted, stand part of the question—put.
Council divided.

Contents, 17.
The Hon. H. Miller
J. H. Patterson
A. Fraser
G. S. Coppin
Dr. Tierney
J. Stewart
Dr. Wilkie
C. Vaughan
W. Highett
Dr. Hope
W. Roope
J. Hood
M. Hervey
R. Thomson
B. Williams
T. T. a'Beckett
J. Hodgson (*Teller*).

Not Contents, 5.
The Hon. G. Urquhart
T. McCombie
J. P. Fawkner
J. F. Strachan
T. H. Fellows (*Teller*).

The question was therefore passed.

Question—That this Bill be now read a first time, printed, and read a second time this day week—put and passed.

Bill read a first time.

MINING ASSOCIATION ACT AMENDMENT BILL.—The Honorable H. Miller moved, That this Bill be now read a first time, printed, and read a second time on Thursday next.

Question—put and passed.

Bill read a first time.

SUPREME COURT TERMS, SITTINGS, AND HOLIDAYS BILL.—The President left the Chair, and the Committee of the whole Council on this Bill was resumed.

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

The Honorable H. Miller moved, That the adoption of the Report of the Committee be made an Order of the Day for Tuesday, the 23rd instant.

Ordered.

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

The Chairman of Committees reported progress, and asked leave to sit again this day week.

Ordered.

PROTECTION OF WOMEN AND CHILDREN BILL.—The Order of the Day for the further consideration of this Bill in Committee of the whole Council being read, the President left the Chair.

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

Ordered.

DISORDERLY MEETINGS AND PARTY PROCESSIONS BILL.—The Order of the Day for the further consideration of this Bill in Committee of the whole Council being read, the President left the Chair.

The Chairman of Committees left the Chair.

The President resumed the Chair.

INTESTATE ESTATES 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.

Ordered—That the said Bill be now considered in Committee of the whole Council.

The President left the Chair.

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

MARRIAGE 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. Hood moved, That the Report be now adopted.

Question—put and passed.

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

The Council adjourned at half-past six o'clock until three o'clock on Wednesday, the 17th instant.

NOTICES OF MOTION AND ORDERS OF THE DAY.

WEDNESDAY, 17TH NOVEMBER.

1. The Hon. T. McCOMBIE : To ask the Honorable the Commissioner of Trade and Customs—
 - (1.) If the letter balances outside the Post Office in Melbourne are in charge of any of the Post Office officials, and if due care is exercised in periodically ascertaining their correctness.
 - (2.) As many mistakes are daily arising in consequence of letters with insufficient stamps being placed in the Post Office, would the Government have any objection to allow such letters to pass on to their destination, charging an extra fee for the additional trouble, of the same amount as that charged for the registration of letters ?

NOTICE OF MOTION :—

1. Hon. J. F. STRACHAN : To move, That, in the opinion of this House, no member thereof should hold any office of emolument in the Government service, in fixed salary, fees, or Government pay in any form, except such Executive Officers as for the time being may be members of the Administration ; and that an Address be presented to His Excellency the Governor, requesting that, in confirmation of the above resolution, regulations may be issued to provide that when any person holding office under Government is elected to represent in this House any Electoral Province, such election shall necessitate the immediate resignation of any office so held.

ORDERS OF THE DAY :—

1. PROTECTION OF WOMEN AND CHILDREN BILL.—To be further considered in Committee.
2. INTESTATE ESTATES BILL.—Adoption of Report.
3. MARRIAGE BILL.—To be read a third time.

THURSDAY, 18TH NOVEMBER.

ORDER OF THE DAY :—

1. MINING ASSOCIATIONS ACT AMENDMENT BILL.—To be read a second time.

TUESDAY, 23RD NOVEMBER.

ORDERS OF THE DAY :—

1. DIVORCE BILL.—To be read a second time.
2. ELECTORAL DISTRICTS ALTERATION BILL.—To be read a second time.
3. SUPREME COURT TERMS, SITTINGS, AND HOLIDAYS BILL.—Adoption of Report.
4. BOARD OF AGRICULTURE BILL.—To be further considered in Committee.

TUESDAY, 30TH NOVEMBER.

ORDER OF THE DAY :—

1. CHARITABLE INSTITUTIONS REGULATION BILL.—To be read a second time.

MEETINGS OF SELECT COMMITTEES.

Wednesday, 17th November.

SOUTH PROVINCE ELECTORAL ROLLS—at half-past 10 o'clock.

MANAGEMENT OF BOARD OF LAND AND WORKS—at 12 o'clock.

ABORIGINES—at 1 o'clock.

Friday, 19th November.

IMPOUNDING ACT—at 12 o'clock.

G. W. RUSDEN,

Clerk of the Council and Clerk of the Parliaments.

VICTORIA.

No. 10.

Minutes of the Proceedings
OF THE
LEGISLATIVE COUNCIL.

WEDNESDAY, 17TH NOVEMBER, 1858.

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

The President read the Prayer.

PROTECTION OF WOMEN AND CHILDREN BILL.—The Order of the Day for the further consideration of this Bill in Committee of the whole Council being read, the President left the Chair.

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

INTESTATE ESTATES 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. H. Patterson moved, That the Report be now adopted.

Question—put and passed.

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

MARRIAGE BILL.—The President having reported that the Chairman of Committees had certified that the fair print of this Bill was in accordance with the Bill as reported, the Bill, on the motion of the Honorable J. Hood, was read a third time and passed.

The Honorable J. Hood moved, That the Title of the Bill be, "*An Act to amend and consolidate the Laws affecting the Solemnization of Marriage.*"

Question—put and passed.

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

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

Question—put and passed.

ELECTIONS AND QUALIFICATIONS.—The President laid upon the Table, for the third time, the Warrant appointing a member of the Committee of Elections and Qualifications, in the room of a member for the time being disqualified.

POSTPONEMENTS.—The Honorable J. Hodgson moved, with leave of the Council, without notice, That all business set down for Thursday, be postponed until Tuesday next.

Ordered.

SELECT COMMITTEES.—The Honorable J. B. Bennett, with leave of the Council, moved, without notice, That all Select Committees of the Council have power to sit during the adjournment.

Question—put and passed.

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

NOTICES OF MOTION AND ORDERS OF THE DAY.

TUESDAY, 23RD NOVEMBER.

NOTICES OF MOTION :—

1. The Hon. C. VAUGHAN: To move, That in accordance with the Act 19 Vic. No. 12, and the Standing Orders of the Imperial Parliament, the present Elections and Qualifications Committee be dissolved.
2. The Hon. T. McCOMBIE: To move, That the papers and correspondence connected with the issue of a lease or license for occupation of certain land near the Gas Works by Mr. Alexander Kennedy Smith, Civil Engineer, and Messrs. Carmichael and Forbes, naptha and oil makers, and ordered to lie on the Table of the Assembly 3rd November, 1858, be printed for general information.
3. The Hon. T. McCOMBIE: To move, That a Return be laid on the Table of this House of the letters that have been posted in Victoria from the 1st January last to this date without stamps or with stamps of an insufficient value.

ORDERS OF THE DAY :—

1. DIVORCE BILL.—To be read a second time.
2. ELECTORAL DISTRICTS ALTERATION BILL.—To be read a second time.
3. SUPREME COURT TERMS, SITTINGS, AND HOLIDAYS BILL.—Adoption of Report.
4. BOARD OF AGRICULTURE BILL.—To be further considered in Committee.
5. PROTECTION OF WOMEN AND CHILDREN BILL.—To be further considered in Committee.
6. INTESTATE ESTATES BILL.—To be read a third time.
7. MINING ASSOCIATIONS ACT AMENDMENT BILL.—To be read a second time.

TUESDAY, 30TH NOVEMBER.

ORDER OF THE DAY :—

1. CHARITABLE INSTITUTIONS REGULATION BILL.—To be read a second time.
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MEETINGS

OF

SELECT COMMITTEES.

Friday, 19th November.

SOUTH PROVINCE ELECTORAL ROLLS—at 11 o'clock.
 IMPOUNDING ACT—at 12 o'clock.

Tuesday, 23rd November

MANAGEMENT OF BOARD OF LAND AND WORKS—at 1 o'clock.
 REFRESHMENT ROOMS—at half-past 2 o'clock.

Wednesday, 24th November.

ABORIGINES—at 1 o'clock.

G. W. RUSDEN,

Clerk of the Council and Clerk of the Parliaments.



VICTORIA.

No. 11.

Minutes of the Proceedings

OF THE

LEGISLATIVE COUNCIL.

TUESDAY, 23RD NOVEMBER, 1858.

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

The President read the Prayer.

PETITIONS.—The Honorable C. Vaughan presented to the Council two petitions, signed severally by Dorothy Marriott and others, and by J. N. McLeod, J.P., and others, praying severally that the Council will not sanction the opening of public-houses for the sale of intoxicating liquors on Sunday.

Petitions received.

PETITION.—The Honorable A. Fraser presented to the Council a petition, signed by himself and others, praying that the Council will not sanction that portion of the Bill commonly called the Reform Bill, which supersedes and disqualifies the Castlemaine Boroughs.

Petition received.

PETITION.—The Honorable T. T. a'Beckett presented to the Council a petition, signed by Henry W. Daughlish and others, praying that the clause and schedule of the Electoral Districts Alteration Bill which propose to divide the City of Melbourne into three several electoral districts may not pass.

Petition received.

The petition was read at the table by the Clerk.

The Honorable T. T. a'Beckett, with leave of the Council, moved, without notice, That the Petition be printed.

Question—put and passed.

PAPERS.—The Honorable H. Miller presented to the Council the following Paper :—

Journal of an Expedition into the Unexplored Country to the North-west and South-west of Port Augusta, by Mr. J. M. Stuart, South Australia; together with a Map thereto relating.

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

Question—put and passed.

PAPERS.—The Honorable H. Miller presented to the Council the following Paper :—

Bank Liabilities and Assets.—General Abstract of Sworn Returns (Quarter ending 30th September, 1858).

Ordered to lie on the Table.

ELECTIONS AND QUALIFICATIONS COMMITTEE.—The Honorable C. Vaughan, in accordance with notice, moved, That in accordance with the Act 19 Victoria No. 12, and the Standing Orders of the Imperial Parliament, the present Elections and Qualifications Committee be dissolved.

Debate ensued.

Question—put.

A division being called for, and there being no members voting in favor of the motion, the President declared that the motion was unanimously negatived.

NAPHTHA AND OIL MAKING.—The Honorable T. McCombie, in accordance with amended notice, moved, That copies of the papers and correspondence connected with the issue of a lease or license for occupation of certain land near the Gas Works, by Mr. Alexander Kennedy Smith, civil engineer, and Messrs. Carmichael and Forbes, naphtha and oil makers, be laid upon the table of this House.

Question—put and passed.

SWEARING OF MEMBERS OF ELECTIONS AND QUALIFICATIONS COMMITTEE.—

The Members of the Committee of Elections and Qualifications were sworn at the Table by the Clerk, in the manner prescribed by the Electoral Act of 1856, viz :—

The Honorable T. T. a'Beckett
M. Hervey
J. Henty
T. H. Fellows
T. McCombie
R. Thomson
J. H. Patterson.

The President appointed the first time and place of the meeting of the Committee to be at ten o'clock in the forenoon, on Wednesday, the 24th instant, in the large Committee Room, south of the Council Chamber.

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

Debate ensued.

Question—put and passed.

Bill read a second time.

Ordered—That the said Bill be now considered in Committee of the whole Council.

The President left the Chair.

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

Ordered.

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

MR. PRESIDENT—

The Legislative Assembly acquaint the Legislative Council that they have given leave to the Honorable C. Gavan Duffy, 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 to enquire into the management of the Board of Land and Works.

FRAN^s. MURPHY,
Speaker.

Legislative Assembly Chambers,
Melbourne, 16th November, 1858.

MR. PRESIDENT—

The Legislative Assembly transmit to the Legislative Council a Bill intituled "*An Act for granting a Duty on Spirits distilled in Victoria,*" to which they desire the concurrence of the Legislative Council.

FRAN^s. MURPHY,
Speaker.

Legislative Assembly Chambers,
Melbourne, 18th November, 1858.

The Honorable H. Miller moved, That the Bill be now read a first time, printed, and read a second time on Thursday next.

Question—put and passed.

Bill read a first time.

ELECTORAL DISTRICTS ALTERATION BILL.—The Order of the Day for the second reading of this Bill being read, the Honorable J. F. Strachan moved, That this Order of the Day be postponed until to-morrow, then to take precedence.

Question—put and passed.

POSTPONEMENT.—The Order of the Day for the adoption of the Report of the Committee of the whole Council on the Supreme Court Terms, Sittings, and Holidays Bill was postponed until Wednesday, the 24th instant.

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

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

Ordered.

PROTECTION OF WOMEN AND CHILDREN BILL.—The Order of the Day for the further consideration of this Bill in Committee of the whole Council being read, the President left the Chair.

The Chairman of Committees reported progress, and asked leave to sit again this day week.

Ordered.

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

The Honorable T. H. Fellows moved, That the title of the Bill be "*An Act to amend the Law relating to the Administration of the Estate of Deceased Persons.*"

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 any amendment.

MINING ASSOCIATIONS ACT AMENDMENT BILL.—The Order of the Day for the second reading of this Bill being read, the Honorable H. Miller moved, That the Bill be now read a second time.

Question—put and passed.

Bill read a second time.

Ordered—That the said Bill be now considered in Committee of the whole Council.

The President left the Chair.

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

Ordered—That the adoption of the Report of the Committee be made an Order of the Day for to-morrow.

The Council adjourned at twenty minutes past six o'clock until three o'clock on Wednesday, the 24th instant.

NOTICES OF MOTION AND ORDERS OF THE DAY.

WEDNESDAY, 24TH NOVEMBER.

1. The Hon. J. H. PATTERSON: To ask the Honorable the Commissioner of Trade and Customs if the Government would have any objection to assimilate the pay and engagements of the messengers of the Council with those of the Legislative Assembly; the latter being permanently employed by the year, while for the Council only for the Session.
2. The Hon. J. P. FAWKNER: To ask the Honorable the Commissioner of Trade and Customs, are the present Government aware of the fact, charged in a religious weekly paper of last Saturday, that the railway workmen labor on the formation of the railways on Sunday. If so, do they intend to permit, or will they take stringent measures to prevent, the crime of desecrating the Christian's Sunday, not only on the public railways, but on all works subject to their control, and generally to keep the Christian Sunday holy.
3. The Hon. J. F. STRACHAN: To ask the Honorable the Commissioner of Trade and Customs when he will be prepared to lay on the table the statement ordered by this House on the 2nd November, demonstrating the advantages to this colony by the Government accepting the tender of the six banking establishments for the Railway Loan of £7,000,000, over those of Baring Brothers and Company, and others.

Government Business.

ORDERS OF THE DAY:—

1. ELECTORAL DISTRICTS ALTERATION BILL.—To be read a second time.
2. SUPREME COURT TERMS, SITTINGS, AND HOLIDAYS BILL.—Adoption of Report.
3. MINING ASSOCIATIONS ACT AMENDMENT BILL.—Adoption of Report.

General Business.

NOTICES OF MOTION:—

1. The Hon. T. McCOMBIE: To move, That, in the opinion of this House, the Government ought not to permit the erection of naphtha works on Government land within the inhabited portion of the chief cities of the colony.
2. The Hon. T. McCOMBIE: To move, That a Return be laid on the Table of this House of the letters that have been posted in Victoria from the 1st January last to this date without stamps or with stamps of an insufficient value.

THURSDAY, 25TH NOVEMBER.

ORDER OF THE DAY:—

1. DUTY ON SPIRITS BILL.—To be read a second time.

TUESDAY, 30TH NOVEMBER.

1. The Hon. G. S. COPPIN: To ask the Honorable the Commissioner of Trade and Customs if it is the intention of the Government to introduce a Bill for the establishment of a Mint in connection with a National Bank or otherwise.
 - (2.) If such be the intention of Government, when will the Bill be introduced.
 - (3.) If such be not the intention of Government, will its members give their support to a Bill for that purpose, if introduced by a member.

2. The Hon. A. FRASER : To ask—

- (1.) Is it the fact that, as the law now stands, a miner's right enables the holder of it to enter upon any ground held under a mining grant, and go to work as if no such grant existed; and if so, when does Government mean to bring forward an enactment to give the necessary protection.
- (2.) Is there any protection at present to applicants for leases under the Gold Fields Act from having their claims jumped by any holder of a miner's right, or by any party having a recommendation to the warden from a mining board for a grant of the same land; and if there is no such protection, when is it to be given.
- (3.) Government having stated that the delay in issuing mining leases has been caused by waiting for the suggestions of the mining boards, which suggestions were to have been furnished by them before the 1st October, will Government now say whether they have fixed a period beyond which they will not wait for those suggestions any longer; and if so, what is that period.

NOTICE OF MOTION :—

1. The Hon. T. H. FELLOWS : To move, That a copy of the inquisition had upon view of the body of one Lawarne, deceased, and also a copy of the depositions taken upon such inquisition, be laid upon the Table of the House.

ORDERS OF THE DAY :—

1. CHARITABLE INSTITUTIONS REGULATION BILL.—To be read a second time.
 2. DIVORCE BILL.—To be further considered in Committee.
 3. BOARD OF AGRICULTURE BILL.—To be further considered in Committee.
 4. PROTECTION OF WOMEN AND CHILDREN BILL.—To be further considered in Committee.
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MEETINGS

OF

SELECT COMMITTEES.

Wednesday, 24th November.

ELECTIONS AND QUALIFICATIONS—at 10 o'clock.
 ABORIGINES—at 1 o'clock.

Thursday, 25th November.

SOUTH PROVINCE ELECTORAL ROLLS—at 11 o'clock.
 IMPOUNDING ACT—at 2 o'clock.

Tuesday, 30th November.

MANAGEMENT OF BOARD OF LAND AND WORKS—at 12 o'clock.

G. W. RUSDEN,

Clerk of the Council and Clerk of the Parliaments.

Minutes of the Proceedings
OF THE
LEGISLATIVE COUNCIL.

WEDNESDAY, 24TH NOVEMBER, 1858.

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

The President read the Prayer.

PETITION.—The Honorable H. Miller presented to the Council a Petition, signed by John Mason, praying that the boundaries of the Electoral District of the Town of Belfast may be assimilated to those of the Municipality.

Petition received.

PAPERS.—The Honorable H. Miller presented to the Council the following Paper :—

Copy of Letter from the Colonial Secretary, New South Wales (6th November, 1858), enclosing Report of Resident Commissioner at Port Curtis (29th October, 1858).

CASTLEMAINE BOROUGH ELECTORAL DISTRICTS.—The Honorable A. Fraser, with leave of the Council, moved, without notice, That the Petition presented by him on the 23rd instant be referred to the Committee of the whole Council to which the Electoral Districts Alteration Bill may be referred.

Question—put and passed.

MELBOURNE ELECTORAL DISTRICTS.—The Honorable J. P. Fawkner, with leave of the Council, moved, without notice, That the Petition presented to the Council on the 23rd instant by the Honorable T. T. aBeckett be referred to the Committee of the whole Council to which the Electoral Districts Alteration Bill may be referred.

Question—put and passed.

ELECTORAL DISTRICTS ALTERATION BILL.—The Order of the Day for the second reading of this Bill being read, the Honorable H. Miller moved, That the Bill be now read a second time.

Debate ensued.

Question—put.

The President announced to the Council that he should 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-four, against it one.

The question was therefore passed.

Bill read a second time.

Ordered that the said Bill be now considered in Committee of the whole Council.

The President left the Chair.

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

Ordered.

SUPREME COURT TERMS, SITTINGS, AND HOLIDAYS 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. Hood moved, That the Order of the Day be postponed until this day week.

Question—put and passed.

MINING ASSOCIATIONS 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 H. Miller moved, That the Report be now adopted.

Question—put and passed.

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

The Honorable H. Miller moved, That the Title of the Bill be, "*An Act to amend the Mining Associations Act, 1858.*"

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 any amendment.

LETTERS INSUFFICIENTLY STAMPED.—The Honorable T. McCombie, in accordance with notice, moved, That a Return be laid upon the Table of this House of the Letters that have been posted in Victoria, from the 1st January last to this date, without stamps, or with stamps of insufficient value.

Question—put and passed.

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

Question—put and passed.

SELECT COMMITTEES.—The Honorable T. T. a'Beckett moved, That the Select Committees chosen by the House have power to sit during the adjournment.

Question—put and passed.

The Council adjourned at ten minutes to six o'clock until three o'clock on Tuesday the 30th instant.

NOTICES OF MOTION AND ORDERS OF THE DAY.

TUESDAY, 30TH NOVEMBER.

1. The Hon. G. S. COPPIN: To ask the Honorable the Commissioner of Trade and Customs if it is the intention of the Government to introduce a Bill for the establishment of a Mint in connection with a National Bank or otherwise.
 - (2.) If such be the intention of Government, when will the Bill be introduced.
 - (3.) If such be not the intention of Government, will its members give their support to a Bill for that purpose, if introduced by a member.
2. The Hon. A. FRASER: To ask—
 - (1.) Is it the fact that, as the law now stands, a miner's right enables the holder of it to enter upon any ground held under a mining grant, and go to work as if no such grant existed; and if so, when does Government mean to bring forward an enactment to give the necessary protection.
 - (2.) Is there any protection at present to applicants for leases under the Gold Fields Act from having their claims jumped by any holder of a miner's right, or by any party having a recommendation to the warden from a mining board for a grant of the same land; and if there is no such protection, when is it to be given.
 - (3.) Government having stated that the delay in issuing mining leases has been caused by waiting for the suggestions of the mining boards, which suggestions were to have been furnished by them before the 1st October, will Government now say whether they have fixed a period beyond which they will not wait for those suggestions any longer; and if so, what is that period.

NOTICES OF MOTION:—

1. The Hon. T. H. FELLOWS: To move, That a copy of the inquisition had upon view of the body of one Lawarne, deceased, and also a copy of the depositions taken upon such inquisition, be laid upon the Table of the House.
2. The Hon. T. H. FELLOWS: To move, That it be an instruction to the Committee on the Electoral Districts Alteration Bill, that they have power to repeal so much of 21 Vict. No. 33, as relates to Special Lists and Rolls of Voters.

ORDERS OF THE DAY:—

1. CHARITABLE INSTITUTIONS REGULATION BILL.—To be read a second time.
2. DIVORCE BILL.—To be further considered in Committee.
3. BOARD OF AGRICULTURE BILL.—To be further considered in Committee.
4. PROTECTION OF WOMEN AND CHILDREN BILL.—To be further considered in Committee.
5. ELECTORAL DISTRICTS ALTERATION BILL.—To be further considered in Committee.
6. DUTY ON SPIRITS BILL.—To be read a second time.

WEDNESDAY, 1ST DECEMBER.

ORDER OF THE DAY:—

1. SUPREME COURT TERMS, SITTINGS, AND HOLIDAYS BILL.—Adoption of Report.

MEETINGS

OF

SELECT COMMITTEES.

Thursday, 25th November.

SOUTH PROVINCE ELECTORAL ROLLS—at 11 o'clock.
IMPOUNDING ACT—at 2 o'clock.

Friday, 26th November.

SOUTH PROVINCE ELECTORAL ROLLS—at 11 o'clock.
ELECTIONS AND QUALIFICATIONS—at half-past 10 o'clock.

Tuesday, 30th November.

MANAGEMENT OF BOARD OF LAND AND WORKS—at 12 o'clock.

Wednesday, 1st December.

ABORIGINES—at 1 o'clock.

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

VICTORIA.

No. 13.

Minutes of the Proceedings
OF THE
LEGISLATIVE COUNCIL.

TUESDAY, 30TH NOVEMBER, 1858.

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

The President read the Prayer.

PETITION.—The President laid upon the Table a Petition from William Rutledge, praying that it may be declared that Daniel Joseph Tierney was not duly qualified to be a Member of the Western Province, and that the election of the said Daniel Joseph Tierney may be declared void accordingly.

PETITION.—The Honorable J. P. Fawkner presented to the Council a Petition signed by George Mackie and others, inhabitants of the District of Lake Learmonth, praying the Council to place such restrictions upon traffic in strong drinks as are urgently demanded by the state of the country, and to withhold assent from any Bills for legalizing Distillation in Victoria.

Petition received.

COMMISSION OF THE PEACE.—The Honorable H. Miller laid on the Table the Return ordered by the Council on the 2nd November, 1858.

PETITIONS.—The Honorable J. P. Fawkner presented to the Council Petitions severally signed by James Curtis and others of Geelong, and by Henry Robinson and others of Amherst, praying severally that the Council will not pass a Bill for legalizing the Distillation of Spirits in Victoria.

Petitions received.

MARRIAGE OF PRINCESS ROYAL.—The Honorable H. Miller, by command of His Excellency the Governor, presented to the Council the following paper:—

1. Despatch from the Secretary of State (8th September, 1858), acknowledging receipt of the Address of the Parliament of Victoria on the occasion of the Marriage of Her Royal Highness the Princess Royal.

Ordered to lie on the Table.

The Despatch was read by the Clerk.

PETITION.—The Honorable J. P. Fawkner presented to the Council a Petition signed by John Walls and others, inhabitants of Camperdown, praying that the House will reject the Bill for legalizing the Distillation of Spirits in Victoria.

Petition received.

PETITION.—The Honorable J. P. Fawkner moved, That the Petition from William Rutledge, presented to the Council by the President, be referred to the Committee of Elections and Qualifications.

Question—put and passed.

ELECTIONS AND QUALIFICATIONS COMMITTEE REPORT.—The Honorable M. Hervey, as Chairman of the Committee of Elections and Qualifications, brought up a Report from the Committee on the Petition of William Rutledge, referred to the said Committee on the 9th instant, together with the Proceedings of the Committee and the Evidence, and moved that the same be received.

Question—put and passed.

The Report was read at the Table by the Clerk.

MEETING OF ELECTIONS AND QUALIFICATIONS COMMITTEE.—The President appointed the time and place of the meeting of the Committee of Elections and Qualifications to be at half-past ten o'clock in the forenoon on Wednesday, the 1st December, 1858, in the large Committee Room, south of the Council Chamber, to consider the Petition of William Rutledge, referred this day to the Committee.

INQUISITION ON THE BODY OF ONE LAWARNE.—The Honorable T. H. Fellows, in accordance with notice, moved, That a copy of the inquisition had upon view of the body of one Lawarne, deceased, and also a copy of the depositions taken upon such inquisition, be laid upon the Table of the House.

Question—put and passed.

INSTRUCTION TO COMMITTEE OF THE WHOLE ON THE ELECTORAL DISTRICTS ALTERATION BILL.—The Honorable T. H. Fellows, in accordance with notice, moved, That it be an instruction to the Committee on the Electoral Districts Alteration Bill, that they have power to repeal so much of 21 Vict. No. 33, as relates to Special Lists and Rolls of Voters.

Debate ensued.

Motion by leave withdrawn.

POSTPONEMENTS.—The Honorable H. Miller moved, That the 1st, 2nd, 3rd, and 4th Orders of the Day be postponed until after the disposal of the 5th.

Question—put and passed.

ELECTORAL DISTRICTS ALTERATION BILL.—The Order of the Day for the further consideration of this Bill in Committee of the whole Council being read, the President left the Chair. The Chairman of Committees reported progress, and asked leave to sit again on Thursday next.

Ordered.

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

MR. PRESIDENT,

The Legislative Assembly transmit to the Legislative Council a Bill, intituled "*An Act to remove Doubts as to the power of the Governor under the forty-eighth section of the ' Constitution Act,'*" to which they desire the concurrence of the Legislative Council.

FRANS. MURPHY,
Speaker.

Legislative Assembly Chamber,
Melbourne, 30th November, 1858.

CONSTITUTION ACT CONSTRUCTION BILL.—The Honorable H. Miller moved, That the Bill be now read a first time, printed, and read a second time to-morrow.

Question—put and passed.

Bill read a first time.

POSTPONEMENT.—The Order of the Day for the second reading of the Charitable Institutions Bill was postponed until after the disposal of the other Orders of the Day.

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

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

Ordered.

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

"*Board of Agriculture Bill*"—to be further considered in Committee, 1st December.

"*Protection of Women and Children Bill*"—to be further considered in Committee, 2nd December.

DUTY ON SPIRITS BILL.—The Order of the Day for the second reading of this Bill being read, the Honorable H. Miller moved, That the Bill be now read a second time.

Debate ensued.

The Honorable T. H. Power moved, That the debate be adjourned until Thursday next.

Question—That the debate be adjourned until Thursday next—put and passed.

CHARITABLE INSTITUTIONS REGULATION BILL.—The Order of the Day for the second reading of this Bill was postponed until this day fortnight.

The Council adjourned at ten minutes past eight o'clock until three o'clock on Wednesday, the 1st December.

NOTICES OF MOTION AND ORDERS OF THE DAY.

WEDNESDAY, 1ST DECEMBER.

1. The Hon. J. HOOD : To ask the Honorable the Commissioner of Trade and Customs, whether or not the Government exercise any control over the expenditure of the money or the management of the Grammar Schools.

Government Business.

ORDERS OF THE DAY :—

1. SUPREME COURT TERMS, SITTINGS, AND HOLIDAYS BILL.—Adoption of Report.
2. CONSTITUTION ACT CONSTRUCTION BILL.—To be read a second time.
3. BOARD OF AGRICULTURE BILL.—To be further considered in Committee.

General Business.

NOTICES OF MOTION :—

1. The Hon. J. HOOD : To move for the following Returns :—
 - (1.) The amount voted for the establishment or support of Grammar Schools since the separation of the Colony from New South Wales.
 - (2.) The dates on which such amounts were voted, the mode of distribution, and on what principle such distribution was made.
 - (3.) The number of schools built or to be built out of such vote.
 - (4.) The amounts subscribed and paid from private sources in each case ; and whether the collecting of a given sum by private contribution was made a condition precedent to the receipt of the Government grant.
 - (5.) The number of schools already built, their accommodation, number of Masters employed in each, distinguishing the branches taught, the manner and amount of emolument received, whether by fees or otherwise ; the curriculum of study, expense of education to each pupil, distinguishing day scholars from boarders.
 - (6.) The area of land, with estimated value occupied by each school respectively.
2. The Hon. J. P. FAWKNER : To move, That the Petition presented by him on the 30th November, from inhabitants of Camperdown, be printed.

ORDER OF THE DAY :—

1. DIVORCE BILL.—To be further considered in Committee.

THURSDAY, 2ND DECEMBER.

1. The Hon. J. H. PATTERSON : To ask the Honorable the Commissioner of Trade and Customs if the Government will take steps to have the road in front of the New Post Office at Sandhurst put in such repair as will enable the mail to drive up to the door of the Post Office, instead of, as at present, having to carry the mail bags to and from an adjacent street.

ORDERS OF THE DAY :—

1. ELECTORAL DISTRICTS ALTERATION BILL.—To be further considered in Committee.
2. PROTECTION OF WOMEN AND CHILDREN BILL.—To be further considered in Committee.
3. DUTY ON SPIRITS BILL.—Adjourned debate on second reading.

TUESDAY, 7TH DECEMBER.

NOTICES OF MOTION :—

1. The Hon. J. H. PATTERSON : To move, That an Address be presented to His Excellency the Governor, praying that he will cause to be set apart a quantity of garden ground, say from ten to twenty acres, adjacent to the New Military Barracks, Melbourne, to be cultivated by the soldiery for their exclusive use and benefit.
2. The Hon. J. F. STRACHAN : To move, That there be laid on the Table of this House the calculations or other data upon which the Government based their "estimate of the advantages" which would accrue to this Colony from the acceptance of the Tender of the six Banking Establishments for the Railway Loan of £7,000,000 over those of Messrs. Baring Brothers and Company, and Messrs. De Pass Brothers and Company.

TUESDAY, 14TH DECEMBER.

ORDER OF THE DAY :—

1. CHARITABLE INSTITUTIONS REGULATION BILL.—To be read a second time.

MEETINGS

OF

SELECT COMMITTEES.

Wednesday, 1st December.

- ELECTIONS AND QUALIFICATIONS—at half-past 10 o'clock.
 ABORIGINES—at 1 o'clock.
 SOUTH PROVINCE ELECTORAL ROLLS—at 1 o'clock.
 REFRESHMENT ROOMS—at half-past 2 o'clock.

Thursday, 2nd December.

- IMPOUNDING ACT—at 11 o'clock.

Tuesday, 7th December.

- MANAGEMENT OF BOARD OF LAND AND WORKS—at 12 o'clock.

G. W. RUSDEN,

Clerk of the Council and Clerk of the Parliaments.

No. 14.

Minutes of the Proceedings
OF THE
LEGISLATIVE COUNCIL.

WEDNESDAY, 1ST DECEMBER, 1858.

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

The President read the Prayer.

PETITIONS.—The Honorable M. Hervey presented to the Council a Petition signed by Henry Stevenson, complaining of the provisions of the Board of Agriculture Bill now before the Council.

Petition received.

The Petition was read at the Table by the Clerk.

The Honorable T. T. a'Beckett, on behalf of the Honorable J. P. Fawkner, presented a Petition signed by — Heales and others, praying that the Council will reject the Distillation Bill now before the Council.

Petition received.

POSTPONEMENT.—The Order of the Day for the adoption of the Report of the Committee of the whole Council on the Supreme Court Terms, Sittings, and Holidays Bill, was postponed until after the disposal of the other Orders of the Day.

CONSTITUTION ACT CONSTRUCTION BILL.—The Order of the Day for the second reading of this Bill being read, the Honorable H. Miller moved, That the Bill be now read a second time.

Amendment moved by the Honorable T. H. Fellows, That the word “now” be omitted, with the view to add the words “this day fortnight” after the word “time.”

Debate ensued.

Question—That the word “now,” proposed to be omitted, stand part of the question—put; the President pointing out to the Council that, as it might be held that the Bill fell under the operation of the LX. clause of the Constitution Act, he would desire that the members voting respectively for and against the Bill should be taken down by the Clerk.

A division being called for, the Council divided.

Contents, 10.
The Hon. H. Miller
G. S. Coppin
J. H. Patterson
W. Highett
J. Stewart
T. T. a'Beckett
Dr. Wilkie
C. Vaughan
Dr. Tierney
J. Hood (*Teller*).

Not Contents, 12.
The Hon. T. H. Fellows
J. Hodgson
R. Thomson
A. Fraser
W. J. T. Clarke
Dr. Hope
M. Hervey
T. McCombie
J. F. Strachan
J. P. Fawkner
T. H. Power
J. B. Bennett (*Teller*).

The question was therefore negatived.

Question—That the words “this day fortnight” be added after the word “time”—put and passed.

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

WITHDRAWAL OF PETITION.—The Honorable J. P. Fawkner, with leave of the Council, moved, without notice, That he be permitted to withdraw the petition presented on his behalf this day and received by the Council, signed by — Heales and others.

Question—put and passed.

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

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

Ordered.

GRAMMAR SCHOOLS.—The Honorable J. Hood, in accordance with notice, moved for Returns, shewing—

- (1.) The amount voted for the establishment or support of Grammar Schools since the separation of the Colony from New South Wales.
- (2.) The dates on which such amounts were voted, the mode of distribution, and on what principle such distribution was made.
- (3.) The number of schools built or to be built out of such vote.
- (4.) The amounts subscribed and paid from private sources in each case; and whether the collecting of a given sum by private contribution was made a condition precedent to the receipt of the Government grant.
- (5.) The number of schools already built, their accommodation, number of Masters employed in each, distinguishing the branches taught, the manner and amount of emolument received, whether by fees or otherwise; the curriculum of study, expense of education to each pupil, distinguishing day scholars from boarders.
- (6.) The area of land, with estimated value occupied by each school respectively.

Debate ensued.

Question put.

Council divided.

During the taking of the division, notice was taken that the Honorable Dr. Wilkie had entered the Council Chamber after the putting of the question the second time, while the names of members were being taken down by the tellers.

The President decided that no honorable member should have been permitted to enter the Council Chamber after the doors were reported to have been locked, and that the name of the Honorable Dr. Wilkie should therefore be expunged from the division lists.

Contents, 7.

The Hon. H. Miller
 T. H. Power
 J. Hood
 W. J. T. Clarke
 Dr. Hope
 Dr. Tierney
 G. S. Coppin (*Teller*).

Not Contents, 11.

The Hon. T. H. Fellows
 J. B. Bennett
 A. Fraser
 T. T. a'Beckett
 W. Highett
 T. McCombie
 J. F. Strachan
 J. P. Fawkner
 C. Vaughan
 J. H. Patterson
 J. Hodgson (*Teller*).

The question was therefore negatived.

PETITIONS.—The Honorable J. P. Fawkner, in accordance with *amended* notice, moved, That the four Petitions presented by him on the 30th ultimo, from Inhabitants of Camperdown, of Geelong, of Amherst, and of Lake Learmonth, be printed.

Question—put and passed.

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

MR. PRESIDENT,

The Legislative Assembly transmit to the Legislative Council a Bill, intituled, "*An Act to amend the Law relating to the more easy recovery of certain Debts and Demands,*" to which they desire the concurrence of the Legislative Council.

Legislative Assembly Chamber,
 Melbourne, 1st December, 1858.

FRANS. MURPHY,
 Speaker.

COUNTY COURTS ACT AMENDMENT BILL.—The Honorable J. F. Strachan moved, That the 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.

PAPER.—The Honorable H. Miller, by command of His Excellency the Governor, presented to the Council the following Paper :—

Law of Divorce.—Despatch from the Right Honorable the Secretary of State (17th April, 1858).

Ordered to lie on the Table.

PAPER.—The Honorable H. Miller presented to the Council the following Paper :—

Gold Fields Act.—Order in Council (22nd November, 1858) revoking Bye-law No. LXVII. of Mining Board of Beechworth.

Ordered to lie on the Table.

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

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

Ordered.

SUPREME COURT TERMS, SITTINGS, AND HOLIDAYS 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. Hood moved, That the Order of the Day be discharged, and that the Bill be re-committed to a Committee of the whole Council.

Question—put and passed.

The President left the Chair.

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

Ordered—That the adoption of the Report of the Committee be made an Order of the Day for to-morrow.

The Council adjourned at twenty minutes to six o'clock until three o'clock on Thursday, the 2nd instant.

NOTICES OF MOTION AND ORDERS OF THE DAY.

THURSDAY, 2ND DECEMBER.

1. The Hon. J. H. PATTERSON : To ask the Honorable the Commissioner of Trade and Customs if the Government will take steps to have the road in front of the New Post Office at Sandhurst put in such repair as will enable the mail to drive up to the door of the Post Office, instead of, as at present, having to carry the mail bags to and from an adjacent street.

ORDERS OF THE DAY :—

1. ELECTORAL DISTRICTS ALTERATION BILL.—To be further considered in Committee.
2. PROTECTION OF WOMEN AND CHILDREN BILL.—To be further considered in Committee.
3. DUTY ON SPIRITS BILL.—Adjourned debate on second reading.
4. SUPREME COURT TERMS, SITTINGS, AND HOLIDAYS BILL.—Adoption of Report.

TUESDAY, 7TH DECEMBER.

1. The Hon. J. HOOD : To ask the Honorable the Commissioner of Trade and Customs, whether or not the Government exercise any control over the expenditure of the money or the management of the Grammar Schools.

NOTICES OF MOTION :—

1. The Hon. J. H. PATTERSON: To move, That an Address be presented to His Excellency the Governor, praying that he will cause to be set apart a quantity of garden ground, say from ten to twenty acres, adjacent to the New Military Barracks, Melbourne, to be cultivated by the soldiery for their exclusive use and benefit.
2. The Hon. J. F. STRACHAN : To move, That there be laid on the Table of this House the calculations or other data upon which the Government based their "estimate of the advantages" which would accrue to this Colony from the acceptance of the Tender of the six Banking Establishments for the Railway Loan of £7,000,000 over those of Messrs. Baring Brothers and Company, and Messrs. De Pass Brothers and Company.

ORDERS OF THE DAY :—

1. BOARD OF AGRICULTURE BILL.—To be further considered in Committee.
2. DIVORCE BILL.—To be further considered in Committee.

WEDNESDAY, 8TH DECEMBER.

ORDER OF THE DAY :—

1. COUNTY COURTS ACT AMENDMENT BILL.—To be read a second time.

TUESDAY, 14TH DECEMBER.

ORDER OF THE DAY :—

1. CHARITABLE INSTITUTIONS REGULATION BILL.—To be read a second time.

WEDNESDAY, 15TH DECEMBER.

ORDER OF THE DAY :—

1. CONSTITUTION ACT CONSTRUCTION BILL.—To be read a second time.

MEETINGS
OF
SELECT COMMITTEES.

Thursday, 2nd December.

IMPOUNDING ACT—at 11 o'clock.

ELECTIONS AND QUALIFICATIONS—at 12 o'clock.

SOUTH PROVINCE ELECTORAL ROLLS—at 2 o'clock.

Tuesday, 7th December.

MANAGEMENT OF BOARD OF LAND AND WORKS—at 12 o'clock.

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

Minutes of the Proceedings
OF THE
LEGISLATIVE COUNCIL.

THURSDAY, 2ND DECEMBER, 1858.

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

The President read the Prayer.

REFRESHMENT ROOMS (JOINT) COMMITTEE.—PROGRESS REPORT.—The Honorable J. Hodgson brought up a Progress Report from the Joint Committee of both Houses of Parliament appointed to manage the Refreshment Rooms and Stables, and moved, That the adoption of the Report be made an Order of the Day for Tuesday next.

Question—put and passed.

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

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

The President left the Chair.

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

The Honorable H. Miller moved, That the Bill be recommitted.

Amendment moved by the Honorable T. H. Fellows, That the words “on the 5th clause and on the 29th division of the Schedule” be added after the word “re-committed.”

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

Question—That the Bill be recommitted on the 5th clause and on the 29th division of the Schedule—put and passed.

The President left the Chair.

The Chairman of Committees reported that the Committee had considered the Bill as recommitted, and had agreed to the same with further amendments.

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

PROTECTION OF WOMEN AND CHILDREN BILL.—The Order of the Day for the further consideration of this Bill in Committee of the whole Council being read, the President left the Chair.

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

Ordered.

DUTY ON SPIRITS 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.

Ordered—That the Bill be now considered in Committee of the whole Council.

Bill read a second time.

The President left the Chair.

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

Ordered.

SUPREME COURT TERMS, SITTINGS, AND HOLIDAYS 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. Hodgson moved, That the Report be now adopted.

Question—put and passed.

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

The Council adjourned at a quarter past six o'clock until three o'clock on Tuesday next.

NOTICES OF MOTION AND ORDERS OF THE DAY.

TUESDAY, 7TH DECEMBER.

1. The Hon. J. HOOD : To ask the Honorable the Commissioner of Trade and Customs, whether or not the Government exercise any control over the expenditure of the money or the management of the Grammar Schools.

NOTICES OF MOTION :—

1. The Hon. J. H. PATTERSON: To move, That an Address be presented to His Excellency the Governor, praying that he will cause to be set apart a quantity of garden ground, say from ten to twenty acres, adjacent to the New Military Barracks, Melbourne, to be cultivated by the soldiery for their exclusive use and benefit.
2. The Hon. J. F. STRACHAN : To move, That there be laid on the Table of this House the calculations or other data upon which the Government based their "estimate of the advantages" which would accrue to this Colony from the acceptance of the Tender of the six Banking Establishments for the Railway Loan of £7,000,000 over those of Messrs. Baring Brothers and Company, and Messrs. De Pass Brothers and Company.

ORDERS OF THE DAY :—

1. BOARD OF AGRICULTURE BILL.—To be further considered in Committee.
2. DIVORCE BILL.—To be further considered in Committee.
3. REFRESHMENT ROOMS.—Adoption of Progress Report of (Joint) Select Committee.
4. ELECTORAL DISTRICTS ALTERATION BILL.—Adoption of Report.
5. PROTECTION OF WOMEN AND CHILDREN BILL.—To be further considered in Committee.
6. DUTY ON SPIRITS BILL.—To be further considered in Committee.
7. SUPREME COURT TERMS, SITTINGS, AND HOLIDAYS BILL.—Third reading.

WEDNESDAY, 8TH DECEMBER.

1. The Hon. G. S. COPPIN : To ask the Honorable the Commissioner of Trade and Customs what sum of money is now standing to the credit of the Police Reward Fund—what sums have been expended on account of such Fund since its establishment—together with a statement of the objects to which the said Fund is applicable.
2. The Hon. G. S. COPPIN : To ask the Honorable the Commissioner of Trade and Customs whether it is the intention of the Government to make any provision for the establishment and endowment of a Fund available for the pensioning of Superannuated Servants of the Crown in this Colony, and for affording gratuities to the widows and orphans of persons dying in the Civil Service.

ORDER OF THE DAY :—

1. COUNTY COURTS ACT AMENDMENT BILL.—To be read a second time.

TUESDAY, 14TH DECEMBER.

ORDER OF THE DAY :—

1. CHARITABLE INSTITUTIONS REGULATION BILL.—To be read a second time.

WEDNESDAY, 15TH DECEMBER.

ORDER OF THE DAY :—

1. CONSTITUTION ACT CONSTRUCTION BILL.—To be read a second time.

MEETINGS

OF

SELECT COMMITTEES.

Tuesday, 7th December.

- ELECTIONS AND QUALIFICATIONS—at a quarter past 10 o'clock.
 MANAGEMENT OF BOARD OF LAND AND WORKS—at 12 o'clock.
 IMPOUNDING ACT—at 1 o'clock.
 SOUTH PROVINCE ELECTORAL ROLLS—at 2 o'clock.

G. W. RUSDEN,

Clerk of the Council and Clerk of the Parliaments.

VICTORIA.

No. 16.

Minutes of the Proceedings
OF THE
LEGISLATIVE COUNCIL.

TUESDAY, 7TH DECEMBER, 1858.

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

The President read the Prayer.

DEPARTMENT OF AGRICULTURE MINUTE BOOK.—The Honorable H. Miller laid upon the Table a Minute Book of a "Department of Agriculture."

Ordered to lie on the Table.

PETITION.—The Honorable J. P. Fawcner presented to the Council a Petition, signed by Samuel Cole and other members of the Victoria Agricultural Society of the Bulleen, Preston, Heidelberg, and Plenty River Districts, praying that the Council will reject the Board of Agriculture Bill now before the Council.

Petition received.

The Petition was read at the Table by the Clerk.

RAILWAY LOAN—ESTIMATE OF ADVANTAGES FROM.—The Honorable J. F. Strachan, in accordance with notice, moved, That there be laid on the Table of this House the calculations or other data upon which the Government based their "estimate of the advantages" which would accrue to this Colony from the acceptance of the Tender of the six Banking Establishments for the Railway Loan of £7,000,000 over those of Messrs. Baring Brothers and Company, and Messrs. De Pass Brothers and Company.

Question—put and passed.

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

The Chairman of Committees reported progress, and asked leave to sit again this day week.

Ordered.

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

The Chairman of Committees left the Chair.

The President resumed the Chair.

SUSPENSION OF STANDING ORDER XXIV.—The Honorable M. Hervey moved, That the Standing Order No. XXIV. be suspended.

Question—put and passed.

DEPARTMENT OF AGRICULTURE—MINUTES.—The Honorable M. Hervey, with leave of the Council, without notice, moved, That the whole of the Minutes of the Department of Agriculture be laid on the Table of this House.

Question—put and passed.

POSTPONEMENT.—The Order of the Day for the adoption of the Progress Report of the (Joint) Select Committee of both Houses on the Refreshment Rooms was postponed until Tuesday next.

ELECTORAL DISTRICTS ALTERATION 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 R. Thomson moved, That the Order of the Day be discharged, and that the Bill be re-committed for the purpose of making verbal alterations in the fourteenth part of the Schedule to the Bill.

Question—put and passed.

The President left the Chair.

The Chairman of Committees reported that the Committee had agreed to the Bill with certain verbal alterations in the fourteenth part of the Schedule.

The Honorable H. Miller 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.

PROTECTION OF WOMEN AND CHILDREN BILL.—The Honorable T. H. Fellows moved, That the Order of the Day for the further consideration of this Bill in Committee of the whole Council be discharged.

Question—put and passed.

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

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

The Honorable H. Miller moved, That the adoption of the Report of the Committee be made an Order of the Day for Tuesday next.

Ordered.

SUPREME COURT TERMS, SITTINGS, AND HOLIDAYS BILL.—The President having reported that the Chairman of Committees had certified that the fair print of this Bill was in accordance with the Bill as reported, the Bill, on the motion of the Honorable H. Miller, was read a third time, and *passed*.

The Honorable H. Miller moved, That the title of the Bill be, "*An Act to fix the Terms of Sittings and Holidays of the Supreme Court.*"

Question—put and passed.

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

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

1. Public Library.—Report of Trustees (accompanying Estimates for the service of the year 1859).
2. Police Department.—General Report of Acting Chief Commissioner (18th October, 1858).
3. Building Stone.—Report of Board.

Ordered to lie on the Table.

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

Question—put and passed.

MEETINGS OF SELECT COMMITTEES.—The Honorable T. H. Power moved, That all Select Committees chosen by the House have power to meet during the adjournment.

Question—put and passed.

POSTPONEMENTS.—Ordered, That all business set down for intermediate days be postponed until Tuesday next.

The Council adjourned at a quarter past six o'clock until three o'clock on Tuesday, the 14th instant.

NOTICES OF MOTION AND ORDERS OF THE DAY.

TUESDAY, 14TH DECEMBER.

1. The Hon. G. S. COPPIN: To ask the Honorable the Commissioner of Trade and Customs what sum of money is now standing to the credit of the Police Reward Fund—what sums have been expended on account of such Fund since its establishment—together with a statement of the objects to which the said Fund is applicable.
2. The Hon. G. S. COPPIN: To ask the Honorable the Commissioner of Trade and Customs whether it is the intention of the Government to make any provision for the establishment and endowment of a Fund available for the pensioning of Superannuated Servants of the Crown in this Colony, and for affording gratuities to the widows and orphans of persons dying in the Civil Service.
3. The Hon. A. FRASER: To ask, Why the Government have not yet redeemed their given pledge of carrying out the main Murray line of Road *via* McCrae street, Sandhurst, as it was originally intended, and when the Government intends to carry on this work and thus satisfy the just claims of a great number of persons, the equitable value of whose property is kept in abeyance through the nonfulfilment on the part of the Executive of this tacit contract between Government and the purchasers of landed property in that line of road.

NOTICES OF MOTION:—

1. The Hon. T. H. FELLOWS: To move, on the third reading of the Electoral Districts Bill, That the fourth paragraph of the Schedule be struck out, and *contingently thereon* to move, two paragraphs dividing South Melbourne into two Districts.
2. The Hon. J. P. FAWKNER: To move, That a Select Committee be appointed to take into consideration the question of Divorce, and the best mode of remedying the defects in the existing Law, such Committee to consist of the Honorables T. H. Fellows, T. T. a'Beckett, J. B. Bennett, G. S. Coppin, W. Roope, T. H. Power, T. McCombie, and the Mover.

ORDERS OF THE DAY :—

1. CHARITABLE INSTITUTIONS REGULATION BILL.—To be read a second time.
2. BOARD OF AGRICULTURE BILL.—To be further considered in Committee.
3. REFRESHMENT ROOMS.—Adoption of Progress Report of (Joint) Select Committee.
4. ELECTORAL DISTRICTS ALTERATION BILL.—To be read a third time.
5. DUTY ON SPIRITS BILL.—Adoption of Report.
6. COUNTY COURTS ACT AMENDMENT BILL.—To be read a second time.

WEDNESDAY, 15TH DECEMBER.

ORDER OF THE DAY :—

1. CONSTITUTION ACT CONSTRUCTION BILL.—To be read a second time.

MEETINGS
OF
SELECT COMMITTEES.

Wednesday, 8th December.

MANAGEMENT OF BOARD OF LAND AND WORKS—at 12 o'clock.

PRINTING COMMITTEE—at 12 o'clock.

IMPOUNDING ACT—at 1 o'clock.

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

Minutes of the Proceedings
OF THE
LEGISLATIVE COUNCIL.

TUESDAY, 14TH DECEMBER, 1858.

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

The President read the Prayer.

PETITION.—The Honorable T. H. Fellows presented to the Council a Petition, signed by C. M. Ingles, Alderman of Macarthur Ward, and others, praying that the privilege of separate representation in the Legislative Assembly may be granted to Sandridge.

Petition received.

The Petition was read at the Table by the Clerk.

GARDENS FOR SOLDIERY.—The Honorable J. H. Patterson, in accordance with notice, moved, That an Address be presented to His Excellency the Governor, praying that he will cause to be set apart a quantity of garden ground, say from ten to twenty acres, adjacent to the new Military Barracks, Melbourne, to be cultivated by the soldiery for their exclusive use and benefit.

The Honorable H. Miller moved, That the debate be adjourned until Thursday next.

Question—That the debate be adjourned until Thursday next—put and passed.

DIVORCE.—The Honorable J. P. Fawcner, in accordance with *amended* notice, moved, That a Select Committee be appointed to take into consideration the question of Divorce, and the best mode of remedying the defects in the existing Law, with power to take evidence and call for persons and papers; such Committee to consist of the Honorables T. H. Fellows, T. T. a'Beckett, J. B. Bennett, G. S. Coppin, W. Roope, T. H. Power, T. McCombie, and the Mover.

Question—put and passed.

LETTERS INSUFFICIENTLY STAMPED.—The Honorable H. Miller laid on the Table the Return called for by the Council on the 24th November, 1858.

DEPARTMENT OF AGRICULTURE MINUTES.—The Honorable H. Miller laid upon the Table, in compliance with the Order of the Council of the 7th instant, the Minutes of the Department of Agriculture, as contained in a Minute Book, except certain Minutes of the 1st and 2nd September.

The Honorable T. McCombie moved, That the Minutes so laid upon the Table be printed.

Question—put and passed.

SOUTH PROVINCE ELECTORAL ROLLS—REPORT OF SELECT COMMITTEE.—The Honorable J. B. Bennett, as Chairman of the Select Committee appointed on the 26th October, 1858, "to enquire into the present state of the Electoral Rolls of the South Province, and to report in what manner the system of Registration may be rendered more perfect," brought up the Report of the Committee, and moved that the same be received and printed.

Question—put and passed.

CHARITABLE INSTITUTIONS REGULATION BILL.—The Order of the Day for the second reading of this Bill being read, the Honorable J. Hodgson moved, That the Bill be now read a second time.

Debate ensued.

The Honorable T. T. a'Beckett moved, That the debate be adjourned until the day of meeting next after the Christmas recess.

Question—That the debate be adjourned until the day of meeting next after the Christmas recess—put and passed.

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

The Chairman of Committees reported progress, and asked leave to sit again on the first day of meeting after the ensuing Christmas recess.

Ordered.

REFRESHMENT ROOMS.—ADOPTION OF PROGRESS REPORT OF (JOINT) SELECT COMMITTEE.—
The Order of the Day for the adoption of the Progress Report of the (Joint) Select Committee on the Refreshment Rooms being read, the Honorable J. Hodgson moved, That the Report be now adopted.

Debate ensued.

Question—put.

Council divided.

Contents, 14.
The Hon. J. H. Patterson
G. S. Coppin
T. H. Power
T. H. Fellows
T. T. a'Beckett
J. Hood
Dr. Tierney
Dr. Hope
C. Vaughan
Dr. Wilkie
W. Roope
G. Urquhart
J. B. Bennett
J. Hodgson (*Teller*).

Not Contents, 8.
The Hon. H. Miller
B. Williams
W. Highett
T. McCombie
J. F. Strachan
W. J. T. Clarke
J. P. Fawkner
A. Fraser (*Teller*).

The question was therefore passed.

ELECTORAL DISTRICTS ALTERATION BILL.—The Honorable T. H. Fellows moved, That the Order of the Day for the third reading of this Bill be discharged from the Notice Paper.

Debate ensued.

Question—put and passed.

The Honorable T. H. Fellows moved, That the Bill be now re-committed to a Committee of the whole Council, on the 4th and 31st paragraphs of the Schedule.

Question—put and passed.

The President left the Chair.

The Chairman of Committees reported that the Committee had re-considered the Bill, and agreed to the same with further amendments.

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

MR. PRESIDENT—

The Legislative Assembly transmit to the Legislative Council a Bill, intituled, "*An Act to shorten the duration of the Legislative Assembly,*" to which they desire the concurrence of the Legislative Council.

FRANS. MURPHY,
Speaker.

Legislative Assembly Chambers,
Melbourne, 9th December, 1858.

MR. PRESIDENT—

The Legislative Assembly transmit to the Legislative Council a Bill, 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,*" to which they desire the concurrence of the Legislative Council.

FRANS. MURPHY,
Speaker.

Legislative Assembly Chambers,
Melbourne, 10th December, 1858.

SHORTENING OF PARLIAMENTS BILL.—The Honorable H. Miller moved, That this Bill be now read a first time, printed, and read a second time to-morrow.

Question—put and passed.

OFFICIALS IN PARLIAMENT BILL.—The Honorable H. Miller moved, That this Bill be now read a first time, printed, and read a second time on Thursday next.

Debate ensued.

Amendment moved by the Honorable J. P. Fawkner, That all the words after the word "on" be omitted, with the view to insert the words "the first day of meeting after the Christmas recess."

The words proposed to be omitted in the original motion were, by leave, withdrawn.

Question—That the Bill be now read a first time, printed, and read a second time on the first day of meeting after the Christmas recess—put and passed.

ELECTORAL DISTRICTS ALTERATION BILL.—The Honorable H. Miller moved, That the Report of the Committee be now adopted.

Question—put and passed.

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

Debate ensued.

Amendment moved by the Honorable J. B. Bennett, That the word "to-morrow" be omitted, with the view to insert the words "this day four weeks."

Debate ensued.

Question—That the word proposed to be omitted stand part of the motion—put and passed.

Question—That the third reading of the Bill be made an Order of the Day for to-morrow—put and passed.

PRINTING COMMITTEE—SECOND PROGRESS REPORT.—The Honorable M. Hervey, as Chairman of the Select Committee on Printing, brought up the Second Progress Report of the Committee, and moved that the same be adopted and printed.

Question—put and passed.

REFRESHMENT ROOMS (JOINT) SELECT COMMITTEE PROGRESS REPORT.—The Honorable J. Hodgson moved, That a Message be carried to the Legislative Assembly to acquaint them that the Council have adopted the Progress Report of the Joint Select Committee on the Refreshment Rooms.

Question—put and passed.

DUTY ON SPIRITS 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 H. Miller moved, That the Report be now adopted.

Question—put and passed.

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

The Honorable H. Miller moved, That the title of the Bill be, "*An Act for granting a Duty on Spirits distilled in Victoria.*"

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 same, with an amendment, and to desire their concurrence therein.

POSTPONEMENT.—The Order of the Day for the second reading of the County Courts Act Amendment Bill was postponed until to-morrow.

The Council adjourned at a quarter past six o'clock until three o'clock on Wednesday, the 15th instant.

NOTICES OF MOTION AND ORDERS OF THE DAY.

WEDNESDAY, 15TH DECEMBER.

1. The Hon. J. B. BENNETT: To ask the Honorable the Commissioner of Trade and Customs whether the Government have any objection to lay upon the Table of the House a Declaration made by the Master of the brig *Bristol*, before the Collector of Customs at Port Albert, and by him forwarded to the Commissioner of Trade and Customs.

Government Business.

ORDERS OF THE DAY :—

1. CONSTITUTION ACT CONSTRUCTION BILL.—To be read a second time.
2. SHORTENING OF PARLIAMENTS BILL.—To be read a second time.
3. ELECTORAL DISTRICTS ALTERATION BILL.—To be read a third time.

General Business.

NOTICE OF MOTION :—

1. The Hon. T. H. FELLOWS: To move, That a Select Committee be appointed to enquire and report to this House the circumstances attending the recent additions to the various Commissions of the Peace; from whom the recommendations emanated; by what Members of the Government they were received; and what investigation took place before submitting the names to the Governor. That such Committee do consist of the Honorables T. T. a'Beckett, J. B. Bennett, M. Hervey, J. Stewart, H. Miller, T. H. Power, and the Mover; and shall have power to take evidence and sit during the adjournment of the House.

ORDER OF THE DAY :—

1. COUNTY COURTS ACT AMENDMENT BILL.—To be read a second time.

THURSDAY, 16TH DECEMBER.

1. ADJOURNED DEBATE ON HON. J. H. PATERSON'S MOTION—That an Address be presented to His Excellency the Governor, praying that he will cause to be set apart a quantity of garden ground, say from ten to twenty acres, adjacent to the New Military Barracks, Melbourne, to be cultivated by the soldiery for their exclusive use and benefit.

JANUARY, 1859.

ORDERS OF THE DAY:—

1. CHARITABLE INSTITUTIONS REGULATION BILL.—Adjourned Debate on second reading.
 2. BOARD OF AGRICULTURE BILL.—To be further considered in Committee.
 3. OFFICIALS IN PARLIAMENT BILL.—To be read a second time.
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MEETINGS

OF

SELECT COMMITTEES.

Wednesday, 15th December.

DIVORCE—at 11 o'clock.

ABORIGINES—at 2 o'clock.

G. W. RUSDEN,

Clerk of the Council and Clerk of the Parliaments.

VICTORIA.

No. 18.

Minutes of the Proceedings
OF THE
LEGISLATIVE COUNCIL.

WEDNESDAY, 15TH DECEMBER, 1858.

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

The President read the Prayer.

ROYAL ASSENT TO BILLS.—The President announced to the Council that he had received an intimation from the Private Secretary, informing him that it is the intention of His Excellency the Governor to proceed to the Council Chamber, on Friday, the 17th December, at two o'clock, to assent in Her Majesty's name, to certain Bills passed by the Legislative Council and the Legislative Assembly.

CONSTITUTION ACT CONSTRUCTION BILL.—The Order of the Day for the second reading of this Bill being read, the Honorable H. Miller moved, That the Bill be now read a second time.

Debate ensued.

Amendment moved by the Honorable T. H. Fellows, That the word "now" be omitted, with the view of adding the words, "this day six months," after the word "time."

Debate ensued.

The Honorable J. Hodgson moved, That the debate be adjourned until the first day of meeting after the ensuing Christmas recess.

Debate ensued.

Question—That the debate on this question be adjourned until the first day of meeting after the Christmas recess—put and negatived.

Question—That the word "now" be omitted, with the view of inserting the words "this day six months" after the word "time"—put and negatived.

Question—That the Bill be now read a second time—put; the President pointing out to the Council that, as it might be held that the Bill fell under the operation of the LX clause of the Constitution Act, he would desire that the number of members voting respectively for and against the Bill should be taken down by the Clerk.

The number voting for the second reading was eighteen, against it three.

The question was therefore passed.

Bill read a second time.

Ordered—That the said Bill be now considered in Committee of the whole Council.

The President left the Chair.

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

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

Question—put and passed.

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

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

MR. PRESIDENT,

The Legislative Assembly transmit to the Legislative Council a Bill, intituled, "*An Act for the continuation of Expiring Laws,*" to which they desire the concurrence of the Legislative Council.

FRANS. MURPHY,
Speaker.

Legislative Assembly Chambers,
Melbourne, 14th December, 1858.

EXPIRING LAWS CONTINUATION BILL.—The Honorable H. Miller moved, That the Bill be now read a first time, printed, and read a second time to-morrow.

Question—put and passed.

Bill read a first time.

SHORTENING OF PARLIAMENTS BILL.—The Order of the Day for the second reading of this Bill being read, the Honorable H. Miller moved, That the Bill be now read a second time.

Question—put and passed.

The President pointed out, that as it might be held that the Bill fell under the operation of the LX clause of the Constitution Act, he would desire that the number of Members voting respectively for and against the Bill should be taken down by the Clerk.

The number voting for the second reading of the Bill was nineteen.—No Members voted against it.

Bill read a second time.

Ordered—That the said Bill be now considered in Committee of the whole Council.

The President left the Chair.

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

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

Question—put and passed.

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

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

The Honorable H. Miller moved, That the title of the Bill be "*An Act to alter the Electoral Districts of Victoria, and to increase the Number of Members of the Legislative Assembly thereof.*"

Question—put and passed.

Ordered—That the Bill be carried to the Legislative Assembly by the Honorables T. H. Fellows, W. Highett, R. Thomson, and H. Miller, with a Message, to acquaint the Legislative Assembly that the Council have agreed to the Bill with amendments, and to desire their concurrence therein.

COMMISSION OF THE PEACE—RECENT ADDITIONS TO.—The Honorable T. H. Fellows, in accordance with notice, moved, That a Select Committee be appointed to enquire and report to this House the circumstances attending the recent additions to the various Commissions of the Peace ; from whom the recommendations emanated ; by what Members of the Government they were received ; and what investigation took place before submitting the names to the Governor. That such Committee do consist of the Honorables T. T. a'Beckett, J. B. Bennett, M. Hervey, J. Stewart, H. Miller, T. H. Power, and the Mover ; and shall have power to take evidence and sit during the adjournment of the House.

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

MR. PRESIDENT,

The Legislative Assembly transmit to the Legislative Council a Bill, intituled, "*An Act for the Regulation of Oyster Fisheries in Victoria,*" to which they desire the concurrence of the Legislative Council.

FRANS. MURPHY,
Speaker.

Legislative Assembly Chambers,
Melbourne, 15th December, 1858.

OYSTER FISHERIES BILL.—The Honorable J. Hodgson moved, That the Bill be now read a first time, printed, and read a second time on Friday next.

Question—put and passed.

Bill read a first time.

COMMISSION OF THE PEACE—RECENT ADDITIONS TO.—

Debate resumed.

Amendment moved on the first part of the motion, by the Honorable T. T. a'Beckett, That all the words after the first word "the" in the second line, to the word "names" in the fifth line, be struck out, with the view of inserting the following words in lieu thereof, "means taken by the Government to secure a judicious selection of persons for appointment to the magistracy, and whether any, and if any, what investigation takes place before submitting their."

Original motion, by leave, withdrawn, and the amendment adopted by the Honorable T. H. Fellows.

Debate ensued.

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

MR. PRESIDENT,

The Legislative Assembly return to the Legislative Council a Bill, intituled, "*An Act for granting a Duty on Spirits distilled in Victoria,*" and acquaint them that they have agreed to the amendment made therein by the Legislative Council.

Legislative Assembly Chambers,
Melbourne, 15th December, 1858.

FRANS. MURPHY,
Speaker.

COMMISSION OF THE PEACE—RECENT ADDITIONS TO.—

Debate resumed.

Question—That a Select Committee be appointed to enquire and report to this House the means taken by the Government to secure a judicious selection of persons for appointment to the magistracy, and whether any, and if any, what investigation takes place before submitting their names to the Governor—put.

Council divided.

Contents, 14.
The Hon. J. Hodgson
G. S. Coppin
T. H. Fellows
J. P. Fawkner
J. B. Bennett
J. Stewart
G. Urquhart
J. H. Patterson
W. Highett
M. Hervey
T. H. Power
T. McCombie
W. Roope
T. T. a'Beckett (*Teller*).

Not Contents, 6.
The Hon. H. Miller
Dr. Tierney
J. Hood
Dr. Wilkie
R. Thomson
C. Vaughan (*Teller*).

The Honorable T. H. Fellows, with leave of the House, *amended* the latter part of his original motion.

Question—That such Committee do consist of the Honorables T. T. a'Beckett, M. Hervey, T. H. Power, J. H. Patterson, R. Thomson, G. S. Coppin, and the Mover; and shall have power to take evidence, and sit during the adjournment of the House—put and passed.

POSTPONEMENT.—The Order of the Day for the second reading of the County Courts Act Amendment Bill was postponed until to-morrow.

COMPLAINTS UNDER 21 VICTORIA, No. 29, SEC. 22.—The Honorable H. Miller laid upon the Table a Return to the Order of the Council of the 2nd November, 1858.

The Council adjourned at twenty minutes past six o'clock until three o'clock on Thursday, the 16th instant.

NOTICES OF MOTION AND ORDERS OF THE DAY.

THURSDAY, 16TH DECEMBER.

1. The Hon. G. S. COPPIN: To ask the Honorable the Commissioner of Trade and Customs at what time was the notice forwarded to Geelong of the detention of the *Columbian* for the conveyance of the English Mails.

ORDERS OF THE DAY:—

1. ADJOURNED DEBATE ON HON. J. H. PATTERSON'S MOTION—That an Address be presented to His Excellency the Governor, praying that he will cause to be set apart a quantity of garden ground, say from ten to twenty acres, adjacent to the New Military Barracks, Melbourne, to be cultivated by the soldiery for their exclusive use and benefit.
2. CONSTITUTION ACT CONSTRUCTION BILL.—To be read a third time.
3. EXPIRING LAWS CONTINUATION BILL.—To be read a second time.
4. SHORTENING OF PARLIAMENTS BILL.—To be read a third time.
5. COUNTY COURTS ACT AMENDMENT BILL.—To be read a second time.

FRIDAY, 17TH DECEMBER.

ORDER OF THE DAY:—

1. OYSTER FISHERIES BILL.—To be read a second time.

JANUARY, 1859.

ORDERS OF THE DAY:—

1. CHARITABLE INSTITUTIONS REGULATION BILL.—Adjourned Debate on second reading.
2. BOARD OF AGRICULTURE BILL.—To be further considered in Committee.
3. OFFICIALS IN PARLIAMENT BILL.—To be read a second time.

MEETINGS
OF
SELECT COMMITTEES.

Friday, 17th December.

COMMISSION OF THE PEACE—at 11 o'clock.

DIVORCE—at 12 o'clock.

Wednesday, 12th January, 1859.

MANAGEMENT OF BOARD OF LAND AND WORKS—at 12 o'clock.

ABORIGINES—at 2 o'clock.

G. W. RUSDEN,

Clerk of the Council and Clerk of the Parliaments.

Minutes of the Proceedings
OF THE
LEGISLATIVE COUNCIL.

THURSDAY, 16TH DECEMBER, 1858.

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

The President read the Prayer.

ADJOURNED DEBATE ON HON. J. H. PATTERSON'S MOTION—That an Address be presented to His Excellency the Governor, praying that he will cause to be set apart a quantity of garden ground, say from ten to twenty acres, adjacent to the New Military Barracks, Melbourne, to be cultivated by the soldiery for their exclusive use and benefit.

Debate resumed.

Motion, by leave, withdrawn.

CONSTITUTION ACT CONSTRUCTION BILL.—The President having reported that the Chairman of Committees had certified that the fair print of the Bill was in accordance with the Bill as reported from a Committee of the whole Council, the Honorable H. Miller moved, That the Bill be now read a third time.

The President, when putting the question, pointed out that, as it might be held that the Bill came under the operation of the LX. clause of the Constitution Act, he would desire that the numbers voting respectively for and against the Bill should be taken down.

The number of members voting for the third reading of the Bill was twelve, against it five. A point of order was raised, as to the necessity of the Bill being passed by an absolute majority of the Council.

The President ruled that the Bill had not been passed by the majority required by the LX. clause of the Constitution Act, and recommended to the consideration of the Council that it might be ordered by the Council that the Bill might be specially transmitted to the Governor, with a statement of the facts of the case, viz. :—That the President had ruled that the second and third reading of the Bill by an absolute majority of the Council was requisite, and that the Bill had not passed its third reading with such majority.

Bill read a third time.

The Honorable H. Miller moved, That the Bill do now pass.

Question—put and passed.

The Honorable H. Miller moved, That the title of the Bill be, "*An Act to remove doubts as to the power of the Governor under the XLVIII. section of the Constitution Act.*"

Question—put and passed.

The Honorable H. Miller moved, That the Clerk of the Parliaments do forward this Bill to His Excellency the Governor, accompanied with a notification that the third reading thereof has not passed by an absolute majority of the whole Council, and that the President has ruled that such absolute majority was required by the LX. clause of the Constitution Act.

Question—put and passed.

The Honorable H. Miller moved, That a Message be carried to the Legislative Assembly to acquaint them that the Bill had been agreed to by the Council, but that the third reading of the Bill had not passed by an absolute majority.

Question—put and passed.

EXPIRING LAWS CONTINUATION BILL.—The Order of the Day for the second reading of this Bill being read, the Honorable H. Miller moved, That the Bill be now read a second time.

Question—put and passed.

Bill read a second time.

Ordered—That the said Bill be now considered in Committee of the whole Council.

The President left the Chair.

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

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

Question—put and passed.

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

SHORTENING OF PARLIAMENTS BILL.—The President having reported that the Chairman of Committees had certified that the fair print of this Bill was in accordance with the Bill as reported from a Committee of the whole Council, the Honorable H. Miller moved, That the Bill be now read a third time.

Question—That the Bill be now read a third time—put; the President pointing out that, as it might be held that the Bill fell under the operation of the LX. clause of the Constitution Act, he would desire that the number of members voting respectively for and against the Bill should be taken down.

The number voting for the third reading of the Bill was nineteen. No member voted against it.

The question was therefore passed.

Bill read a third time, and, on the motion of the Honorable H. Miller, *passed*.

The Honorable H. Miller moved, That the title of the Bill be, “*An Act to shorten the duration of the Legislative Assembly.*”

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 any amendment.

COUNTY COURTS ACT AMENDMENT BILL.—The Order of the Day for the second reading of this Bill having been read, the Honorable J. Hood moved, That the Bill be now read a second time.

Debate ensued.

Amendment moved by the Honorable T. T. a’Beckett, That the word “now” be omitted, with a view to insert the words “this day six months,” after the word “time.”

Debate ensued.

Question—that the word “now,” proposed to be omitted, stand part of the question—put. Council divided.

Contents, 9.		Not Contents, 8.
The Hon. H. Miller		The Hon. T. H. Fellows
B. Williams		C. Vaughan
J. Hood		T. T. a’Beckett
A. Fraser		J. H. Patterson
W. Roope		J. Stewart
W. Highett		T. H. Power
Dr. Wilkie		J. P. Fawkner
T. McCombie		J. Hodgson (<i>Teller</i>).
G. S. Coppin (<i>Teller</i>).		

The question was therefore passed.

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

Bill read a second time.

Ordered—That the consideration of the Bill in Committee of the whole Council be made an Order of the Day for the first day of meeting after the Christmas recess.

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

MR. PRESIDENT,

The Legislative Assembly transmit to the Legislative Council a Bill, intituled, “*An Act to amend an Act intituled ‘An Act to regulate the Importation Carriage and ‘Custody of Gunpowder,’ 21 Victoria No. 21,*” to which they desire the concurrence of the Legislative Council.

FRANS. MURPHY,
Speaker.

Legislative Assembly Chambers,
Melbourne, 16th December, 1858.

GUNPOWDER ACT AMENDMENT BILL.—The Honorable H. Miller moved, That the Bill be now read a first time, printed, and read a second time to-morrow.

Question—put and passed.

Bill read a first time.

SUSPENSION OF STANDING ORDER XXIV.—The Honorable H. Miller moved, That the Standing Order No. XXIV. be suspended.

Question—put and passed.

ADJOURNMENT.—The Honorable H. Miller moved, That the House, at its rising this day, adjourn until half-past one o’clock to-morrow.

Question—put and passed.

The Council adjourned at twenty-five minutes past five o’clock until half-past one o’clock on Friday, the 17th instant.

NOTICES OF MOTION AND ORDERS OF THE DAY.

FRIDAY, 17TH DECEMBER.

1. The Hon. G. S. COPPIN : To ask the Honorable the Commissioner of Trade and Customs when it is the intention of Government to publish the code of Regulations for the year of Mining Leases.
2. The Hon. J. P. FAWKNER : To ask the Honorable the Commissioner of Trade and Customs whether the Government intend to appoint a commission of competent persons (not Government officers) to examine those portions of the Melbourne and Mount Alexander and Williamstown Railway about to be opened, some days before such opening takes place.
3. The Hon. M. HERVEY : To ask the Honorable the Commissioner of Trade and Customs if the Government have any objections to furnish the whole of the correspondence between the Honorable G. Urquhart and the Government, since March, 1855, relative to certain disputed lands in the parish of Yangerdook.

ORDERS OF THE DAY :—

1. OYSTER FISHERIES BILL.—To be read a second time.
2. EXPIRING LAWS CONTINUATION BILL.—To be read a third time.
3. GUNPOWDER ACT AMENDMENT BILL.—To be read a second time.

JANUARY, 1859.

ORDERS OF THE DAY :—

1. CHARITABLE INSTITUTIONS REGULATION BILL.—Adjourned Debate on second reading.
2. BOARD OF AGRICULTURE BILL.—To be further considered in Committee.
3. OFFICIALS IN PARLIAMENT BILL.—To be read a second time.
4. COUNTY COURTS ACT AMENDMENT BILL.—To be considered in Committee.

MEETINGS

OF

SELECT COMMITTEES.

Friday, 17th December.

COMMISSION OF THE PEACE—at 11 o'clock.

DIVORCE—at 12 o'clock.

Wednesday, 12th January, 1859.

MANAGEMENT OF BOARD OF LAND AND WORKS—at 12 o'clock.

ABORIGINES—at 2 o'clock.

G. W. RUSDEN,

Clerk of the Council and Clerk of the Parliaments.

VICTORIA.

No. 20.

Minutes of the Proceedings
OF THE
LEGISLATIVE COUNCIL.

FRIDAY, 17TH DECEMBER, 1858.

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

The President read the Prayer.

MESSAGE TO THE LEGISLATIVE ASSEMBLY.—The Honorable T. H. Fellows moved, by direction of the Select Committee on the Commission of the Peace, That a Message be transmitted to the Legislative Assembly to request that leave be given to the Honorable the Chief Secretary and the Attorney General, Members of that House, to attend to be examined as witnesses and give evidence before the Select Committee of the Legislative Council on the Commission of the Peace.

Question—put and passed.

INQUISITION ON THE BODY OF ONE LAWARNE.—The Honorable H. Miller laid upon the Table a Return to an Order of the Council made on the 30th November, 1858.

APPROPRIATIONS FOR SCHOOL PURPOSES.—The Honorable H. Miller laid upon the Table a Return to an Order of the Council made on the 20th April, 1858, in a former Session.

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

1. A Report of the Sheriff relating to recent executions at Her Majesty's Gaol, Melbourne (13th December, 1858).
2. Defences of the Colony.—Report of Commissioners (9th December, 1858).

Ordered severally to lie on the Table.

ADJOURNMENT.—The Honorable H. Miller, with leave of the Council, moved, without notice, That the House, at its rising this day, adjourn until Tuesday, the eleventh of January, 1859.

Amendment moved by the Honorable J. P. Fawkner, That the word "eleventh" be struck out, with the view to insert the word "eighteenth" in lieu thereof.

Debate ensued.

Question—That the word "eleventh," proposed to be omitted, stand part of the question—put and negatived.

Question—That the word "eighteenth," proposed to be inserted, be so inserted—put.

Council divided.

Contents, 9.
The Hon. G. S. Coppin
A. Fraser
T. H. Fellows
J. H. Patterson
M. Hervey
T. H. Power
G. Urquhart
J. P. Fawkner
J. Hodgson (*Teller*).

Not Contents, 8.
The Hon. J. Hood
W. Highett
Dr. Tierney
B. Williams
T. McCombie
C. Vaughan
J. B. Bennett
H. Miller (*Teller*).

The question was therefore passed.

Question—That the House, at its rising this day, adjourn until Tuesday, the eighteenth of January, 1859—put and passed.

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

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

MR. PRESIDENT,

The Legislative Assembly return to the Legislative Council a Bill intituled "*An Act to alter the Electoral Districts of Victoria and to increase the Number of Members of the Legislative Assembly thereof,*" and acquaint them that they have agreed to the amendments made therein by the Legislative Council.

FRANS. MURPHY,
Speaker.

Legislative Assembly Chamber,
Melbourne, 16th December, 1858.

ROYAL ASSENT TO BILLS, AND RESERVATION OF A BILL FOR THE SIGNIFICATION OF HER MAJESTY'S PLEASURE.—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 the Law relating to the Administration of the Estates of Deceased Persons.*"

"*An Act to amend the Mining Association Act 1858.*"

"*An Act for granting a Duty on Spirits distilled in Victoria.*"

"*An Act to alter the Electoral Districts of Victoria and to increase the Number of Members of the Legislative Assembly thereof.*"

"*An Act to remove Doubts as to the Power of the Governor under the XLVIII. Section of the Constitution Act.*"

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 shorten the Duration of the Legislative Assembly.*"

The Clerk of the Parliaments delivered to Mr. Speaker Schedules of the Bills assented to, and the Bill reserved.

Mr. Speaker and the Legislative Assembly withdrew.

His Excellency the Governor left the Council Chamber.

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

Question—put and passed.

Bill read a second time.

Ordered—That the Bill be now considered in Committee of the whole Council.

The President left the Chair.

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

Ordered.

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

The Honorable H. Miller moved, That the title of the Bill be "*An Act for the Continuation of Expiring Laws.*"

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 desire their concurrence therein.

GUNPOWDER ACT AMENDMENT BILL.—The Order of the Day for the second reading of this Bill being read, the Honorable H. Miller moved, That the Bill be now read a second time.

Question—put and passed.

Bill read a second time.

Ordered—That the said Bill be now considered in Committee of the whole Council.

The President left the Chair.

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

Ordered—That the adoption of the Report of the Committee be made an Order of the Day for Tuesday, the 18th January, 1859.

APPROPRIATIONS FOR SCHOOL PURPOSES.—The Honorable M. Hervey, with leave of the Council, moved, without notice, That the Return to the Order of the Council laid on the Table this day by the Honorable H. Miller be printed.

Question—put and passed.

The Council adjourned at twenty minutes to three o'clock, until three o'clock on Tuesday, 18th January, 1859.

NOTICES OF MOTION AND ORDERS OF THE DAY.

TUESDAY, 18TH JANUARY, 1859.

1. The Hon. G. S. COPPIN : To ask the Honorable the Commissioner of Trade and Customs when it is the intention of Government to publish the code of Regulations for the year of Mining Leases.
2. The Hon. M. HERVEY : To ask the Honorable the Commissioner of Trade and Customs if the Government have any objections to furnish the whole of the correspondence between the Honorable G. Urquhart and the Government, since March, 1855, relative to certain disputed lands in the parish of Yangerdook.

ORDERS OF THE DAY :—

1. CHARITABLE INSTITUTIONS REGULATION BILL.—Adjourned Debate on second reading.
2. BOARD OF AGRICULTURE BILL.—To be further considered in Committee.
3. OFFICIALS IN PARLIAMENT BILL.—To be read a second time.
4. COUNTY COURTS ACT AMENDMENT BILL.—To be considered in Committee.
5. OYSTER FISHERIES BILL.—To be further considered in Committee.
6. GUNPOWDER ACT AMENDMENT BILL.—Adoption of Report.

MEETINGS
OF
SELECT COMMITTEES.

Monday, 20th December.

COMMISSION OF THE PEACE—at 11 o'clock.
DIVORCE—at 12 o'clock.

Tuesday, 18th January, 1859.

MANAGEMENT OF BOARD OF LAND AND WORKS—at 12 o'clock.
ABORIGINES—at 2 o'clock.

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

VICTORIA.

No. 21.

Minutes of the Proceedings

OF THE

LEGISLATIVE COUNCIL.

TUESDAY, 18TH. JANUARY, 1859.

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

The President read the Prayer.

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

Criminal Statistics (10th May, 1858).

Ordered to lie on the Table.

PETITION.—The Honorable A. Fraser presented to the Council a Petition, signed by Henry Pateman and others, landowners and farmers of the Axe Creek district, praying that a reasonable amount of pasture land may be allowed them in the neighborhood of their farms.

The Petition was read at the Table by the Clerk.

CHARITABLE INSTITUTIONS REGULATION BILL.—The Order of the Day for the resumption of the adjourned debate on the second reading of this Bill being called on, the debate was resumed.

With leave of the Council, the Honorable J. Hodgson withdrew the Bill from consideration during the current session.

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

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

Ordered.

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

MR. PRESIDENT,

The Legislative Assembly acquaint the Legislative Council that the Legislative Assembly, being of opinion that the purpose for which it is proposed in the Message from the Legislative Council (of the 17th December instant) to examine the Honorables the Chief Secretary and the Attorney General before a Committee of that body contemplates the exercise of a power to interfere with the functions of the Executive not intended by the Constitution to be conferred upon the Legislative Council, must refuse their consent to these Honorable Members becoming witnesses as requested.

FRANS. MURPHY,
Speaker.

Legislative Assembly Chamber,
Melbourne, 17th December, 1858.

SUSPENSION OF STANDING ORDER NO. XXIV.—The Honorable M. Hervey, with leave of the Council, moved, without notice, That the Standing Order No. XXIV. be suspended.

Question—put and passed.

MESSAGE TO THE LEGISLATIVE ASSEMBLY.—The Honorable M. Hervey moved, That a Message be transmitted to the Legislative Assembly to request that leave be given to Mr. David Moore, a Member of that House, to attend to be examined as a witness and give evidence before the Committee of Elections and Qualifications of the Legislative Council.

Question—put and passed.

OFFICIALS IN PARLIAMENT BILL.—The Order of the Day for the second reading of this Bill being read, the Honorable H. Miller moved, That the Bill be now read a second time.

Debate ensued.

Question—put and passed.

Bill read a second time.

Ordered—That the said Bill be now considered in Committee of the whole Council.

The President left the Chair.

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

Ordered.

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

MR. PRESIDENT,

The Legislative Assembly acquaint the Legislative Council that they have given leave to Mr. David Moore, a Member of this House, to attend to be examined as a witness and give evidence before the Elections and Qualifications Committee of the Legislative Council appointed during the present Session.

FRANS. MURPHY,
Speaker.

Legislative Assembly Chamber,
18th January, 1859.

POSTPONEMENT.—The Order of the Day for the consideration of the County Courts Act Amendment Bill in Committee of the whole Council was postponed until Wednesday, the 19th instant.

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

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

Ordered—That the adoption of the Report of the Committee be made an Order of the Day for to-morrow.

GUNPOWDER ACT AMENDMENT BILL.—The Order of the Day for the adoption of the Report of the Committee of the whole Council being read, the Honorable H. Miller moved, That the Report be now adopted.

Question—put and passed.

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

The Honorable H. Miller moved, That the title of the Bill be "*An Act to amend an Act intituled 'An Act to regulate the Importation Carriage and Custody of Gunpowder '21 Vict., No. 21.'*"

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 desire their concurrence therein.

The Council adjourned at twenty minutes past six o'clock until three o'clock on Wednesday, the 19th instant,

NOTICES OF MOTION AND ORDERS OF THE DAY.

WEDNESDAY, 19TH JANUARY, 1859.

1. The Hon. T. H. FELLOWS : To ask the Honorable the Commissioner of Trade and Customs whether the attention of the Government has been called to the conduct of the Justices who determined the complaint of Hayes against Madden at Ballaarat.

Government Business.

ORDERS OF THE DAY :—

1. BOARD OF AGRICULTURE BILL.—To be further considered in Committee.
2. OFFICIALS IN PARLIAMENT BILL.—To be further considered in Committee.

General Business.

NOTICE OF MOTION :—

1. The Hon. J. P. FAWKNER : To move, That this House resolve not to receive any Bill other than an Appropriation of Money Bill for consideration or deliberation within the last fourteen days of the closing of the session.

ORDERS OF THE DAY :—

1. COUNTY COURTS ACT AMENDMENT BILL.—To be considered in Committee.
2. OYSTER FISHERIES BILL.—Adoption of Report.

MEETINGS
OF
SELECT COMMITTEES.

Wednesday, 19th January, 1859.

ELECTIONS AND QUALIFICATIONS—at 10 o'clock,

DIVORCE—at 12 o'clock.

ABORIGINES—at 2 o'clock.

G. W. RUSDEN,

Clerk of the Council and Clerk of the Parliaments.

Minutes of the Proceedings

OF THE

LEGISLATIVE COUNCIL.

WEDNESDAY, 19TH JANUARY, 1859.

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

The President read the Prayer.

ABORIGINES.—The Honorable T. McCombie, as Chairman of the Select Committee appointed on the 26th October last, “to enquire into the present condition of the Aborigines of this Colony, and the best means of alleviating their absolute wants,” brought up the Report of the Committee.

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

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

Ordered.

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

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

Ordered.

CONSIDERATION OF BILLS.—The Honorable J. P. Fawkner, in accordance with notice, moved, That this House resolve not to receive any Bill other than an Appropriation of Money Bill for consideration or deliberation within the last fourteen days of the closing of the session.

Debate ensued.

Question—put and negatived.

COUNTY COURTS ACT AMENDMENT BILL.—The Order of the Day for the consideration of this Bill in Committee of the whole Council being read, the Honorable J. Hood moved, That the President do now leave the Chair.

Question—put and passed.

The President left the Chair.

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

Ordered.

OYSTER FISHERIES 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 this Bill be now re-committed to a Committee of the whole Council.

Question—put and passed.

The President left the Chair.

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

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

Question—put.

Notice being taken that a quorum of Members was not present, the President having counted the House, left the Chair at twenty minutes past six o'clock.

NOTICES OF MOTION AND ORDERS OF THE DAY.

THURSDAY, 20TH JANUARY, 1859.

ORDER OF THE DAY:—

1. BOARD OF AGRICULTURE BILL.—To be further considered in Committee.

TUESDAY, 25TH JANUARY.

NOTICE OF MOTION:—

1. The Hon. T. McCOMBIE: To move, That the Report of the Select Committee on the "Aborigines," be received.

ORDERS OF THE DAY:—

1. OFFICIALS IN PARLIAMENT BILL.—To be further considered in Committee.
2. COUNTY COURTS ACT AMENDMENT BILL.—To be further considered in Committee.

MEETINGS

OF

SELECT COMMITTEES.

Thursday, 20th January, 1859.

ELECTIONS AND QUALIFICATIONS—at 10 o'clock.

Tuesday, 25th January.

IMPOUNDING ACT—at 11 o'clock.

DIVORCE—at 12 o'clock.

G. W. RUSDEN,

Clerk of the Council and Clerk of the Parliaments.

VICTORIA.

No. 23.

Minutes of the Proceedings
OF THE
LEGISLATIVE COUNCIL.

THURSDAY, 20TH JANUARY, 1859.

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

The President read the Prayer.

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

Denominational Schools.—Appendix to Report for 1856-7.

Ordered to lie on the Table.

RAILWAY LOAN—ESTIMATE OF ADVANTAGES FROM.—The Honorable H. Miller laid upon the Table a Return to an Order of the Council of the 7th December, 1858.

RESTORATION OF LAPSED ORDER OF THE DAY.—The Honorable T. H. Fellows, with leave of the Council, without notice, moved, That the Order of the Day for the adoption of the Report of a Committee of the whole Council on the Oyster Fisheries Bill, which lapsed by the counting out of the House on the 19th instant, be restored to the Business Paper for this day.

Question—put and passed.

ELECTIONS AND QUALIFICATIONS COMMITTEE.—The Honorable M. Hervey, as Chairman of the Committee of Elections and Qualifications, brought up the Report of the Committee on the Petition of William Rutledge, presented on the 30th November last, praying that the election of Daniel Joseph Tierney might be declared void, and moved, That the Report be received and be printed, together with the Proceedings of the Committee and the Evidence.

Question—put and passed.

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

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

The Honorable H. Miller moved, That the adoption of the Report of the Committee be made an Order of the Day for Tuesday next.

Ordered.

OYSTER FISHERIES BILL.—The Order of the Day for the adoption of the Report of the Committee of the whole Council being called on, the Honorable T. H. Fellows moved, That the Bill be now re-committed to a Committee of the whole Council.

Question—put and passed.

The President left the Chair.

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

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

Ordered.

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

Question—put and passed.

POSTPONEMENTS.—The Honorable T. H. Fellows moved, That all business on the Notice Paper for Tuesday next be postponed until Wednesday next.

Question—put and passed.

MEETINGS OF SELECT COMMITTEES.—The Honorable M. Hervey moved, That all Select Committees of the Council be empowered to sit during the adjournment.

Question—put and passed.

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

NOTICES OF MOTION AND ORDERS OF THE DAY.

WEDNESDAY, 26TH JANUARY.

Government Business.

ORDERS OF THE DAY :—

1. OFFICIALS IN PARLIAMENT BILL.—To be further considered in Committee.
2. BOARD OF AGRICULTURE BILL.—Adoption of Report.

General Business.

NOTICES OF MOTION :—

1. The Hon. J. B. BENNETT : To move, That the Report of the Select Committee appointed to enquire into the present state of the Electoral Rolls of the South Province, and to report in what manner the system of Registration may be rendered more perfect, be adopted.
2. The Hon. T. McCOMBIE : To move, That the Report of the Select Committee on the "Aborigines" be received.

ORDERS OF THE DAY :—

1. COUNTY COURTS ACT AMENDMENT BILL.—To be further considered in Committee.
2. OYSTER FISHERIES BILL.—Adoption of Report.

MEETINGS

OF

SELECT COMMITTEES.

Tuesday, 25th January.

IMPOUNDING ACT—at 11 o'clock.

DIVORCE—at 12 o'clock.

G. W. RUSDEN,

Clerk of the Council and Clerk of the Parliaments.

VICTORIA.

No. 24.

Minutes of the Proceedings

OF THE

LEGISLATIVE COUNCIL.

WEDNESDAY, 26TH JANUARY, 1859.

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

The President read the Prayer.

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

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

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

MR. PRESIDENT,

The Legislative Assembly return to the Legislative Council a Bill intituled "An Act to amend an Act intituled 'An Act to regulate the Importation Carriage and 'Custody of Gunpowder, 21 Victoria No. 21,'" and inform the Legislative Council that the Legislative Assembly have agreed to the amendment made therein by the Legislative Council.

FRANS. MURPHY,
Speaker.

Legislative Assembly Chamber,
Melbourne, 19th January, 1859.

MR. PRESIDENT,

The Legislative Assembly acquaint the Legislative Council that they have agreed to the recommendations contained in the Report from the Joint Committee of the Refreshment Rooms of the Houses of Parliament.

FRANS. MURPHY,
Speaker.

Legislative Assembly Chamber,
Melbourne, 19th January, 1859.

MR. PRESIDENT,

The Legislative Assembly transmit to the Legislative Council a Bill intituled "An Act to define the Law in regard to the Registration of Wholesale Dealers in "Spirits," to which they desire the concurrence of the Legislative Council.

FRANS. MURPHY,
Speaker.

Legislative Assembly Chamber,
Melbourne, 20th January, 1859.

SPIRIT DEALERS REGISTRATION ACT AMENDMENT BILL.—The Honorable H. Miller moved, That this Bill be now read a first time, printed, and read a second time to-morrow.

Amendment moved by the Honorable J. P. Fawcner, That the word "to-morrow" be omitted, with the view of inserting the words "on Tuesday next" in lieu 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 Bill be now read a first time, printed, and read a second time on Tuesday next—put and passed.

Bill read a first time.

BOARD OF AGRICULTURE BILL.—The Order of the Day for the adoption of the Report of a Committee of the whole Council on this Bill being read, the Honorable H. Miller moved, That the Report be now adopted.

Question—put and passed.

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

POSTPONEMENT.—The Order of the Day for the further consideration of the County Courts Act Amendment Bill in Committee of the whole Council was postponed until Thursday, the 27th instant.

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

Question—put and passed.

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

OFFICIALS IN PARLIAMENT BILL.—The Honorable H. Miller 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 to-morrow.

Question—put and passed.

MESSAGE TO THE LEGISLATIVE ASSEMBLY.—The Honorable G. Urquhart moved, with leave of the Council, without notice, That a Message be transmitted to the Legislative Assembly to request that leave be given to Archibald Michie, Esquire, and David Moore, Esquire, Members of that House, to attend and be examined before the Select Committee of the Legislative Council on the Management of the Board of Land and Works.

Question—put and passed.

The Council adjourned at five minutes to five o'clock, until three o'clock on Thursday, the 27th instant.

NOTICES OF MOTION AND ORDERS OF THE DAY.

THURSDAY, 27TH JANUARY, 1859.

1. The Hon. A. FRASER: To ask the Honorable the Commissioner of Trade and Customs if he is prepared to give a reason why the Government delayed the proclaiming and opening of the Murray River road *via* McCrae-street, Sandhurst, in accordance with his positive promise to this House on the 15th of December last, which promise is in the following words:—"That the pledge given by the Government had not yet been redeemed *it was true*, but it was the intention of the Government to proclaim the opening of this street *without delay*."

NOTICES OF MOTION:—

1. The Hon. J. F. STRACHAN: To move, That the statement relative to the Railway Loan, laid on the Table of the House on Thursday last by the Honorable the Commissioner of Trade and Customs, be printed.
2. The Hon. J. B. BENNETT: To move, That the Report of the Select Committee appointed to enquire into the present state of the Electoral Rolls of the South Province, and to report in what manner the system of Registration may be rendered more perfect, be adopted.
3. The Hon. T. McCOMBIE: To move, That the Report of the Select Committee on the "Aborigines" be received.

ORDERS OF THE DAY:—

1. OFFICIALS IN PARLIAMENT BILL.—Adoption of Report.
2. COUNTY COURTS ACT AMENDMENT BILL.—To be further considered in Committee.
3. OYSTER FISHERIES BILL.—To be read a third time.

TUESDAY, 1ST FEBRUARY.

1. SPIRIT DEALERS REGISTRATION ACT AMENDMENT BILL.—To be read a second time.
2. BOARD OF AGRICULTURE BILL.—To be read a third time.

MEETING OF SELECT COMMITTEE.

Thursday, 27th January, 1859.

IMPOUNDING ACT—at 1 o'clock.

G. W. RUSDEN,

Clerk of the Council and Clerk of the Parliaments.

VICTORIA.

No. 25.

Minutes of the Proceedings
OF THE
LEGISLATIVE COUNCIL.

THURSDAY, 27TH JANUARY, 1859.

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

The President read the Prayer.

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

Civil Service.—Returns furnished to the Honorable the Chief Secretary (31st January, 1858).

Ordered to lie on the Table.

PETITION.—The Honorable J. Hodgson presented to the Council a Petition signed by the Rev. J. C. Medland and others, inhabitants of Williamstown, praying that the Honorable House will pause before taking any step which may be felt to be the opening up of a serious source of evil, by the opening of the Railway from Melbourne to Williamstown for traffic on Sundays.

Petition received.

RAILWAY LOAN—ESTIMATE OF ADVANTAGES FROM.—The Honorable J. F. Strachan, in accordance with notice, moved, That the statement relative to the Railway Loan, laid on the Table of the House on Thursday last by the Honorable the Commissioner of Trade and Customs, be printed.

Question—put and passed.

SOUTH PROVINCE ELECTORAL ROLLS.—REPORT OF SELECT COMMITTEE.—The Honorable J. B. Bennett, in accordance with notice, moved, That the Report of the Select Committee appointed to enquire into the present state of the Electoral Rolls of the South Province, and to report in what manner the system of Registration may be rendered more perfect, be adopted.

Debate ensued.

Question—put and passed.

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

MR. PRESIDENT,

The Legislative Assembly transmit to the Legislative Council a Bill intituled "*An Act to incorporate the Shareholders of the National Bank of Australasia and for other purposes ;*"

Also a Bill intituled "*An Act to alter and extend some of the provisions contained in the ' St. Kilda and Brighton Railway Act 1858 ' and for other purposes ;*"

Also a Bill intituled "*An Act to reduce the Capital and borrowing powers of the ' Melbourne Exchange Company and for other purposes ;*"

to which they desire the concurrence of the Legislative Council.

FRANS. MURPHY,
Speaker.

Legislative Assembly Chamber,
Melbourne, January, 1859.

MR. PRESIDENT,

The Legislative Assembly acquaint the Legislative Council that permission has been granted to Archibald Michie, Esq., and David Moore, Esq., Members of this House, to attend to be examined as witnesses before a Select Committee of the Legislative Council, "to enquire into the present Management of the Board of Land and Works, and to report on the measures which may be required for the economical working of the same," as requested by the Legislative Council.

FRANS. MURPHY,
Speaker.

Legislative Council Chamber,
Melbourne, 26th January, 1859.

NATIONAL BANK OF AUSTRALASIA BILL.—The Honorable J. B. Bennett 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 J. B. Bennett moved, That the Standing Order No. XXIV. be suspended, in order to enable a Message to be sent to the Legislative Assembly without notice of motion given.

Debate ensued.

Question—put and passed.

The Honorable J. B. Bennett, 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 in the present Session of Parliament on the Bill.

Question—put and passed.

ST. KILDA AND BRIGHTON RAILWAY COMPANY'S BILL.—The Honorable T. McCombie having undertaken to produce a certificate of the payment of the amount required to be paid to the Colonial Treasurer for the public uses of the Colony, moved, That this Bill be now read a first time.

Question—put and passed.

Bill read a first time.

Ordered—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 in the present session of Parliament on the Bill.

MELBOURNE EXCHANGE COMPANY'S BILL.—The Honorable H. Miller moved, That the consideration of the Message from the Legislative Assembly with this Bill be made an Order of the Day for Tuesday next.

Question—put and passed.

ABORIGINES—REPORT OF SELECT COMMITTEE.—The Honorable T. McCombie moved, in accordance with notice, That the Report of the Select Committee on the Aborigines be received.

Question—put and passed.

OFFICIALS IN PARLIAMENT BILL.—The Order of the Day for the adoption of the Report of a Committee of the whole Council on this Bill being read, the Honorable H. Miller moved, That the Report be now adopted.

Question—put and passed.

The Honorable H. Miller moved, That the third reading of the Bill be made an Order of the Day for Tuesday next.

Amendment moved by the Honorable J. B. Bennett, That the words, "third reading" be omitted, with the view of inserting the word "recommittal."

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

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

Question—That the recommittal of the Bill be made an Order of the Day for Tuesday next—put.

Amendment moved by the Honorable T. H. Fellows, That the words "on the ninth section" be inserted after the word "Bill."

Debate ensued.

Question—put and passed.

The Honorable J. B. Bennett moved, That the words "sixth and" be inserted before the word "ninth."

Debate ensued.

Question—put and passed.

Question—That the recommittal of the Bill on the sixth and ninth sections be made an Order of the Day for Tuesday next—put and passed.

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

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

The Honorable T. H. Fellows moved, That the Bill be now recommitted.

Question—put and passed.

The President left the Chair.

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

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

OYSTER FISHERIES BILL.—The President having reported that the Chairman of Committees had certified that the fair print of this Bill was in accordance with the Bill as reported from a Committee of the whole Council, the Honorable T. H. Fellows moved, That the Bill be now read a third time.

Question—put.

Amendment moved by the Honorable J. P. Fawkner, That the word “now” be omitted, with the view of adding 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 third time—put.
Council divided.

Contents, 9.
The Hon. H. Miller
A. Fraser
T. H. Fellows
J. F. Strachan
T. H. Power
Dr. Wilkie
Dr. Hope
J. B. Bennett
J. Hodgson (*Teller*).

Not Contents, 3.
The Hon. J. Hood
T. McCombie
J. P. Fawkner (*Teller*).

The question was therefore passed.

The Bill was read a third time, and, on the motion of the Honorable T. H. Fellows, *passed*.

The Honorable T. H. Fellows moved, That the title of the Bill be “*An Act for the Regulation of Oyster Fisheries in Victoria.*”

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 desire their concurrence therein.

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

- (1.) Continuance of Australian Mail Service.—Circular Despatch from the Right Honorable the Secretary of State (9th September, 1858).
- (2.) Extension of Royal Mail Contract.—Circular Despatch—Right Honorable the Secretary of State (9th September, 1858).
- (3.) Mail Service between Great Britain and Australia.—Circular Despatch—Right Honorable the Secretary of State (16th October, 1858).
- (4.) Electric Telegraph.—Half-yearly Report (up to 30th of June, 1858).
- (5.) Submarine Telegraphic Communication between Cape Otway and Tasmania.—Second report (25th October, 1858).

Ordered severally to lie on the Table.

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

NOTICES OF MOTION AND ORDERS OF THE DAY.

TUESDAY, 1ST FEBRUARY, 1859.

1. The Hon. A. FRASER: To ask the Honorable the Commissioner of Trade and Customs if he is prepared to give a reason why the Government delayed the proclaiming and opening of the Murray River road *via* McCrae-street, Sandhurst, in accordance with his positive promise to this House on the 15th of December last, which promise is in the following words:—“That the pledge given by the Government had not yet been redeemed *it was true*, but it was the intention of the Government to proclaim the opening of this street *without delay.*”

NOTICES OF MOTION:—

1. The Hon. T. McCOMBIE: To move—
 - (1.) That an humble Address be presented to His Excellency, praying that he will be pleased to grant portions of Land in suitable localities in the various districts of the Colony for the use of the Aborigines (in accordance with the recommendation of the Select Committee of the Legislative Council).
 - (2.) That he will also be pleased to place upon the Estimates for this year a sum of money sufficient for affording the various tribes food and clothing; for defraying the expense of erecting Mission Houses, or other buildings, on the reserves; and for paying Missionaries, either lay or clerical, for taking charge of the various tribes of Aborigines.
2. The Hon. J. H. PATTERSON: To move, The Suspension of Standing Orders No. 113 and 116, for the purpose of facilitating the consideration of the Bendigo Water Works Company's Bill.

ORDERS OF THE DAY:—

1. SPIRIT DEALERS REGISTRATION ACT AMENDMENT BILL.—To be read a second time.
2. BOARD OF AGRICULTURE BILL.—To be read a third time.
3. MELBOURNE EXCHANGE COMPANY'S BILL. — Consideration of Message from Legislative Assembly.
4. OFFICIALS IN PARLIAMENT BILL.—To be recommitted on the sixth and ninth sections.
5. COUNTY COURTS ACT AMENDMENT BILL.—Adoption of Report.

THURSDAY, 3RD FEBRUARY.

NOTICES OF MOTION:—

1. The Hon. J. B. BENNETT : To move, That the National Bank of Australasia Bill be now read a second time.
2. The Hon. T. McCOMBIE : To move, That the St. Kilda and Brighton Railway Company's Extension of Powers Bill be now read a second time.

MEETINGS

OF

SELECT COMMITTEES.

Tuesday, 1st February, 1859.

IMPOUNDING ACT—at half-past 12 o'clock.

DIVORCE—at half-past 1 o'clock.

G. W. RUSDEN,

Clerk of the Council and Clerk of the Parliaments.

VICTORIA.

No. 26.

Minutes of the Proceedings
OF THE
LEGISLATIVE COUNCIL.

TUESDAY, 1st FEBRUARY, 1859.

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

The President read the Prayer.

PETITION.—The Honorable J. P. Fawkner presented to the Council a Petition from A. R. Cruikshank, Esquire, praying that a certain clause may be restored to the National Bank of Australasia Bill.

Petition received.

ABORIGINES.—MOTION FOR ADDRESS.—The Honorable T. McCombie, in accordance with notice, moved—

- (1.) That an humble Address be presented to His Excellency, praying that he will be pleased to grant portions of Land in suitable localities in the various districts of the Colony for the use of the Aborigines (in accordance with the recommendation of the Select Committee of the Legislative Council).
- (2.) That he will also be pleased to place upon the Estimates for this year a sum of money sufficient for affording the various tribes food and clothing ; for defraying the expense of erecting Mission Houses, or other buildings, on the reserves ; and for paying Missionaries, either lay or clerical, for taking charge of the various tribes of Aborigines.

Debate ensued.

Amendment moved by the Honorable J. F. Strachan, That all the words after the word "clothing" be struck out.

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

Contents, 12.

The Hon. J. Hodgson
J. H. Patterson
G. S. Coppin
J. B. Bennett
M. Hervey
J. Stewart
W. Highett
Dr. Hope
T. McCombie
C. Vaughan
Dr. Wilkie
A. Fraser (*Teller*).

Not Contents, 6.

The Hon. J. P. Fawkner
J. Hood
T. H. Power
J. F. Strachan
W. Roope
H. Miller (*Teller*).

The question was therefore passed.

Question—

- (1.) That an humble Address be presented to His Excellency, praying that he will be pleased to grant portions of land in suitable localities in the various districts of the Colony for the use of the Aborigines (in accordance with the recommendation of the Select Committee of the Legislative Council).
- (2.) That he will also be pleased to place upon the Estimates for this year a sum of money sufficient for affording the various tribes food and clothing ; for defraying the expense of erecting Mission Houses, or other buildings, on the reserves ; and for paying Missionaries, either lay or clerical, for taking charge of the various tribes of Aborigines—put and passed.

SPIRIT DEALERS REGISTRATION ACT AMENDMENT BILL.—The Order of the Day for the second reading of this Bill being read, the Honorable H. Miller moved; That the Bill be now read a second time.

Debate ensued.

Question—put and passed.

Bill read a second time.

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

MR. PRESIDENT,

The Legislative Assembly transmit to the Legislative Council a Bill intituled "*An Act for the Protection of the Fisheries of Victoria,*" to which they desire the concurrence of the Legislative Council.

FRANS. MURPHY,
Speaker.

Legislative Assembly Chambers,
Melbourne, 27th January, 1859.

MR. PRESIDENT,

The Legislative Assembly transmit to the Legislative Council a Bill intituled "*An Act to amend the Law relating to Innkeepers, Carriers, and others,*" to which they desire the concurrence of the Legislative Council.

FRANS. MURPHY,
Speaker.

Legislative Assembly Chambers,
Melbourne, 27th January, 1859.

MR. PRESIDENT,

The Legislative Assembly return to the Legislative Council a Bill intituled "*An Act for the Regulation of Oyster Fisheries in Victoria,*" and inform the Legislative Council that the Legislative Assembly have agreed to the amendments made therein by the Legislative Council.

FRANS. MURPHY,
Speaker.

Legislative Assembly Chamber,
Melbourne, 28th January, 1859.

MR. PRESIDENT,

The Legislative Assembly transmit to the Legislative Council a Bill intituled "*An Act to enlarge the powers of the Australian Trust Company, and to remove doubts as to the validity of Deeds executed by Agents of the Company, and for other purposes,*" to which they desire the concurrence of the Legislative Council.

FRANS. MURPHY,
Speaker.

Legislative Assembly Chambers,
Melbourne, 28th January, 1859.

MR. PRESIDENT,

The Legislative Assembly transmit to the Legislative Council Copies of the Report and Proceedings from the Select Committees of the Legislative Assembly on the Bills intituled—

"*An Act to Incorporate the Shareholders of the National Bank of Australasia, and for other purposes ;*" and

"*An Act to alter and extend some of the provisions contained in the ' St. Kilda and Brighton Railway Act 1858 ' and for other purposes ;*"

together with the Minutes of Evidence taken before such Committee.

FRANS. MURPHY,
Speaker.

Legislative Assembly Chambers,
Melbourne, 27th January, 1859.

FISHERIES BILL.—The Honorable Dr. Hope 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.

AUSTRALIAN TRUST COMPANY'S BILL.—The Honorable J. B. Bennett having undertaken to produce a certificate of the payment of the amount required to be paid to the Colonial Treasurer for the public uses of the Colony, moved, That this Bill be now read a first time.

Question—put and passed.

Bill read a first time.

Ordered—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 in the present session of Parliament on the Bill.

INNKEEPERS AND CARRIERS ACT AMENDMENT BILL.—The Honorable J. H. Patterson 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.

SPIRIT DEALERS REGISTRATION ACT AMENDMENT BILL.—Ordered, That this Bill be now considered in a Committee of the whole Council.

The President left the Chair.

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

Ordered.

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

The Honorable H. Miller moved, That the title of the Bill be "*An Act for the establishment of a Board of Agriculture.*"

Question—put and passed.

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

MELBOURNE EXCHANGE COMPANY'S BILL.—CONSIDERATION OF MESSAGE FROM THE LEGISLATIVE ASSEMBLY.—The Order of the Day for the consideration of the Message from the Legislative Assembly with this Bill being read, the Honorable A. Fraser 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 the Bill be now read a first time.

Question—put and passed.

Bill read a first time.

Ordered—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 in the present Session of Parliament on the Bill.

OFFICIALS IN PARLIAMENT BILL.—The Order of the Day for the recommittal of this Bill on the sixth and ninth sections thereof being read, the President left the Chair.

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

Ordered.

COUNTY COURTS ACT AMENDMENT BILL.—The Order of the Day for the adoption of the Report of a Committee of the whole Council on this Bill being read, the Honorable J. Hood 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 Thursday next.

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

Question—put and passed.

POSTPONEMENTS.—The Honorable J. F. Strachan moved, That all business set down for Wednesday next be postponed until Thursday next.

Question—put and passed.

MEETINGS OF SELECT COMMITTEES.—The Honorable J. Hodgson moved, That all Select Committees be empowered to sit during the adjournment.

Question—put and passed.

The Council adjourned at five minutes past five o'clock, until three o'clock on Thursday, the 3rd instant.

NOTICES OF MOTION AND ORDERS OF THE DAY.

THURSDAY, 3RD FEBRUARY, 1859.

1. The Hon. J. F. STRACHAN: To ask the Honorable the Commissioner of Trade and Customs—

(1.) Is the Statement laid on the Table of this House by the Commissioner of Trade and Customs, giving the calculations upon which the Government based their estimate of the advantages in accepting the tender of the six Banks for the negociation of the Railway Loan, and purporting to be a Return in obedience to a vote of this Council, the only statement the Government intend to make on this subject.

(2.) What Brokerage is proposed to be charged by the Banks on sale and repayment of Debentures.

(3.) What Amount of Drafts has been negociated by the Government through the Banks during the past four months, and at what Exchanges respectively.

(4.) Was the Treasurer informed, either verbally or in writing, that the "Bank of known standing," mentioned by Messrs. De Pass Brothers and Co., as security for the due fulfilment of the conditions of their proposal, was the Oriental Bank Corporation.

2. The Hon. M. HERVEY : To ask if the Government will, at the end of February, publish a List of all occupants of Runs throughout the Colony in arrears for Depasturing Licenses, Assessment on Stock, or Transfer License Fees.

NOTICES OF MOTION :—

1. The Hon. J. B. BENNETT : To move, That the National Bank of Australasia Bill be now read a second time.
2. The Hon. T. McCOMBIE : To move, That the St. Kilda and Brighton Railway Company's Extension of Powers Bill be now read a second time.
3. The Hon. J. P. FAWKNER : To move, That the Petition from A. R. Cruikshank, Esq., presented by him on the 1st instant, be referred to the Committee of the whole Council on the National Bank of Australasia Bill.
4. The Hon. J. H. PATTERSON : To move, The Suspension of the Standing Orders No. 113 and 115, for the purpose of facilitating the consideration of the Bendigo Water Works Company's Bill.

ORDERS OF THE DAY :—

1. SPIRIT DEALERS REGISTRATION ACT AMENDMENT BILL.—To be further considered in Committee.
2. OFFICIALS IN PARLIAMENT BILL.—To be further considered in Committee on the sixth and ninth clauses.
3. COUNTY COURTS ACT AMENDMENT BILL.—To be read a third time.

TUESDAY, 8TH FEBRUARY.

ORDERS OF THE DAY :—

1. FISHERIES BILL.—To be read a second time.
2. INNKEEPERS AND CARRIERS ACT AMENDMENT BILL.—To be read a second time.

MEETINGS
OF
SELECT COMMITTEES.

Thursday, 3rd February, 1859.

DIVORCE—at half-past 1 o'clock.

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

VICTORIA.

No. 27.

Minutes of the Proceedings

OF THE

LEGISLATIVE COUNCIL.

THURSDAY, 3RD FEBRUARY, 1859.

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

The President read the Prayer.

PETITION.—The Honorable A. Fraser presented to the Council a Petition signed by Dalmahoy Campbell and other Shareholders of the National Bank of Australasia, praying that the Bill for the incorporation of the said Bank may be passed during the present session.

Petition received.

The Petition was read at the Table by the Clerk.

ST. KILDA AND BRIGHTON RAILWAY BILL.—The Honorable T. McCombie, in accordance with notice, moved, That the St. Kilda and Brighton Railway Company's Extension of Powers Bill be now read a second time.

Debate ensued.

Question—put and passed.

Bill read a second time.

Ordered—That the said Bill be now considered in Committee of the whole Council.

The President left the Chair.

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

Ordered.

PETITION OF A. R. CRUIKSHANK.—The Honorable J. P. Fawcner, in accordance with notice, moved, That the Petition from A. R. Cruikshank, Esquire, presented on the 1st instant, be referred to the Committee of the whole Council to which the National Bank of Australasia Bill may be referred.

Question—put and passed.

NATIONAL BANK OF AUSTRALASIA BILL.—The Honorable J. B. Bennett, in accordance with notice, moved, That the National Bank of Australasia Bill be now read a second time.

Debate ensued.

Question—put and passed.

Bill read a second time.

Ordered—That the said Bill be now considered in Committee of the whole Council.

The President left the Chair.

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

Ordered.

IMPOUNDING ACT.—REPORT OF SELECT COMMITTEE.—The Honorable T. H. Power, as Chairman of the Select Committee of the Council, appointed on the 20th October last, to enquire into the working of the present Impounding Act, brought up the Report of the Committee, and moved, That the same be received and printed.

Question—put and passed.

ABORIGINES.—REPORT OF SELECT COMMITTEE.—The Honorable T. McCombie moved, That the Report of the Select Committee on the Aborigines (brought up on the 19th ultimo) be printed.

Question—put and passed.

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

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

Ordered.

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

MR. PRESIDENT,

The Legislative Assembly transmit to the Legislative Council copies of the Reports and Proceedings from the Select Committees of the Legislative Assembly upon the Bills intituled "*An Act to enlarge the powers of the Australian Trust Company and to remove doubts as to the validity of Deeds executed by the Agents of the Company and for other purposes,*" and "*An Act to reduce the capital and borrowing powers of the Melbourne Exchange Company and for other purposes,*" as requested by the Legislative Council.

FRANS. MURPHY,
Speaker.

Legislative Assembly Chambers,
Melbourne, 1st February, 1859.

MR. PRESIDENT,

The Legislative Assembly transmit to the Legislative Council a Bill intituled "*An Act to enable the Trustees for the time being to sell and convey certain Land situate in the City of Melbourne and vested in such Trustees to the use of the Religious Society denominated Wesleyan Methodists,*" to which they desire the concurrence of the Legislative Council.

FRANS. MURPHY,
Speaker.

Legislative Assembly Chambers,
Melbourne, 2nd February, 1859.

WESLEYAN METHODISTS BILL.—The Honorable A. Fraser 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 A. Fraser, with leave of the Council, without notice, moved, 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 the Parliament on the Bill.

Question—put and passed.

MELBOURNE EXCHANGE COMPANY'S BILL.—The Honorable A. Fraser, with leave of the Council, moved, without notice, That the second reading of this Bill be made an Order of the Day for Tuesday next.

Question—put and passed.

AUSTRALIAN TRUST COMPANY'S BILL.—The Honorable J. B. Bennett, with leave of the Council, moved, without notice, That the second reading of this Bill be made an Order of the Day for Tuesday next.

Question—put and passed.

OFFICIALS IN PARLIAMENT BILL.—The Order of the Day for the further consideration of this Bill in Committee of the whole Council on the sixth and ninth clauses being read, the President left the Chair.

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

The Honorable H. Miller moved, That the adoption of the Report of the Committee be made an Order of the Day for Tuesday next.

Ordered.

COUNTY COURTS ACT AMENDMENT BILL.—The President having reported that the Chairman of Committees had certified that the fair print of this Bill was in accordance with the Bill as reported from a Committee of the whole Council, the Bill, on the motion of the Honorable J. Hood, was read a third time and *passed*.

The Honorable J. Hood moved, That the title of the Bill be "*An Act to amend the Law relating to the more easy recovery of certain Debts and Demands.*"

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 desire their concurrence with the same.

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

NOTICES OF MOTION AND ORDERS OF THE DAY.

TUESDAY, 8TH FEBRUARY, 1859.

NOTICES OF MOTION :—

1. The Hon. J. H. PATTERSON : To move, The Suspension of the Standing Orders No. 113 and 115, for the purpose of facilitating the consideration of the Bendigo Water Works Company's Bill.
2. The Hon. J. F. STRACHAN : To move, That the Statement placed upon the Table of this House, on the 20th of January last, purporting to be in conformity with an Order of this Council, agreed to on the 7th December, be withdrawn, inasmuch as it is not a statement in accordance with the motion on which the Council came to a decision, as it bears in itself evidence that it is not based on fact, and as it is a misrepresentation of Messrs. Baring Brothers and Co.'s negotiations with the Government of Victoria relative to the Railway Loan.
3. The Hon. T. H. POWER : To move, That the Report of the Select Committee on the Impounding Act be adopted.

ORDERS OF THE DAY :—

1. FISHERIES BILL.—To be read a second time.
2. INNKEEPERS AND CARRIERS ACT AMENDMENT BILL.—To be read a second time.
3. ST. KILDA AND BRIGHTON RAILWAY COMPANY'S EXTENSION OF POWERS BILL.—To be further considered in Committee.
4. NATIONAL BANK OF AUSTRALASIA BILL.—To be further considered in Committee.
5. SPIRIT DEALERS REGISTRATION ACT AMENDMENT BILL.—To be further considered in Committee.
6. MELBOURNE EXCHANGE COMPANY'S BILL.—To be read a second time.
7. AUSTRALIAN TRUST COMPANY'S BILL.—To be read a second time.
8. OFFICIALS IN PARLIAMENT BILL.—Adoption of Report.

G. W. RUSDEN,

Clerk of the Council and Clerk of the Parliaments.

VICTORIA.

No. 28.

Minutes of the Proceedings
OF THE
LEGISLATIVE COUNCIL.

TUESDAY, 8TH FEBRUARY, 1859.

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

The President read the Prayer.

RAILWAY LOAN STATEMENT.—The Honorable J. F. Strachan, in accordance with notice, moved, That the Statement placed upon the Table of this House, on the 20th of January last, purporting to be in conformity with an Order of this Council, agreed to on the 7th December, be withdrawn, inasmuch as it is not a statement in accordance with the motion on which the Council came to a decision, as it bears in itself evidence that it is not based on fact, and as it is a misrepresentation of Messrs. Baring Brothers and Co.'s negotiations with the Government of Victoria relative to the Railway Loan.

Debate ensued.

Amendment moved by the Honorable T. McCombie, That the previous question be now put.

Debate ensued.

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

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

MR. PRESIDENT,

The Legislative Assembly transmit to the Legislative Council a Bill intituled "*An Act to incorporate a Company to be called 'The Bendigo Water Works Company,' and for other purposes,*" to which they desire the concurrence of the Legislative Council.

Legislative Assembly Chambers,
Melbourne, 4th February, 1859.

FRANS. MURPHY,
Speaker.

MR. PRESIDENT,

The Legislative Assembly acquaint the Legislative Council that they have agreed to the amendments made by the Legislative Council in the Bill intituled "*An Act for the Continuation of Expiring Laws.*"

Legislative Assembly Chambers,
Melbourne, 4th February, 1859.

FRANS. MURPHY,
Speaker.

MR. PRESIDENT,

The Legislative Assembly transmit to the Legislative Council copies of the Report and Proceedings from the Select Committee of the Legislative Assembly upon the Bill intituled "*An Act to enable the Trustees for the time being to sell and convey certain Land situate in the City of Melbourne and vested in such Trustees to the use of the Religious Society denominated 'Wesleyan Methodists,'*" as requested by the Legislative Council.

Legislative Assembly Chambers,
Melbourne, 3rd February, 1859.

FRANS. MURPHY,
Speaker.

MR. PRESIDENT,

The Legislative Assembly transmit to the Legislative Council a Bill intituled "*An Act to amend the Law relating to the Registration of Parliamentary Electors,*" to which they desire the concurrence of the Legislative Council.

Legislative Assembly Chambers,
Melbourne, 4th February, 1859.

FRANS. MURPHY,
Speaker.

MR. PRESIDENT,

The Legislative Assembly transmit to the Legislative Council a Bill intituled "*An Act to incorporate a Company to be called 'The Castlemaine Gas Comptany,' and for other purposes,*" to which they desire the concurrence of the Legislative Council.

Legislative Assembly Chambers,
Melbourne, 4th February, 1859.

FRANS. MURPHY,
Speaker.

REGISTRATION ACT AMENDMENT BILL.—The Honorable H. Miller moved, That this Bill be now read a first time, printed, and read a second time to-morrow.

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

Question—That the word "to-morrow," proposed to be omitted, stand part of the question—put.

Council divided.

Contents, 10.
The Hon. H. Miller
J. Hodgson
G. S. Coppin
J. H. Patterson
B. Williams
J. Stewart
A. Fraser
W. Highett
J. Hood
C. Vaughan (*Teller*).

Not Contents, 8.
The Hon. Dr. Hope
J. F. Strachan
M. Hervey
T. McCombie
J. P. Fawkner
J. B. Bennett
T. H. Fellows
T. H. Power (*Teller*).

The question was therefore passed.

Question—That the Bill be now read a first time, printed, and read a second time to-morrow—put and passed.

Bill read a first time.

BENDIGO WATER WORKS COMPANY'S BILL.—The Honorable J. H. Patterson 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 J. H. Patterson, 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.

The Honorable J. H. Patterson moved the suspension of the Standing Order No. 115, for the purpose of facilitating the consideration of the Bendigo Water Works Company's Bill.

Debate ensued.

Question—put and passed.

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

Question—put and passed.

WESLEYAN CHURCH LANDS BILL.—The Honorable A. Fraser, with leave of the Council, moved, without notice, That the second reading of this Bill be made an Order of the Day for to-morrow.

Question—put and passed.

CASTLEMAINE GAS COMPANY'S BILL.—The Honorable J. B. Bennett produced a certificate of the payment of the amount required to be paid to the Treasurer for the public uses of the Colony, and moved, That this Bill be now read a first time.

Question—put and passed.

The Honorable J. B. Bennett, 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 the Parliament on the Bill.

Question—put and passed.

The Honorable J. B. Bennett moved, That the Standing Order No. 115 be suspended.

Debate ensued.

Question—put.

Council divided.

Contents, 6.
 The Hon. H. Miller
 J. Hodgson
 J. H. Patterson
 A. Fraser
 T. McCombie
 J. B. Bennett (*Teller*).

Not Contents, 6.
 The Hon. T. H. Power
 Dr. Hope
 J. F. Strachan
 J. P. Fawcner
 M. Hervey
 J. Stewart (*Teller*).

The President declared that he gave his voice with the Not Contents.

The question was therefore negatived.

POSTPONEMENTS.—The following Orders of the Day were severally postponed until to-morrow :—

- “*Fisheries Bill*”—to be read a second time.
- “*Innkeepers and Carriers Act Amendment Bill*”—to be read a second time.
- “*St. Kilda and Brighton Railway Company’s Extension of Powers Bill*”—to be further considered in Committee.
- “*National Bank of Australasia Bill*”—to be further considered in Committee.
- “*Spirit Dealers Registration Act Amendment Bill*”—to be further considered in Committee.
- “*Melbourne Exchange Company’s Bill*”—to be read a second time.
- “*Australian Trust Company’s Bill*”—to be read a second time.
- “*Officials in Parliament Bill*”—Adoption of Report.

PAPER.—The Honorable H. Miller presented to the Council the following Paper :—

Gold Fields Act.—(Order in Council, 31st January, 1859.)

Ordered to lie on the Table.

The Council adjourned at twenty minutes to seven o’clock, until three o’clock on Wednesday, the 9th instant.

NOTICES OF MOTION AND ORDERS OF THE DAY.

WEDNESDAY, 9TH FEBRUARY, 1859.

1. The Hon. T. McCOMBIE : To ask for leave of this House to absent himself from its deliberations.
2. The Hon. G. URQUHART : To ask leave of this House to absent himself from its deliberations for twelve months.
3. The Hon. T. H. FELLOWS : To ask the Commissioner of Trade and Customs the result of the Enquiry into the Conduct of the Justices who determined the complaint of Hayes against Madden, at Ballaarat.

Government Business.

ORDERS OF THE DAY :—

1. REGISTRATION ACT AMENDMENT BILL.—To be read a second time.
2. SPIRIT DEALERS REGISTRATION ACT AMENDMENT BILL.—To be further considered in Committee.
3. OFFICIALS IN PARLIAMENT BILL.—Adoption of Report.

General Business.

NOTICE OF MOTION :—

1. The Hon. J. B. BENNETT : To move the suspension of Standing Order No. 115, in order that the Castlemaine Gas Company’s Bill may be read a second time.

ORDERS OF THE DAY :—

1. BENDIGO WATER WORKS COMPANY’S BILL.—To be read a second time.
2. WESLEYAN CHURCH LANDS BILL.—To be read a second time.
3. FISHERIES BILL.—To be read a second time.
4. INNKEEPERS AND CARRIERS ACT AMENDMENT BILL.—To be read a second time.
5. ST. KILDA AND BRIGHTON RAILWAY COMPANY’S EXTENSION OF POWERS BILL.—To be further considered in Committee.
6. NATIONAL BANK OF AUSTRALASIA BILL.—To be further considered in Committee.
7. MELBOURNE EXCHANGE COMPANY’S BILL.—To be read a second time.
8. AUSTRALIAN TRUST COMPANY’S BILL.—To be read a second time.

THURSDAY, 10TH FEBRUARY.

1. The Hon. G. S. COPPIN: To ask the Honorable the Commissioner of Trade and Customs, is it the intention of the Government to place the sum of Four thousand pounds (£4000), or any other amount, upon the Supplementary Estimates, for the formation and making of the Great Western Road from Ballarat to Lake Burrumbeet, as it is quite impassable during the winter; if not, will the Government favorably consider the subject, as the land on each side the line of road has been sold at high prices.

NOTICE OF MOTION:—

1. The Hon. T. H. POWER: To move, That the Report of the Select Committee on the Impounding Act be adopted.

MEETINGS
OF
SELECT COMMITTEES.

Wednesday, 9th February.

MANAGEMENT OF THE BOARD OF LAND AND WORKS—at 1 o'clock.

Thursday, 10th February.

PARLIAMENT HOUSE BUILDINGS (JOINT COMMITTEE)—at 1 o'clock.

G. W. RUSDEN,

Clerk of the Council and Clerk of the Parliaments.

VICTORIA.

No. 29.

Minutes of the Proceedings
OF THE
LEGISLATIVE COUNCIL.

WEDNESDAY, 9TH FEBRUARY, 1859.

The Council met in accordance with adjournment.

The President having written to state that he was prevented by indisposition from attending at the House, the Clerk informed the Council accordingly.

The Chairman of Committees took the Chair as Deputy President.

The Deputy President read the Prayer.

LEAVE OF ABSENCE TO A MEMBER.—The Honorable T. McCombie asked for leave of the House to absent himself from its deliberations.

The Honorable Member having left the Council Chamber,

The Honorable J. H. Patterson moved, That leave be given to the Honorable Member to absent himself during the present year from the deliberations of the House.

Debate ensued.

Question—put.

Council divided.

Contents, 12.

The Hon. H. Miller
A. Fraser
C. Vaughan
G. Urquhart
Dr. Hope
T. H. Fellows
J. Hood
Dr. Wilkie
W. Roope
M. Hervey
J. B. Bennett
J. H. Patterson (*Teller*).

Not-Contents, 6.

The Hon. G. S. Coppin
W. Highett
T. T. a'Beckett
J. P. Fawkner
T. H. Power
J. F. Strachan (*Teller*).

The question was therefore passed.

LEAVE OF ABSENCE TO A MEMBER.—The Honorable G. Urquhart asked leave of the House to be absent from its deliberations during the remainder of the year.

The Honorable Member having left the Council Chamber,

The Honorable M. Hervey moved, That the Honorable G. Urquhart be permitted to be absent from the deliberations of the House during the remainder of the year.

Debate ensued.

Question—put.

Council divided.

Contents, 8.

The Hon. H. Fraser
C. Vaughan
S. G. Henty
T. McCombie
M. Hervey
J. Henty
J. B. Bennett
J. H. Patterson (*Teller*).

Not Contents, 12.

The Hon. H. Miller
G. S. Coppin
T. H. Fellows
J. Hood
T. T. a'Beckett
Dr. Hope
Dr. Wilkie
W. Roope
J. P. Fawkner
J. F. Strachan
T. H. Power
W. Highett (*Teller*).

The question was therefore negatived.

REGISTRATION ACT AMENDMENT BILL.—The Order of the Day for the second reading of this Bill being read, the Honorable H. Miller moved, That the Bill be now read a second time.

Debate ensued.

Question—put and passed.

Bill read a second time.

ACTING CHAIRMAN OF COMMITTEES.—The Honorable J. Hood moved, That the Honorable T. H. Power do act as acting Chairman of Committees while the Chairman of Committees is acting as Deputy-President.

Question—put and passed.

REGISTRATION ACT AMENDMENT BILL.—The Honorable H. Miller moved, That this Bill be now considered in Committee of the whole Council.

Ordered.

The Deputy President left the Chair.

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

Ordered.

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

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

Ordered.

POSTPONEMENT.—The Order of the Day for the adoption of the Report of the Committee of the whole Council on the Officials in Parliament Bill was postponed until after the disposal of the notice of motion next on the paper.

SUSPENSION OF STANDING ORDER, No. 115.—The Honorable J. B. Bennett, with leave of the Council, moved, without notice, That the resolution of the Council, arrived at on the 8th instant, not to suspend the Standing Order No. 115, be rescinded, in order that the Castlemaine Gas Company's Bill may be read a second time.

Question—put and passed.

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

MR. PRESIDENT,

The Legislative Assembly transmit to the Legislative Council copies of the Report and Proceedings from the Select Committee of the Legislative Assembly upon the Bill intituled "*An Act to incorporate a Company to be called 'The Castlemaine Gas Company,' and for other purposes,*" as requested by the Legislative Council.

FRANS. MURPHY,
Speaker.

Legislative Assembly Chambers,
Melbourne, 9th February, 1859.

MR. PRESIDENT,

The Legislative Assembly transmit to the Legislative Council Copies of the Report and Proceedings from the Select Committee of the Legislative Assembly upon the Bill intituled "*An Act to incorporate a Company to be called 'The Bendigo Waterworks Company,' and for other purposes,*" as requested by the Legislative Council.

FRANS. MURPHY,
Speaker.

Legislative Assembly Chambers,
Melbourne, 9th February, 1859.

SUSPENSION OF THE STANDING ORDER No. 115.—The Honorable J. B. Bennett, in accordance with notice, moved the suspension of Standing Order No. 115, in order that the Castlemaine Gas Company's Bill may be read a second time.

Debate ensued.

Question—put and passed.

CASTLEMAINE GAS COMPANY'S BILL.—The Honorable J. B. Bennett moved, That this Bill be now read a second time.

Question—put and passed.

Bill read a second time.

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

The Deputy President left the Chair.

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

Ordered.

OFFICIALS IN PARLIAMENT 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. B. Bennett moved, That the Order of the day be discharged, in order that the Bill may be re-committed to the consideration of a Committee of the whole Council.

Question—put and passed.

The Deputy President left the Chair.

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

The Honorable J. B. Bennett moved, That the Report of the Committee be now adopted.

Question—put and passed.

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

BENDIGO WATER WORKS COMPANY'S BILL.—The Order of the Day for the second reading of this Bill being read, the Honorable J. H. Patterson moved, That the Bill be now read a second time.

Question—put and passed.

Bill read a second time.

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

Question—put and passed.

The Deputy President left the Chair.

The Acting Chairman of Committees reported progress, and asked leave to sit again on Friday.

Ordered.

WESLEYAN CHURCH LANDS BILL.—The Order of the Day for the second reading of this Bill being read, the Honorable A. Fraser moved, That the Bill be now read a second time.

Debate ensued.

Question—put and passed.

Bill read a second time.

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

Question—put and passed.

The Deputy President left the Chair.

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

Ordered.

ADJOURNMENT OF THE HOUSE.—The Honorable J. Stewart moved, That the House do now adjourn for one hour.

Debate ensued.

Question—put.

Council divided.

<p>Contents, 9.</p> <p>The Hon. H. Miller</p> <p>J. B. Bennett</p> <p>A. Fraser</p> <p>T. H. Power</p> <p>J. Hood</p> <p>B. Williams</p> <p>J. Stewart</p> <p>W. Highett</p> <p>J. H. Patterson (<i>Teller</i>).</p>	<p>Not Contents, 7.</p> <p>The Hon. G. S. Coppin</p> <p>T. H. Fellows</p> <p>J. F. Strachan</p> <p>Dr. Hope</p> <p>T. McCombie</p> <p>Dr. Wilkie</p> <p>J. P. Fawkner (<i>Teller</i>).</p>
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The question was therefore passed.

The Deputy President left the Chair at half-past six o'clock.

The Deputy President resumed the Chair at twenty minutes to eight o'clock.

FISHERIES BILL.—The Order of the Day for the second reading of this Bill being read, the Honorable Dr. Hope moved, That the Bill be now read a second time.

Debate ensued.

Question—put and passed.

Bill read a second time.

Ordered—That the said Bill be now considered in Committee of the whole Council.

The Deputy President left the Chair.

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

Ordered.

INNKEEPERS AND CARRIERS ACT AMENDMENT BILL.—The Order of the Day for the Second Reading of this Bill being read, the Honorable J. H. Patterson moved, That the Bill be now read a second time.

Question—put and passed.

Bill read a second time.

Ordered—That the said Bill be now considered in Committee of the whole Council.

The Deputy President left the Chair.

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

Ordered.

ST. KILDA AND BRIGHTON RAILWAY COMPANY'S EXTENSION OF POWERS BILL.—The Order of the Day for the further consideration of this Bill in Committee of the whole Council being read, the Deputy President left the Chair.

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

Ordered.

NATIONAL BANK OF AUSTRALASIA BILL.—The Order of the Day for the further consideration of this Bill in Committee of the whole Council being read, the Deputy President left the Chair.

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

Ordered.

MELBOURNE EXCHANGE COMPANY'S BILL.—The Order of the Day for the second reading of this Bill being read, the Honorable A. Fraser moved, That the Bill be now read a second time.

Debate ensued.

Question—put and passed.

Bill read a second time.

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

Question—put and passed.

The Deputy President left the Chair.

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

Ordered.

AUSTRALIAN TRUST COMPANY'S BILL.—The Order of the Day for the second reading of this Bill being read, the Honorable J. B. Bennett moved, That the Bill be now read a second time.

Debate ensued.

The Honorable H. Miller moved, That the debate be adjourned until Friday next.

Debate ensued.

Question—That the debate be adjourned until Friday next—put and passed.

FRIDAY A DAY OF BUSINESS.—The Honorable H. Miller, with leave of the Council, moved, without notice, That the House, at its rising on Thursday next, adjourn until Friday next, at three o'clock.

Question—put and passed.

The Council adjourned at a quarter to nine o'clock until three o'clock on Thursday, the 10th instant.

NOTICES OF MOTION AND ORDERS OF THE DAY.

THURSDAY, 10TH FEBRUARY, 1859.

1. The Hon. G. S. COPPIN : To ask the Honorable the Commissioner of Trade and Customs, is it the intention of the Government to place the sum of Four thousand pounds (£4000), or any other amount, upon the Supplementary Estimates, for the formation and making of the Great Western Road from Ballaarat to Lake Burrumbeet, as it is quite impassable during the winter ; if not, will the Government favorably consider the subject, as the land on each side the line of road has been sold at high prices.
2. The Hon. T. H. FELLOWS : To ask the Commissioner of Trade and Customs the result of the Enquiry into the Conduct of the Justices who determined the complaint of Hayes against Madden, at Ballaarat.

NOTICE OF MOTION :—

1. The Hon. T. H. POWER : To move, That the Report of the Select Committee on the Impounding Act be adopted.
2. The Hon. J. H. PATTERSON : To move, That the House sit on Fridays till the end of the Session.
3. The Hon. J. F. STRACHAN : To move, That the House at its rising to-day adjourn till Friday, at eleven o'clock.
4. The Hon. T. H. FELLOWS : To move, That a Select Committee be appointed to enquire into the conduct of the Justices who determined the complaint of Hayes against Madden, at Ballaarat, and that such Committee do consist of the Honorables T. H. Power, D. Kennedy, J. F. Strachan, G. S. Coppin, and the mover.

ORDERS OF THE DAY:—

1. REGISTRATION ACT AMENDMENT BILL.—To be further considered in Committee.
2. SPIRIT DEALERS REGISTRATION ACT AMENDMENT BILL.—To be further considered in Committee.
3. CASTLEMAINE GAS COMPANY'S BILL.—To be further considered in Committee.
4. OFFICIALS IN PARLIAMENT BILL.—To be read a third time.
5. WESLEYAN CHURCH LANDS BILL.—To be further considered in Committee.
6. FISHERIES BILL.—To be further considered in Committee.
7. ST. KILDA AND BRIGHTON RAILWAY COMPANY'S EXTENSION OF POWERS BILL.—To be further considered in Committee.
8. NATIONAL BANK OF AUSTRALASIA BILL.—To be further considered in Committee.

FRIDAY, 11TH FEBRUARY.

ORDERS OF THE DAY:—

1. BENDIGO WATER WORKS COMPANY'S BILL.—To be further considered in Committee.
2. INNKEEPERS AND CARRIERS ACT AMENDMENT BILL.—To be further considered in Committee.
3. MELBOURNE EXCHANGE COMPANY'S BILL.—To be further considered in Committee.
4. AUSTRALIAN TRUST COMPANY'S BILL.—Adjourned debate on second reading.

MEETINGS
OF
SELECT COMMITTEES.

Thursday, 10th February.

PARLIAMENT HOUSE BUILDINGS (JOINT COMMITTEE)—at 1 o'clock.
MANAGEMENT OF THE BOARD OF LAND AND WORKS—at 2 o'clock.

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



VICTORIA.

No. 30.

Minutes of the Proceedings
OF THE
LEGISLATIVE COUNCIL.

THURSDAY, 10TH FEBRUARY, 1859.

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

The President read the Prayer.

IMPOUNDING ACT.—REPORT OF SELECT COMMITTEE.—The Honorable T. H. Power, in accordance with notice, moved, That the Report of the Select Committee on the Impounding Act be adopted.

Question—put and passed.

FRIDAYS BUSINESS DAYS.—The Honorable J. H. Patterson, in accordance with *amended* notice, moved, That the House sit on Fridays till the end of the Session, commencing at the hour of three in the afternoon.

Question—put and passed.

MANAGEMENT OF THE BOARD OF LAND AND WORKS.—REPORT OF SELECT COMMITTEE.—The Honorable G. Urquhart, as Chairman of the Select Committee appointed on the 2nd November, 1858, to enquire into the present management of the Board of Land and Works, and to report on the measures which may be required for the more efficient and economical working of the same, brought up a Progress Report from the Committee, and moved that the same be received and printed.

Question—put and passed.

The Report was read at the Table by the Clerk.

The Honorable J. Hood moved, That the Evidence taken by the Committee be printed.

Question—put and passed.

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

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

Ordered.

The President left the Chair at twenty minutes past six o'clock.

The President resumed the Chair at half-past seven o'clock.

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

MR. PRESIDENT,

The Legislative Assembly return to the Legislative Council a Bill intituled "*An Act to amend and consolidate the Laws affecting the Solemnization of Marriage,*" and acquaint the Legislative Council that they have agreed to the same, with the amendments thereunto annexed, to which they desire the concurrence of the Legislative Council.

FRANS. MURPHY,
Speaker.

Legislative Assembly Chambers,
Melbourne, 9th February, 1859.

The Honorable J. Hood moved, That the consideration of the Message of the Legislative Assembly, with amendments in the Marriage Bill, be made an Order of the Day for to-morrow.

Ordered.

REGISTRATION ACT AMENDMENT BILL.—The Honorable H. Miller moved, That the President do leave the Chair.

The President left the Chair.

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

Ordered.

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

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

CASTLEMAINE GAS COMPANY'S BILL.—The Order of the Day for the further consideration of this Bill in Committee of the whole Council being read, the President left the Chair.

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

The Honorable J. B. Bennett moved, That the adoption of the Report of the Committee be made an Order of the Day for to-morrow.

Question—put and passed.

OFFICIALS IN PARLIAMENT BILL.—The President having reported that the Acting 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 H. Miller, read a third time and passed.

The Honorable H. Miller moved, That the title of the Bill be "*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.*"

Question—put and passed.

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

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

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

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

Ordered.

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

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

Ordered—That the adoption of the Report of the Committee be made an Order of the Day for to-morrow.

ST. KILDA AND BRIGHTON RAILWAY COMPANY'S EXTENSION OF POWERS BILL.—The Order of the Day for the further consideration of this Bill in Committee of the whole Council being read, the President left the Chair.

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

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

Question—put and passed.

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

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

The Honorable J. B. Bennett moved, That the adoption of the Report of the Committee be made an Order of the Day for to-morrow.

Question—put and passed.

The Council adjourned at twelve o'clock until three o'clock on Friday, the 11th instant.

NOTICES OF MOTION AND ORDERS OF THE DAY.

FRIDAY, 11TH FEBRUARY, 1859.

1. The Hon. G. S. COPPIN : To ask the Honorable the Commissioner of Trade and Customs, is it the intention of the Government to place the sum of Four thousand pounds (£4000), or any other amount, upon the Supplementary Estimates, for the formation and making of the Great Western Road from Ballaarat to Lake Burrumbeet, as it is quite impassable during the winter ; if not, will the Government favorably consider the subject, as the land on each side the line of road has been sold at high prices.
2. The Hon. T. H. FELLOWS : To ask the Commissioner of Trade and Customs the result of the Enquiry into the Conduct of the Justices who determined the complaint of Hayes against Madden, at Ballaarat.

NOTICES OF MOTION :—

1. The Hon. T. H. FELLOWS : To move, That a Select Committee be appointed to enquire into the conduct of the Justices who determined the complaint of Hayes against Madden, at Ballarat, and that such Committee do consist of the Honorables T. H. Power, D. Kennedy, J. F. Strachan, G. S. Coppin, and the mover.
2. The Hon. J. P. FAWKNER : To move, That in all cases when the House re-assembles after six p.m. each day, the Roll of the Council be called, and the names of the Members present entered on the Journals of the House.

ORDERS OF THE DAY :—

1. BENDIGO WATER WORKS COMPANY'S BILL.—To be further considered in Committee.
2. INNKEEPERS AND CARRIERS ACT AMENDMENT BILL.—To be further considered in Committee.
3. MELBOURNE EXCHANGE COMPANY'S BILL.—To be further considered in Committee.
4. AUSTRALIAN TRUST COMPANY'S BILL.—Adjourned debate on second reading.
5. MARRIAGE BILL.—Consideration of Message from Legislative Assembly.
6. REGISTRATION ACT AMENDMENT BILL.—To be further considered in Committee.
7. SPIRIT DEALERS REGISTRATION ACT AMENDMENT BILL.—To be further considered in Committee.
8. CASTLEMALNE GAS COMPANY'S BILL.—Adoption of Report.
9. WESLEYAN CHURCH LANDS BILL.—Adoption of Report.
10. FISHERIES BILL.—Adoption of Report.
11. ST. KILDA AND BRIGHTON RAILWAY COMPANY'S EXTENSION OF POWERS BILL.—Adoption of Report.
12. NATIONAL BANK OF AUSTRALASIA BILL.—Adoption of Report.

MEETINGS

OF

SELECT COMMITTEES.

Tuesday, 15th February.

PARLIAMENT HOUSE BUILDINGS (JOINT COMMITTEE)—at 1 o'clock.

G. W. RUSDEN,

Clerk of the Council and Clerk of the Parliaments.

Minutes of the Proceedings
OF THE
LEGISLATIVE COUNCIL.

FRIDAY, 11TH FEBRUARY, 1859.

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

The President read the Prayer.

COMPLAINT OF HAYES AGAINST MADDEN.—The Honorable T. H. Fellows, in accordance with notice, moved, That a Select Committee be appointed to enquire into the conduct of the Justices who determined the complaint of Hayes against Madden at Ballaarat, and that such Committee do consist of the Honorables T. H. Power, D. Kennedy, J. F. Strachan, G. S. Coppin, and the Mover.

Debate ensued.

Question—put and negatived.

MEMBERS PRESENT AFTER SIX O'CLOCK.—The Honorable J. P. Fawcner, in accordance with notice, moved, That, in all cases when the House re-assembles after six p.m. each day, the roll of the Council be called; and the names of the Members present entered on the Journals of the House.

Question—put and negatived.

BENDIGO WATER WORKS COMPANY'S BILL.—The Order of the Day for the further consideration of this Bill in Committee of the whole Council being read, the President left the Chair. The Chairman of Committees reported that the Committee had gone through the Bill, and had agreed to the same without amendments.

The Honorable J. H. Patterson moved, That the Report of the Committee be now adopted.

Question—put and passed.

The Honorable J. H. Patterson, with leave of the Council, moved, without notice, That the Standing Order No. 113 be suspended, in order to enable the Bill to pass through its various stages this day.

Question—put and passed.

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

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

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

BENDIGO WATER WORKS COMPANY'S BILL.—The President having reported that the Chairman of Committees had certified that the fair print of this Bill was in accordance with the Bill as reported from a Committee of the whole Council, the Bill, on the motion of the Honorable J. H. Patterson, was read a third time and *passed*.

The Honorable J. H. Patterson moved, That the title of the Bill be "*An Act to incorporate a Company to be called 'The Bendigo Water Works Company' and for other purposes.*"

Question—put and passed.

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

LEAVE OF ABSENCE TO A MEMBER.—The Honorable T. H. Power, with leave of the Council, moved, without notice, That leave be given to the Honorable D. P. Keogh to be absent from the deliberations of the House during the remainder of the Session, that Honorable Member not having recovered from a serious accident that had befallen him.

Debate ensued.

Question—put.

Council divided.

Contents, 11.
 The Hon. H. Miller
 G. S. Coppin
 T. H. Power
 S. G. Henty
 J. Hood
 B. Williams
 Dr. Wilkie
 J. H. Patterson
 J. Hodgson
 C. Vaughan
 M. Hervey (*Teller*).

Not Contents, 5.
 The Hon. W. Highett
 J. P. Fawkner
 T. H. Fellows
 J. B. Bennett
 A. Fraser (*Teller*).

The question was therefore passed.

MELBOURNE EXCHANGE COMPANY'S BILL.—The Order of the Day for the further consideration of this Bill in Committee of the whole Council being read, the President left the Chair.

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

The Honorable A. Fraser moved, That the Report of the Committee be now adopted.

Question—put and passed.

The Honorable A. Fraser moved, with leave of the Council, without notice, That the Standing Order No. 113 be suspended, in order to enable the Bill to pass through its various stages this day.

Question—put and passed.

AUSTRALIAN TRUST COMPANY'S 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.

Ordered—That the said Bill be now considered in Committee of the whole Council.

The President left the chair.

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

The Honorable J. B. Bennett, with leave of the Council, moved, without notice, That the Standing Order No. 113 be suspended, to enable the Bill to pass through its various stages this day.

Question—put and passed.

MARRIAGE BILL.—CONSIDERATION OF MESSAGE FROM LEGISLATIVE ASSEMBLY.—The Order of the Day for the consideration of this Message being called on, the Honorable J. Hood moved, That the Council agree to the amendments made by the Legislative Assembly in this Bill as follows :—

Clause I., line 2, page 1, omit "by virtue of any such Act or Acts before that day."

" line 7, omit "March," insert "May."

Clause II., line 12, page 1, omit "that."

" same line, after "Governor" omit "of the said Colony with the advice of the."

" line 13, omit "Executive," insert "in."

" same line, after "Council," omit "thereof."

" lines 15 and 16, omit the words "so that none of such Rules and Regulations be contrary to the principle of such said Act."

" line 16, insert "any" after "repeal."

" line 17, substitute "rule" for "rules," and "regulation" for "regulations."

" same line, omit "their."

" line 17, insert after "stead" the words "thereof provided that no such rule or regulation shall be repugnant to this Act."

Clause III., line 18, omit "that."

" line 20, omit "and" and insert "together with."

" line 22, after "registered" insert "under the provision of the 16 Victoria, No. 26."

" line 4, page 2, omit "by and with the advice of the Executive," and insert "in."

" line 5, omit "shall" and insert "may."

" same line, omit "and whose" and insert "provided every such."

" line 7, omit "of the colony when" and insert "and every."

" same line, omit "marriages are," insert "marriage."

" line 8, omit "it."

" same line, after "in" insert "and by."

" line 9, after "in" insert "the."

" same line, after "schedule" insert "marked," and after "annexed" omit "to" and insert "which words shall."

" line 10, before "signed" insert "the declaration."

Clause IV., line 11, omit "that."

- Clause IV., line 27, omit "thereof" and insert "hereof"
 ,, line 29, omit "twentieth," insert "eighteenth."
 Clause V., line 30, omit "with the advice of the Executive," and insert "in."
 ,, line 31, omit "shall have power to withdraw," and insert "may revoke."
 ,, same line, omit "civil."
 ,, line 32, omit "under this Act," and insert "as hereinbefore provided."
 ,, line 33, omit "withdrawal," and insert "revocation."
 Clause VI., line 39, omit "before;" after "officer" insert "as aforesaid."
 ,, line 40, omit "celebrating the same or before a justice of the peace, and."
 Clause VII., line 43, omit "and."
 ,, same line, omit "civil."
 ,, same line, insert after "appointed" the words "as aforesaid."
 ,, line 44, omit "under the provisions of this Act."
 ,, same line, and line 45, omit "on Sundays or holidays, or on week days."
 ,, line 49, after "neglecting" insert "delaying."
 ,, line 50, omit "declared."
 ,, lines 50 and 51, omit "an illegal act, and punished accordingly," and insert
 "a misdemeanor."
 Clause VIII., add Clause IX. as proviso to this Clause.
 Clause IX., line 5, page 3, after "such," insert "minister."
 ,, line 6, after "other" insert "such."
 Clause XI., line 23, after "or" insert "of."
 Clause XIV., line 49, omit "of the colony."
 ,, same line, omit last word "the."
 ,, line 50, omit "senior," insert "any."
 ,, line 53, before "give," insert "be authorized to."
 ,, lines 54 and 55, omit "of the colony."
 Clause XVI., line 10, page 4, after "provided," insert "the."
 Clause XVII., line 17, insert "provided," and add Clause XVIII. as proviso to Clause
 XVII.
 ,, line 18, after "any" insert "such."
 ,, line 20, omit "Council," insert "Parliament."
 ,, line 21, after "living" insert "at the time of such marriage."
 Clause XXIII., line 14, page 5, omit last word "so."
 ,, line 15, page 5, before "containing" insert "such."
 Clause XXIV., line 25, omit "nineteenth," insert "eighteenth."
 Clause XXV., line 34, omit "tenth," insert "ninth."
 Schedule B., line 1, before "marriage" insert "declaration of."

Question—put and passed.

Ordered—That a Message be carried to the Legislative Assembly to acquaint them that the Council have agreed to the amendments made by the Legislative Assembly in this Bill.

POSTPONEMENT.—The sixth and seventh Orders of the Day were severally postponed till after the consideration of the other Orders of the Day.

CASTLEMAINE GAS COMPANY'S 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. B. Bennett moved, That the Report be now adopted.

Question—put and passed.

The Honorable J. B. Bennett, with leave of the Council, moved, without notice, That the Standing Order No. 113 be suspended, in order to enable the Bill to pass through its various stages this day.

Question—put and passed.

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

The Honorable J. B. Bennett moved, That the title of the Bill be "*An Act to Incorporate a Company, to be called 'The Castlemaine Gas Company,' 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 any amendment.

WESLEYAN CHURCH LANDS BILL.—The Order of the Day for the adoption of the Report of the Committee of the whole Council on this Bill being read, the Honorable A. Fraser moved, That the Report be now adopted.

Question—put and passed.

The Honorable A. Fraser, with leave of the Council, moved without notice, That the Standing Order No. 113 be suspended, in order to enable the Bill to go through its various stages this day.

Question—put and passed.

The President having reported that the Chairman of Committees had certified that the fair print of the Bill was in accordance with the Bill as reported from a Committee of the whole Council, the Bill, on the motion of the Honorable A. Fraser, was read a third time and *passed*.

The Honorable A. Fraser moved, That the title of the Bill be "*An Act to enable the Trustees for the time being to sell and convey certain Land situate in the City of Melbourne, and vested in such Trustees to the use of the Religious Society denominated Wesleyan Methodists.*"

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 any amendment.

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 C. Vaughan moved, That the Report be now adopted.

Question—put and passed.

The President having reported that the Chairman of Committees had certified that the fair print of the Bill was in accordance with the Bill as reported from a Committee of the whole House, the Bill, on the motion of the Honorable C. Vaughan, was read a third time and *passed*.

The Honorable C. Vaughan moved, That the title of the Bill be "*An Act for the Protection of the Fisheries of Victoria.*"

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 desire their concurrence therewith.

ST. KILDA AND BRIGHTON RAILWAY COMPANY'S EXTENSION OF POWERS BILL.—The Order of the Day for the adoption of the Report of a Committee of the whole Council on this Bill being read, the Honorable T. McCombie moved, That the Report be now adopted.

Question—put and passed.

The Honorable T. McCombie, with leave of the Council, moved, without notice, That the Standing Order No. 113 be suspended, in order to enable the Bill to pass through its various stages this day.

Question—put and passed.

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

The Honorable T. McCombie moved, That the title of the Bill be "*An Act to alter and extend some of the Provisions contained in 'The St. Kilda and Brighton Railway Act, 1857,' and for other purposes.*"

Question—put and passed.

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

NATIONAL BANK OF AUSTRALASIA BILL.—The Order of the Day for the adoption of the Report of a Committee of the whole Council on this Bill being read, the Honorable J. B. Bennett moved, That the Report be now adopted.

Question—put and passed.

The Honorable J. B. Bennett, with leave of the Council, moved, without notice, That the Standing Order No. 113 be suspended, in order to enable the Bill to go through its various stages this day.

Question—put and passed.

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

The Honorable J. B. Bennett moved, That the title of the Bill be "*An Act to incorporate the Shareholders of the National Bank of Australasia, and for other purposes.*"

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 any amendment.

MELBOURNE EXCHANGE COMPANY'S BILL.—The President having reported that the Chairman of Committees had certified that the fair print of this Bill was in accordance with the Bill as reported from a Committee of the whole Council, the Bill, on the motion of the Honorable A. Fraser, was read a third time and *passed*.

The Honorable A. Fraser moved, That the title of the Bill be "*An Act to reduce the Capital and Borrowing Powers of the Melbourne Exchange Company, and for other purposes.*"

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 any amendment.

AUSTRALIAN TRUST COMPANY'S BILL.—The President having reported that the Chairman of Committees had certified that the fair print of this Bill was in accordance with the Bill as reported from a Committee of the whole Council, the Bill, on the motion of the Honorable J. B. Bennett, was read a third time and *passed*.

The Honorable J. B. Bennett moved, That the title of the Bill be "*An Act to enlarge the powers of the Australian Trust Company, and to remove Doubts as to the validity of Deeds executed by Agents of the Company, and for other purposes.*"

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 any amendment.

REGISTRATION ACT AMENDMENT BILL.—The Order of the Day for the further consideration of this Bill in Committee of the whole Council being read, the President left the Chair. The Chairman of Committees reported progress, and asked leave to sit again on Tuesday next.

Ordered.

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

"*Spirit Dealers Registration Act Amendment Bill*"—to be further considered in Committee.

The Council adjourned at a quarter past six o'clock until three o'clock on Tuesday, the 15th instant.

ORDERS OF THE DAY.

TUESDAY, 15TH FEBRUARY, 1859.

ORDERS OF THE DAY :—

1. INNKEEPERS AND CARRIERS ACT AMENDMENT BILL.—Adoption of Report.
 2. REGISTRATION ACT AMENDMENT BILL.—To be further considered in Committee.
 3. SPIRIT DEALERS REGISTRATION ACT AMENDMENT BILL.—To be further considered in Committee.
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MEETINGS
OF
SELECT COMMITTEES.

Tuesday, 15th February.

PARLIAMENT HOUSE BUILDINGS (JOINT COMMITTEE)—at 1 o'clock.

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

VICTORIA.

No. 32.

Minutes of the Proceedings

OF THE

LEGISLATIVE COUNCIL.

TUESDAY, 15TH FEBRUARY, 1859.

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

The President read the Prayer.

PAPERS.—The Honorable H. Miller presented to the Council the following Paper :—

Ballaarat Mining District.—(21 Vict., No. 32, Sec. XII.) Order in Council,
20th December, 1858.

Ordered to lie on the Table.

INNKEEPERS AND CARRIERS 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 Dr. Hope moved (in the absence of the Honorable J. H. Patterson), That the Report be now adopted.

Question—put and passed.

The President having reported that the Chairman of Committees had certified that the fair print of the Bill was in accordance with the Bill as reported from a Committee of the whole Council, the Bill, on the motion of the Honorable Dr. Hope, was read a third time and *passed*.

The Honorable Dr. Hope moved, That the title of the Bill be "*An Act to amend the Laws relating to Innkeepers, Carriers, and others.*"

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.

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

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

The Honorable T. H. Fellows moved, That the Bill be now recommitted to a Committee of the whole Council.

Ordered.

The President left the Chair.

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

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

MR. PRESIDENT,

The Legislative Assembly transmit to the Legislative Council a Bill intituled "*An Act to amend an Act intituled 'An Act to regulate the temporal affairs of the 'Synod of Victoria and to amend the law relating thereto,'*" to which they desire the concurrence of the Legislative Council.

FRANS. MURPHY,
Speaker.

Legislative Assembly Chambers,
Melbourne, 11th February, 1859.

SYNOD OF VICTORIA LAW AMENDMENT BILL.—The Honorable J. H. Patterson moved, That this Bill be now read a first time, printed, and read a second time to-morrow.

Question—put and passed.

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

MR. PRESIDENT,

The Legislative Assembly transmit to the Legislative Council a Bill intituled "*An Act to declare void a certain Bye-Law passed by the Council of the Municipal District of Ballaarat respecting the Supply of Water for domestic sanitary and other purposes from Yuille's Swamp,*" to which they desire the concurrence of the Legislative Council.

FRANS. MURPHY,
Speaker.

Legislative Assembly Chamber,
Melbourne, 11th February, 1859.

BALLAARAT BYE-LAW BILL.—The Honorable H. Miller moved, That this Bill be now read a first time, printed, and read a second time to-morrow.

The Honorable T. H. Fellows raised the following point of order, viz., That the Bill is a Private Bill.

Debate ensued.

The Honorable T. H. Fellows withdrew his objection as to the point of order.

Original motion, by leave, withdrawn.

The Honorable J. Hodgson moved, That the consideration of the Message from the Legislative Assembly with the Ballaarat Bye-law Bill be made an Order of the Day for to-morrow.

Question—put and passed.

PETITION.—The Honorable T. H. Fellows presented to the Council a Petition, bearing the seal of the Municipal Council of Ballaarat West, praying to be heard against the Ballaarat Bye-law Bill.

The Honorable J. B. Bennett moved, That the Petition be received.

Question—put and passed.

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

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

Ordered.

The Council adjourned at six o'clock until three o'clock on Wednesday, the 16th instant.

ORDERS OF THE DAY.

WEDNESDAY, 16TH FEBRUARY, 1859.

Government Business.

ORDER OF THE DAY :—

1. SPIRIT DEALERS REGISTRATION ACT AMENDMENT BILL.—To be further considered in Committee.

General Business.

ORDERS OF THE DAY :—

1. SYNOD OF VICTORIA LAW AMENDMENT BILL.—To be read a second time.
2. BALLAARAT BYE-LAW BILL.—Consideration of Message from Legislative Assembly.

MEETINGS

OF

SELECT COMMITTEES.

Wednesday, 16th February.

DIVORCE—at 1 o'clock.

MANAGEMENT OF BOARD OF LAND AND WORKS—at half-past 2 o'clock.

REFRESHMENT ROOMS—(JOINT COMMITTEE)—at half-past 2 o'clock.

Thursday, 17th February.

PARLIAMENT HOUSE BUILDINGS—at 10 o'clock.

G. W. RUSDEN,

Clerk of the Council and Clerk of the Parliaments.

VICTORIA.

No. 33.

Minutes of the Proceedings
OF THE
LEGISLATIVE COUNCIL.

WEDNESDAY, 16TH FEBRUARY, 1859.

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

The President read the Prayer.

PETITIONS.—The Honorable J. P. Fawkner presented to the Council a Petition signed by Coiler Robertson and others, praying that the Council will not pass the Synod of Victoria Bill unless the promoters thereof agree to have the property of the St. Andrew's Free Gaelic Church added to the Schedule, as excepted from the operation of the Bill.

Petition received.

The Honorable J. P. Fawkner presented a similar petition from Kenneth Gunn and others.

Petition received.

PETITIONS IN MATTER OF SYNOD OF VICTORIA LAW AMENDMENT BILL.—The Honorable J. P. Fawkner, with leave of the Council, moved, without notice, That the two Petitions presented this day be referred to any Committee of the whole Council to which the Synod of Victoria Bill may be referred.

Question—put and passed.

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

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

Ordered.

REGISTRATION ACT AMENDMENT BILL.—The Honorable H. Miller, with leave of the Council, moved, without notice, That the adoption of the Report of the Committee of the whole Council on this Bill be made an Order of the Day for this day.

Question—put and passed.

SYNOD OF VICTORIA LAW AMENDMENT BILL.—The Order of the Day for the second reading of this Bill being read, the Honorable H. Miller moved, That the Bill be now read a second time.

Debate ensued.

The Honorable J. P. Fawkner moved, as a point of order, That the Bill is a private Bill.

Debate ensued on the point of order.

The President ruled, That the Bill is a private Bill.

The Honorable H. Miller, with leave of the Council, moved, That the debate on the second reading of the Bill be adjourned until Friday next.

Question—put and passed.

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

MR. PRESIDENT,

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

A Bill intituled "*An Act for an Assessment on Stock.*"

A Bill intituled "*An Act for the Preservation of Fish in the Lakes and Rivers of the Colony of Victoria.*"

A Bill intituled "*An Act to prevent Frauds upon Creditors by Secret Bills of Sale of Personal Chattels.*"

A Bill intituled "*An Act to consolidate and amend the Laws affecting the Chinese Emigrating to or resident in Victoria,*" and

A Bill intituled "*An Act to amend the Law for the Collection and Payment of the Public Moneys the Audit of the Public Accounts and the Protection and Recovery of the Public Property,*"

to which they desire the concurrence of the Legislative Council.

FRANS. MURPHY,
Speaker.

ASSESSMENT ON STOCK ACT AMENDMENT BILL.—The Honorable H. Miller moved, That this Bill be now read a first time, printed, and read a second time to-morrow.
Question—put and passed.
Bill read a first time.

CHINESE BILL.—The Honorable H. Miller moved, That this Bill be now read a first time, printed, and read a second time to-morrow.
Question—put and passed.
Bill read a first time.

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

MR. PRESIDENT,

The Legislative Assembly transmit to the Legislative Council a Bill intituled "*An Act to authorize the making of the Melbourne and Essendon Railway, and for other Purposes,*" to which they desire the concurrence of the Legislative Council.

FRANS. MURPHY,
Speaker.

Legislative Assembly Chambers,
Melbourne, 15th February, 1859.

BILLS OF SALE BILL.—The Honorable T. H. Fellows moved, That this Bill be now read a first time and printed.

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

MELBOURNE AND ESSENDON RAILWAY BILL.—The Honorable J. B. Bennett produced a certificate of the payment into the Public Treasury of the sum of money required to be paid for the public uses of the Colony, and moved, That the Bill be now read a first time.

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

The Honorable J. B. Bennett, with leave of the Council, moved, without notice, That a Message be carried to the Legislative Assembly to request them to be pleased to communicate to the Council copies of the Report and Proceedings of that House on the Bill in the present session of Parliament.

Question—put and passed.

AUDIT ACT AMENDMENT BILL.—The Honorable H. Miller moved, That this Bill be now read a first time, and printed.

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

The Honorable H. Miller, with leave of the Council, moved, without notice, That the second reading of the Bill be made an Order of the Day for this day.

Question—put and passed.

PRESERVATION OF FISH BILL.—The Honorable H. Miller moved, That the consideration of the Message from the Legislative Assembly with this Bill be made an Order of the day for to-morrow.

Question—put and passed.

BALLAARAT BYE-LAW BILL.—The Order of the Day for the consideration of the Message from the Legislative Assembly with this Bill being read, the President announced to the Council that he ruled, That the Bill is a Private Bill.

The Honorable H. Miller moved, That the consideration of the Order of the Day be postponed until Friday next.

Question—put and passed.

REGISTRATION ACT AMENDMENT BILL.—The Order of the Day for the adoption of the Report of the Committee or the whole Council on this Bill being read, the Honorable H. Miller moved, That the Report of the Committee be now adopted.

Amendment moved by the Honorable J. B. Bennett, That all the words after the word "That" be omitted, with a view to add the words "the Bill be now re-committed to a Committee of the whole Council."

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 now re-committed to a Committee of the whole Council—put and passed.

The President left the Chair.

The Chairman of Committees reported, That notice had been taken that a quorum was not in the House.

The President counted the House, and a quorum being present,

The Honorable J. B. Bennett moved, That the President do leave the Chair.

Question—put and passed.

The President left the Chair.

The Chairman of Committees reported, That notice had been taken that a quorum was not in the House.

The President counted the House, and a quorum being present,

The Honorable J. B. Bennett moved, That the President do leave the Chair.

Question—put and passed.

The President left the Chair.

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

Ordered—That the adoption of the Report of the Committee be made an Order of the Day for to-morrow, then to take precedence of all other Orders of the Day.

AUDIT ACT AMENDMENT BILL.—The Order of the Day for the second reading of this Bill being read, the Honorable H. Miller moved, That the Bill be now read a second time.

Question—put and passed.

Bill read a second time.

Ordered—That the said Bill be now considered in Committee of the whole Council.

The President left the Chair.

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

Ordered.

The Council adjourned at seven o'clock until three o'clock on Thursday, the 17th instant.

NOTICE OF MOTION AND ORDERS OF THE DAY.

THURSDAY, 17TH FEBRUARY, 1859.

1. The Hon. T. H. FELLOWS: To ask the Commissioner of Trade and Customs to state to the House the date and terms of the application of Mr. Justice Williams for leave of absence, the date and terms of the answer to that application, and the date and substance of any subsequent communications between the Government and the Judge.

NOTICE OF MOTION:—

1. The Hon. J. B. BENNETT:—*Contingent* on receipt of Report and Proceedings from Legislative Assembly—To move, That the Melbourne and Essendon Railway Bill be read a second time.

ORDERS OF THE DAY:—

1. REGISTRATION ACT AMENDMENT BILL.—Adoption of Report.
2. SPIRIT DEALERS REGISTRATION ACT AMENDMENT BILL.—To be further considered in Committee.
3. ASSESSMENT ON STOCK ACT AMENDMENT BILL.—To be read a second time.
4. CHINESE BILL.—To be read a second time.
5. PRESERVATION OF FISH BILL.—Consideration of Message from Legislative Assembly.
6. AUDIT ACT AMENDMENT BILL.—To be further considered in Committee.

FRIDAY, 18TH FEBRUARY.

ORDERS OF THE DAY:—

1. SYNOD OF VICTORIA LAW AMENDMENT BILL.—Adjourned debate on second reading.
2. BALLAARAT BYE-LAW BILL.—Further consideration of Message from the Legislative Assembly.

MEETINGS

OF

SELECT COMMITTEES.

Thursday, 17th February.

PARLIAMENT HOUSE BUILDINGS—at 10 o'clock.

G. W. RUSDEN,

Clerk of the Council and Clerk of the Parliaments.

Minutes of the Proceedings

OF THE

LEGISLATIVE COUNCIL.

THURSDAY, 17TH FEBRUARY, 1859.

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

The President read the Prayer.

POINT OF ORDER.—The Honorable J. H. Patterson submitted to the President a Point of Order, viz.:—Whether there had been a quorum present during the previous evening at a particular time during the sitting of a Committee of the whole Council.

The President ruled, That with regard to a Point of Order, not reported to him from the Committee, he could make no ruling.

PETITION.—The Honorable T. H. Fellows presented a Petition, signed by James Macoboy, praying that the Standing Order of the House may not be suspended so as to enable the Ballaarat Bye-law Bill to be treated as a public Bill.

Petition received.

REGISTRATION ACT AMENDMENT BILL.—The Order of the Day for the adoption of the Report of the Committee or the whole Council on this Bill being read, the Honorable J. B. Bennett moved, That the Report be now adopted.

Question—put and passed.

The President having reported that the Chairman of Committees had certified that the Bill as certified was in accordance with the Bill as reported from a Committee of the whole Council, the Bill, on the motion of the Honorable J. B. Bennett, was read a third time and *passed*.

The Honorable J. B. Bennett moved, That the title of the Bill be "*An Act to amend the Law relating to the Registration of Parliamentary Electors.*"

Question—put and passed.

The Honorable J. B. Bennett moved, 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 desire their concurrence therewith.

Debate ensued.

Question—put and passed.

PAPERS.—The Honorable H. Miller presented to the Council the following Paper:—

Copy of Correspondence on the subject of Leave of Absence to His Honor Mr. Justice Williams.

Ordered to lie on the Table.

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

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

Ordered.

ASSESSMENT ON STOCK ACT AMENDMENT BILL.—The Order of the Day for the second reading of this Bill being read, the Honorable H. Miller moved, That the Bill be now read a second time.

Debate ensued.

Amendment moved by the Honorable J. P. Fawcner, That the word "now" be omitted, with the view to add the words "this day six months" after the word "time."

Debate ensued.

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

Council divided.

Contents, 12.
 The Hon. H. Miller
 J. Hood
 M. Hervey
 T. H. Power
 T. H. Fellows
 Dr. Hope
 W. Roope
 W. Highett
 Dr. Wilkie
 J. Henty
 J. Hodgson
 A. Fraser (*Teller*).

Not Contents, 5.
 The Hon. S. G. Henty
 J. F. Strachan
 J. P. Fawkner
 J. H. Patterson
 J. B. Bennett (*Teller*).

The question was therefore passed.

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

Bill read a second time.

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

MR. PRESIDENT,

The Legislative Assembly acquaint the Legislative Council that they have agreed to the amendments made by the Legislative Council in the Bills intituled—

“*An Act to amend the Law relating to Innkeepers and Carriers;*”

“*An Act to amend the Law relating to the more easy Recovery of certain Debts and Demands;*” and

“*An Act for the Protection of the Fisheries of Victoria.*”

FRANS. MURPHY,
 Speaker.

Legislative Assembly Chambers,
 Melbourne, 16th February, 1859.

MR. PRESIDENT,

The Legislative Assembly transmit to the Legislative Council a Bill intituled “*An Act to appropriate the Consolidated Revenue to the service of the year One thousand eight hundred and fifty-nine and for other purposes;*”

Also a Bill intituled “*An Act to amend an Act intituled ‘An Act for abating the nuisance occasioned by Dogs in the streets of certain towns and on highways in New South Wales;’*”

And a Bill intituled “*An Act to remove legal obstacles affecting certain contracts and agreements relating to Mining on Private Property and to extend the jurisdiction of the Court of Mines and for other purposes relative to mining for Gold in Victoria;*”

to which they desire the concurrence of the Legislative Council.

FRANS. MURPHY,
 Speaker.

Legislative Assembly Chambers,
 Melbourne, 17th February, 1859.

MR. PRESIDENT,

The Legislative Assembly return to the Legislative Council a Bill intituled “*An Act for the establishment of a Board of Agriculture,*” and acquaint the Legislative Council that the Legislative Assembly have agreed to the same with amendments, to which they desire the concurrence of the Legislative Council.

FRANS. MURPHY,
 Speaker.

Legislative Assembly Chambers,
 Melbourne, 16th February, 1859.

APPROPRIATION BILL.—The Honorable H. Miller moved, That this Bill be now read a first time, printed, and read a second time to-morrow.

Question—put and passed.

Bill read a first time.

GOLD MINING ON PRIVATE PROPERTY BILL.—The Honorable H. Miller 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.

BOARD OF AGRICULTURE BILL.—The Honorable H. Miller moved, That the amendments made by the Legislative Assembly in this Bill be printed, and taken into consideration to-morrow.

Question—put and passed.

DOG ACT EXTENSION BILL.—The Honorable J. H. Patterson 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 THE LEGISLATIVE ASSEMBLY.—The President announced to the Council the receipt of the following Message from the Legislative Assembly :—

MR. PRESIDENT,

The Legislative Assembly transmit to the Legislative Council copies of the Report and Proceedings of the Select Committee on the Bill intituled "*An Act to authorise the making of the Melbourne and Essendon Railway and for other purposes,*" as requested by the Legislative Council.

Legislative Assembly Chambers,
Melbourne, 17th February, 1859.

FRANS. MURPHY,
Speaker.

ASSESSMENT ON STOCK ACT AMENDMENT BILL.—The Honorable H. Miller moved, That this Bill be now considered in Committee of the whole Council.

Question—put and passed.

The President left the Chair.

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

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

Question—put and passed.

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

The Honorable H. Miller moved, That the title of the Bill be "*An Act for an Assessment on Stock.*"

Question—put and passed.

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

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

Question—put and passed.

Bill read a second time.

Ordered—That the said Bill be now considered in Committee of the whole Council.

The President left the Chair.

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

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

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

The Honorable H. Miller moved, That the title of the Bill be "*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 any amendment.

PRESERVATION OF FISH BILL.—The Order of the Day for the consideration of the Message from the Legislative Assembly with this Bill being read, the Honorable J. Hood moved, That the Bill be now read a first time and printed.

Question—put and passed.

Bill read a first time.

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

Amendment moved by the Honorable J. P. Fawcner, That the word "to-morrow" be omitted, with a view to insert the words "Tuesday next" instead thereof.

Question—That the word "to-morrow," proposed to be omitted, stand part of the question—put and passed.

Question—That the second reading of this Bill be made an Order of the Day for to-morrow—put and passed.

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

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

Ordered.

PAPERS.—The Honorable H. Miller presented to the Council the following Paper :—

Gold Fields Act (21 Vict. No. 32)—Order in Council (7th February, 1859).

Ordered to lie on the Table.

MELBOURNE AND ESSENDON RAILWAY BILL.—The Honorable J. B. Bennett, in accordance with notice, moved, That this Bill be now read a second time.

Question—put and passed.

Bill read a second time.

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

The Honorable J. H. Patterson called the attention of the President to the fact that there was no quorum in the House.

The President counted the House, and no quorum being present, adjourned the Council, at seven o'clock, to the next sitting day.

NOTICES OF MOTION AND ORDERS OF THE DAY.

FRIDAY, 18TH FEBRUARY, 1859.

NOTICES OF MOTION :—

1. The Hon. H. MILLER : To move, That all the Standing Orders which prevent the Synod of Victoria Law Amendment Bill from being treated as a Public Bill be suspended.
2. The Hon. H. MILLER : To move, That all the Standing Orders which prevent the Ballarat Bye-law Bill from being treated as a Public Bill be suspended.

ORDERS OF THE DAY :—

1. SYNOD OF VICTORIA LAW AMENDMENT BILL.—Adjourned debate on second reading.
2. BALLAARAT BYE-LAW BILL.—Further consideration of Message from the Legislative Assembly.
3. SPIRIT DEALERS REGISTRATION ACT AMENDMENT BILL.—To be further considered in Committee.
4. APPROPRIATION BILL.—To be read a second time.
5. BOARD OF AGRICULTURE BILL.—Consideration of Amendments of Legislative Assembly.
6. PRESERVATION OF FISH BILL.—To be read a second time.
7. AUDIT ACT AMENDMENT BILL.—To be further considered in Committee.

TUESDAY, 22ND FEBRUARY.

ORDERS OF THE DAY :—

1. GOLD MINING ON PRIVATE PROPERTY BILL.—To be read a second time.
2. DOG ACT EXTENSION BILL.—To be read a second time.

MEETINGS

OF

SELECT COMMITTEES.

Friday, 18th February.

PRINTING—At half-past 1 o'clock.

Tuesday, 22nd February.

PARLIAMENT HOUSE BUILDINGS—at 10 o'clock.

G. W. RUSDEN,

Clerk of the Council and Clerk of the Parliaments.

VICTORIA.

No. 35.

Minutes of the Proceedings
OF THE
LEGISLATIVE COUNCIL.

FRIDAY, 18TH FEBRUARY, 1859.

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

The President read the Prayer.

PETITION.—The Honorable H. Miller presented to the Council a Petition signed by Richard B. Gibbs and two others, praying that the Standing Orders may be suspended, in order that the Ballarat Bye-Law Bill may be treated as a public Bill.

Petition received.

MELBOURNE AND ESSENDON RAILWAY BILL.—The Honorable J. B. Bennett, with leave of the Council, moved, without notice, That the consideration of this Bill in Committee of the whole Council be made an Order of the Day for this day.

Question—put and passed.

SYNOD OF VICTORIA LAW AMENDMENT BILL.—SUSPENSION OF STANDING ORDER.—The Honorable H. Miller, in accordance with *amended* notice, moved, That all the Standing Orders which prevent the Synod of Victoria Law Amendment Bill from being treated as a public Bill be suspended, and that the Bill be considered as a public Bill.

Debate ensued.

PETITION.—The Honorable J. P. Fawkner presented to the Council a petition signed by John Campbell and others, members and adherents of St. Andrew's Free Gaelic Church, Melbourne, praying that the said church may be added to the schedule of property attached to the Synod of Victoria Law Amendment Bill now before the Council, as under the Synod of which the Rev. William Miller is Moderator.

Petition received.

SYNOD OF VICTORIA LAW AMENDMENT BILL.—SUSPENSION OF STANDING ORDER.—Debate resumed.

Question—That all the Standing Orders which prevent the Synod of Victoria Law Amendment Bill from being treated as a public Bill be suspended, and that the Bill be considered as a public Bill—put and passed.

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

MR. PRESIDENT,

The Legislative Assembly return to the Legislative Council a Bill, 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,*" and acquaint the Legislative Council that the Legislative Assembly have agreed to some of the amendments made by the Legislative Council, and disagreed to others.

FRANS. MURPHY,
Speaker.

Legislative Assembly Chambers,
Melbourne, 17th February, 1859.

MR. PRESIDENT,

The Legislative Assembly return to the Legislative Council a Bill, intituled "*An Act to amend the Law relating to the Registration of Parliamentary Electors,*" and acquaint the Legislative Council that the Legislative Assembly have agreed to certain of the amendments made by the Legislative Council, disagreed to some amendments, and agreed to other amendments with amendments, to which they desire the concurrence of the Legislative Council.

FRANS. MURPHY,
Speaker.

Legislative Assembly Chambers,
Melbourne, 17th February, 1859.

OFFICIALS IN PARLIAMENT BILL.—MESSAGE FROM LEGISLATIVE ASSEMBLY.—The Honorable H. Miller moved, That the consideration of the Message from the Legislative Assembly with this Bill be made an Order of the Day for Tuesday next.

Question—put and passed.

REGISTRATION ACT AMENDMENT BILL.—MESSAGE FROM LEGISLATIVE ASSEMBLY.—The Honorable H. Miller moved, That the consideration of the Message from the Legislative Assembly with this Bill be made an Order of the Day for Tuesday next.

Amendment made by the Honorable J. B. Bennett, That the words "Tuesday next" be omitted, with the view to insert the words "this day, to take precedence of all other Orders of the Day."

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 Message from the Legislative Assembly with this Bill be made an Order of the Day for this day, to take precedence of all other Orders of the Day—put and passed.

BALLAARAT BYE-LAW BILL.—SUSPENSION OF STANDING ORDERS.—The Honorable H. Miller, in accordance with *amended* notice, moved, That all the Standing Orders which prevent the Ballaarat Bye-Law Bill from being treated as a public Bill, be suspended, and that the Bill be treated as a public Bill.

Debate ensued.

Question—put.

Council divided.

Contents, 12.
The Hon. H. Miller
J. H. Patterson
J. Hood
Dr. Hope
Dr. Wilkie
T. T. a'Beckett
D. Kennedy
T. McCombie
C. Vaughan
W. Roope
B. Williams
G. S. Coppin (*Teller*).

Not Contents, 10.
The Hon. J. Stewart
J. B. Bennett
T. H. Fellows
T. H. Power
J. P. Fawkner
J. F. Strachan
M. Hervey
S. G. Henty
W. Highett
A. Fraser (*Teller*).

The question was therefore passed.

The Honorable H. Miller moved, That the 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.

REGISTRATION ACT AMENDMENT BILL.—CONSIDERATION OF MESSAGE FROM LEGISLATIVE ASSEMBLY.—The Order of the Day for the consideration of the Message from the Legislative Assembly with this Bill being read, the Message was read at the Table, and the amendments made by the Legislative Assembly were read severally as follows, and were severally agreed to by the Council on the motion of the Honorable J. B. Bennett.

Clause IV., add the following words:—"and any magistrate not so residing within such district as aforesaid who shall take part in such appointment shall for every such offence forfeit and pay on conviction in a summary way before any two or more justices the sum of one hundred pounds."

Clause XXV., leave out "three" insert "two."

The insertion of new clause XXXIII. disagreed to.

Clause XXXVII., after "Sunday" insert "Good Friday or Christmas Day."

New clause XXXVIII. omit the word "constituted," insert the word "described" instead, and after the second word "Act" insert the figures and word "22 Victoria."

New schedule section 9, before "the justices" insert "*a.* Elsternwick and St. Kilda," after the words "St. Kilda" insert "*b.* Windsor and South Yarra" The justices in petty sessions assembled within the municipal district of Prahran."

Section 10, omit "St. Kilda" and insert "Brighton."

Section 11, omit "within the municipal district of Richmond" and insert "at Dandenong."

Section 18, omit "Gisborne" and insert "Keilor."

Section 21, omit "Avenel" and insert "Kilmore."

Section 36, omit "Camperdown" and insert "Colac."

Ordered—That a Message be taken to the Legislative Assembly to acquaint them that the Council have agreed to the several alterations and amendments made by the Legislative Assembly in the amendments made by the Council in this Bill.

SYND OF VICTORIA LAW AMENDMENT BILL.—The Order of the Day for the adjourned debate on the second reading of this Bill being read, the Honorable Dr. Hope moved, That the Bill be now read a second time.

Question—put and passed.

Bill read a second time.

Ordered—That the Bill be now considered in Committee of the whole Council.

The President left the Chair.

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

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

Question—put and passed.

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

The Honorable H. Miller moved, That the title of the Bill be "*An Act to amend an Act intituled 'An Act to regulate the Temporal Affairs of the Synod of Victoria and to amend the Law relating thereto.'*"

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 Council adjourned at seven o'clock for one hour, and at eight o'clock the President resumed the Chair.

POSTPONEMENT.—The Order of the Day for the consideration of the Spirit Dealers Registration Act Amendment Bill was postponed until Tuesday next.

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

Debate ensued.

Amendment moved by the Honorable M. Hervey, That the word "now" be omitted with the view of adding the words "on Tuesday next" after the word "time."

Debate ensued.

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

Question—That the words "on Tuesday next" be added after the word "time"—put and passed.

Question—That the Bill be read a second time on Tuesday next—put and passed.

BOARD OF AGRICULTURE BILL.—The Order of the Day for the consideration of the amendments made by the Legislative Assembly in this Bill being read, the Message with the same was read, and the amendments were read severally as follows:—

Clause I., line 9, page 1, after "consist of" insert "the Chief Secretary and the Commissioner of Crown Lands and Survey for the time being, and"

The Honorable M. Hervey moved, That the Council disagree with the amendment.

Question—put.

Council divided.

Contents, 6.
The Hon. G. S. Coppin
J. B. Bennett
M. Hervey
T. H. Fellows
J. P. Fawkner
J. Hodgson (*Teller*).

Not Contents, 7.
The Hon. H. Miller
T. H. Power
J. Hood
Dr. Hope
Dr. Wilkie
B. Williams
C. Vaughan (*Teller*).

The question was therefore negatived.

The Honorable H. Miller moved, That the Council agree with the amendment.

Debate ensued.

The Honorable M. Hervey moved, That the debate on the question be adjourned until Tuesday next.

Debate ensued.

Question—That the debate on the question be adjourned until Tuesday next—put and negatived.

Question—That the Council agree with the amendment—put and passed.

Clause II., line 16, after "elect," insert "from the members of such society."

The Honorable H. Miller moved, That the Council agree with the amendment.

Debate ensued.

Question—put and passed.

The remaining amendments were severally read and agreed to, on the motion of the Honorable H. Miller, as follows:—

Clause II., line 21, leave out "or."

" line 22, after "Colony" insert "or cease to be a member of the Society by which he was elected."

Clause VIII., line 10, after "Colony" insert "and."

" lines 12 and 13, omit "and obtaining statistical information relating thereto."

The schedule, line 1, omit "Hotel."

Ordered—That the Message be carried to the Legislative Assembly to acquaint them that the Council have agreed to the amendments made by the Legislative Assembly in the Bill.

PRESERVATION OF FISH BILL.—The Order of the Day for the second reading of this Bill being read, the Honorable J. Hood moved, That the Bill be now read a second time.

Question—put and passed.

Bill read a second time.

Ordered—That the said Bill be now considered in Committee of the whole Council.

The President left the Chair.

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

The Honorable J. Hood moved, That the Report of the Committee be now adopted.

Question—put and passed.

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

The Honorable J. Hood moved, That the title of the Bill be "*An Act for the Preservation of Fish in the Lakes and Rivers of the Colony of 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.

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

The Chairman of Committees reported, That notice had been taken that there was no quorum in the House.

The President counted the House, and a quorum being present, left the Chair.

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

Ordered.

The President left the Chair.

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

The Honorable H. Miller moved, That the adoption of the Report of the Committee be made an Order of the Day for Tuesday next.

Ordered.

PRINTING COMMITTEE.—THIRD PROGRESS REPORT.—The Honorable T. H. Power (in the absence of the Honorable M. Hervey) brought up the third Progress Report of the Printing Committee, and moved, That it be adopted and printed.

Question—put and passed.

MELBOURNE AND ESSENDON RAILWAY BILL.—The Order of the Day for the consideration of this Bill in Committee of the whole Council being read, the President left the Chair.

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

The Honorable J. B. Bennett moved, That the Report of the Committee be now adopted.

Question—put and passed.

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

The Honorable J. B. Bennett moved, That the title of the Bill be "*An Act to authorize the making of the Melbourne and Essendon Railway and for other purposes.*"

Question—put and passed.

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

The Council adjourned at half-past ten o'clock until three o'clock on Tuesday, the 22nd instant.

NOTICES OF MOTION AND ORDERS OF THE DAY.

TUESDAY, 22ND FEBRUARY, 1859.

NOTICE OF MOTION :—

- 1. The Hon. T. H. Fellows : To move, on the third reading of the Audit Act Amendment Bill, the following additional clause :—

This Act shall commence and come into operation at the expiration of two months next after the passing hereof.

ORDERS OF THE DAY :—

- 1. GOLD MINING ON PRIVATE PROPERTY BILL.—To be read a second time.
2. DOG ACT EXTENSION BILL.—To be read a second time.
3. OFFICIALS IN PARLIAMENT BILL.—Consideration of Amendments made by Legislative Assembly.
4. BALLAARAT BYE-LAW BILL.—To be read a second time.
5. SPIRIT DEALERS REGISTRATION ACT AMENDMENT BILL.—To be further considered in Committee.
6. APPROPRIATION BILL.—To be read a second time.
7. AUDIT ACT AMENDMENT BILL.—Adoption of Report.

Handwritten notes: 2/22/59

MEETINGS OF SELECT COMMITTEES.

Tuesday, 22nd February.

PARLIAMENT HOUSE BUILDINGS—at 10 o'clock.
DIVORCE—at 10 o'clock.

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

VICTORIA.

No. 36.

Minutes of the Proceedings

OF THE

LEGISLATIVE COUNCIL.

TUESDAY, 22ND FEBRUARY, 1859.

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

The President read the Prayer.

PARLIAMENT BUILDINGS.—(JOINT) SELECT COMMITTEE.—The Honorable J. Hodgson brought up a Report from Messrs. A. R. C. Selwyn and J. G. Knight, to the Joint Committee on the Parliament Buildings, on the Darley Freestone.

The Report was read at the Table by the Clerk.

Report ordered to lie on the Table.

PAPER.—The Honorable H. Miller presented to the Council the following Paper :—

Wrecks and Casualties—Return of, from 1835 to 1858.

Ordered to lie on the Table.

DIVORCE.—REPORT OF SELECT COMMITTEE.—The Honorable J. P. Fawcner, as Chairman of the Select Committee appointed on the 14th December last, “to take into consideration the question of Divorce, and the best mode of remedying the defects in the existing law,” brought up the Report of the Select Committee, and moved that the Report be printed.

Question—put and passed.

POSTPONEMENT.—The Orders of the Day numbered 1 to 6 were severally postponed until after the disposal of the seventh.

AUDIT 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 Bill be now reconsidered in Committee of the whole Council.

Question—put and passed.

The President left the Chair.

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

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

Question—put and passed.

The President having reported that the Chairman of Committees had certified that the Bill as certified was in accordance with the Bill as reported from the Committee of the whole Council, the Bill, on the motion of the Honorable H. Miller, was read a third time and passed.

The Honorable H. Miller moved, That the title of the Bill be “*An Act to amend the Law for the Collection and Payment of the Public Moneys, the Audit of the Public Accounts, and the Protection and Recovery of the Public Property.*”

Question—put and passed.

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

GOLD MINING ON PRIVATE PROPERTY BILL.—The Order of the Day for the second reading of this Bill being read, the Honorable H. Miller moved, That the Bill be now read a second time.

Debate ensued.

Question—put and passed.

Bill read a second time.

Ordered—That the said Bill be now considered in Committee of the whole Council.

The President left the Chair.

The Chairman of Committees reported progress, and asked leave to sit again in one hour.

Ordered.

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

MR. PRESIDENT,

The Legislative Assembly return to the Legislative Council a Bill intituled "*An Act to authorize the making of the Melbourne and Essendon Railway and for other purposes,*" and acquaint the Legislative Council that the Legislative Assembly have agreed to the amendments made therein by the Legislative Council.

Legislative Council Chambers,
Melbourne, 18th February, 1859.

FRANS. MURPHY,
Speaker.

MR. PRESIDENT,

The Legislative Assembly transmit to the Legislative Council a Bill intituled "*An Act to authorize the Sheriff to seize and sell Stock and Shares under Writs of Execution,*" to which they desire the concurrence of the Legislative Council.

Legislative Assembly Chambers,
Melbourne, 18th February, 1859.

FRANS. MURPHY,
Speaker.

MR. PRESIDENT,

The Legislative Assembly return to the Legislative Council a Bill intituled "*An Act to fix the Terms, Sittings, and Holidays of the Supreme Court,*" and acquaint the Legislative Council that they have agreed to the same with the amendments thereunto annexed, to which they desire the concurrence of the Legislative Council.

Legislative Assembly Chambers,
22nd February, 1859.

FRANS. MURPHY,
Speaker.

The Honorable T. H. Fellows moved, That the Stock and Shares in Execution Sale Bill, and the amendments made by the Legislative Assembly in the Supreme Court Terms, Sittings, and Holidays Bill, be printed.

Question—put and passed.

ADJOURNMENT.—The Council adjourned for one hour.

The President left the Chair at six o'clock and resumed it at seven o'clock.

STOCK AND SHARES IN EXECUTION SALE BILL.—The Honorable H. Miller moved, That this Bill be now read a first time, and read a second time to-morrow.

Amendment moved by the Honorable J. P. Fawkner, That the word "to-morrow" be omitted, and the words "this day week" inserted instead thereof.

Debate ensued.

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

Question—That the words "this day week," proposed to be inserted, be so inserted—put and passed.

Question—That the Bill be now read a first time, and read a second time this day week—put and passed.

Bill read a first time.

GOLD MINING ON PRIVATE PROPERTY BILL.—

The President left the Chair.

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

The Honorable J. B. Bennett moved, That the adoption of the Report of the Committee be made an Order of the Day for to-morrow.

Question—put and passed.

DOG ACT EXTENSION BILL.—The Order of the Day for the second reading of this Bill being read, the Honorable J. H. Patterson moved, That the Bill be now read a second time.

Debate ensued.

Amendment moved by the Honorable J. P. Fawkner, That the word "now" be omitted, with the view of adding the words "this day three 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.

Ordered—That the said Bill be now considered in Committee of the whole Council.

The President left the Chair.

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

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

Ordered.

OFFICIALS IN PARLIAMENT BILL.—The Order of the Day for the consideration of the amendments made by the Legislative Assembly on the amendments made by the Legislative Council in this Bill being read, the Honorable T. H. Fellows moved, That this Council do not insist upon the amendments made by the Legislative Council in the Bill with which the Legislative Assembly have disagreed, as follows :—

Amendment in clause II.—disagreed to.

To leave out clause III. and insert new clause—disagreed to.

To leave out clause IV.—disagreed to.

Amendments in clause V.—disagreed to.

To leave out clause VII. and insert new clause—disagreed to.

Amendments in clause IX.—disagreed to.

To leave out clauses X. and XI.—disagreed to.

Question—put and passed.

Ordered—That a Message be carried to the Legislative Assembly to acquaint them that the Legislative Council do not insist on the amendments made by them in the Bill with which the Legislative Assembly have disagreed.

BALLAARAT BYE-LAW BILL.—The Order of the Day for the second reading of this Bill being read, the Honorable H. Miller moved, That the Bill be now read a second time.

Debate ensued.

Amendment made by the Honorable J. P. Fawkner, That the word “now” be omitted, with the view of adding the words “this day three months” after the word “time.”

Debate ensued.

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

Contents, 8.

The Hon. H. Miller

J. H. Patterson

B. Williams

J. Hood

J. Hodgson

Dr. Wilkie

T. T. a'Beckett

C. Vaughan (*Teller*).

Not Contents, 4.

The Hon. T. H. Fellows

T. H. Power

J. B. Bennett

J. P. Fawkner (*Teller*).

The question was therefore passed.

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

Bill read a second time.

Ordered—That the said Bill be now considered in Committee of the whole Council.

The President left the Chair.

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

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

Ordered.

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

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

Ordered.

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

Amendment moved by the Honorable J. P. Fawkner, That the Debate on the question be adjourned until to-morrow.

Debate ensued.

Question—That the Debate on this question be adjourned until to-morrow—put.

Council divided.

Contents, 8.

The Hon. T. H. Fellows

A. Fraser

J. Stewart

J. B. Bennett

J. P. Fawkner

T. H. Power

W. J. T. Clarke

M. Hervey (*Teller*).

Not Contents, 7.

The Hon. H. Miller

J. H. Patterson

Dr. Wilkie

J. Hood,

J. Hodgson

C. Vaughan

B. Williams (*Teller*).

Question was therefore passed.

AUDIT ACT AMENDMENT BILL.—The Honorable H. Miller, with leave of the Council, moved, without notice, That a Message be carried to the Legislative Assembly to inform them that the following corrections were omitted by mistake, to be made in this Bill, viz. :—

Clause XXIV., line 15, after the words “set forth in the said warrant” add “and any previous warrants of the like nature.”

„ line 16, after “of” insert “any.”

Question—put and passed.

PAPERS.—The Honorable H. Miller presented to the Council the following Papers :—
 Gold Workings, Dandenong. (19th February, 1859.)
 Electric Telegraph—Half-yearly Report (to 31st December, 1858).
 Births, Deaths, and Marriages—Fifth Annual Report (year ending 30th June, 1858).
 Statistics of the Colony of Victoria, 1857.
 Board of Science—First Annual Report.
 Sanitary Station—Report on, for 1858.
 Ordered severally to lie on the Table.

The Council adjourned at twenty-five minutes to one o'clock on Wednesday, the twenty-third day of February, until three o'clock on the same day.

ORDERS OF THE DAY.

WEDNESDAY, 23RD FEBRUARY, 1859.

1. The Hon. T. McCOMBIE : To ask the Honorable the Commissioner of Trade and Customs, if it be the intention of the Executive to take any action upon the Report of the Commission on the Defences of the Colony ; or, if they have the subject of our Public Defences under consideration.

Government Business:—

ORDERS OF THE DAY:—

1. GOLD MINING ON PRIVATE PROPERTY BILL.—Adoption of Report.
2. BALLAARAT BYE-LAW BILL.—Adoption of Report.
3. SPIRIT DEALERS REGISTRATION ACT AMENDMENT BILL.—To be further considered in Committee.
4. APPROPRIATION BILL.—Adjourned debate on second reading.

General Business:—

ORDER OF THE DAY:—

1. DOG ACT EXTENSION BILL.—Adoption of Report.

TUESDAY, 1ST MARCH.

ORDER OF THE DAY:—

1. STOCK AND SHARES IN EXECUTION SALE BILL.—To be read a second time.

G. W. RUSDEN,

Clerk of the Council and Clerk of the Parliaments.

VICTORIA.

No. 37.

Minutes of the Proceedings
OF THE
LEGISLATIVE COUNCIL.

WEDNESDAY, 23RD FEBRUARY, 1859.

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

The President read the Prayer.

PROROGATION.—The Honorable H. Miller, by command of His Excellency the Governor, announced to the Council that it is the intention of His Excellency the Governor to proceed to the Legislative Council Chamber, on Thursday, the 24th instant, to give the Royal Assent to certain Bills, and to prorogue the Parliament at three o'clock p.m.

GOLD MINING ON PRIVATE 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 T. McCombie moved, That the Order of the Day be discharged, and that the Bill be now reconsidered in Committee of the whole Council.

Question—put and passed.

The President left the Chair.

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

The Honorable J. B. Bennett moved, That the Report of the Committee be now adopted.

Question—put and passed.

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

The Honorable J. B. Bennett moved, That the title of the Bill be "*An Act to remove legal obstacles affecting certain contracts and agreements relating to mining on private property, and to extend the jurisdiction of the Court of Mines, and for other purposes relative to Mining for Gold in Victoria.*"

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 desire their concurrence therewith.

BALLAARAT BYE-LAW 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 now reconsidered in Committee of the whole Council.

Question—put and passed.

The President left the Chair.

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

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

Question—put and passed.

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

The Honorable H. Miller moved, That the title of the Bill be "*An Act to declare void a certain Bye-law passed by the Council of the Municipal District of Ballaarat respecting the Supply of Water for Domestic Sanitary and other purposes from Yuille's Swamp.*"

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 desire their concurrence therewith.

SPIRIT DEALERS REGISTRATION ACT AMENDMENT BILL.—The Order of the Day for the further consideration of this Bill in Committee of the whole Council being read, the Honorable H. Miller moved, That the Order be discharged from the Notice Paper.

Question—put and passed.

APPROPRIATION BILL.—The Order of the Day for the resumption of the 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.

Ordered—That the said Bill be now considered in Committee of the whole Council.

The President left the chair.

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

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

Question—put and passed.

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

The Honorable H. Miller moved, That the title of the Bill be “*An Act to appropriate the Consolidated Revenue to the service of the year One thousand eight hundred and fifty-nine and for other purposes.*”

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 two amendments, one of which is a correction of an error in the Title of an Act, and the other of which is intended to further the meaning of the Legislative Assembly in distributing the grant for Education, as expressed in the note directing the mode of its distribution, and to request their concurrence with the same.

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

MR. PRESIDENT,

The Legislative Assembly return to the Legislative Council a Bill intituled “*An Act to amend the Law for the Collection and Payment of the Public Moneys the Audit of the Public Accounts and the Protection and Recovery of the Public Property,*” and acquaint the Legislative Council that they have agreed to the amendments made by the Legislative Council.

FRANS. MURPHY,
Speaker.

Legislative Assembly Chambers,
23rd February, 1859.

ADJOURNMENT.—The Honorable H. Miller moved, with leave of the Council, without notice, That the House at its rising adjourn until Twelve o'clock on Thursday, the 24th instant.

Question—put and passed.

DOG ACT EXTENSION 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. H. Patterson moved, That the Report be adopted.

Question—put and passed.

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

The Honorable J. H. Patterson moved, That the title of the Bill be “*An Act to amend an Act intituled ‘An Act for abating the nuisance occasioned by Dogs in the streets of certain towns and on highways in New South Wales.’*”

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 desire their concurrence therewith.

The Council adjourned at half-past six o'clock until twelve o'clock on Thursday, the 24th instant.

ORDER OF THE DAY.

TUESDAY, 1ST MARCH.

ORDER OF THE DAY:—

1. STOCK AND SHARES EXECUTION SALE BILL.—To be read a second time.

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

VICTORIA.

No. 38.

Minutes of the Proceedings
OF THE
LEGISLATIVE COUNCIL.

THURSDAY, 24TH FEBRUARY, 1859.

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

The President read the Prayer.

ROYAL ASSENT TO BILLS.—The President announced to the Council that he had received intimation from His Excellency the Governor to the effect that His Excellency would proceed to the Council Chamber at half-past four o'clock this day, instead of at three o'clock as previously announced, to give the Royal Assent to certain Bills.

ADJOURNMENT.—Ordered—That the Council do now adjourn until four o'clock this day.

The President left the chair at half-past twelve o'clock and resumed it at twenty minutes past four o'clock.

LIBRARY JOINT COMMITTEE.—The Honorable J. Hodgson brought up a Report from the Joint Committee of both Houses appointed to superintend and regulate the affairs of the Library, and moved that the same be printed.

Question—put and passed.

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

ADJOURNMENT DURING PLEASURE.—The Honorable H. Miller, at five o'clock, moved, That the House adjourn during pleasure.

Question—put and passed.

At ten minutes past eight o'clock the President resumed the Chair.

PAPER.—The Honorable H. Miller presented to the Council the following Paper:—

Gold Fields Act.—Order in Council (14th February, 1859,) (22nd February, 1859,) (22nd February, 1859).

Ordered to lie on the table.

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

MR. PRESIDENT,

The Legislative Assembly return to the Legislative Council a Bill, intituled, "*An Act to appropriate the Consolidated Revenue to the Service of the Year One thousand eight hundred and fifty-nine and for other purposes,*" and acquaint the Legislative Council that the "*Constitution Act*" having prohibited the Legislative Council from making any alterations in the Appropriation Bill, this House refuses to entertain the amendments, and insist upon the Bill in its integrity, and respectfully request the Council to reconsider their proceedings on this Bill.

FRANS. MURPHY,
Speaker.

Legislative Assembly Chambers,
Melbourne, 24th February, 1859.

APPROPRIATION BILL.—The Honorable H. Miller moved, That this Council do not insist on the amendments made by them in the Appropriation Bill.

Debate ensued.

Amendment moved by the Honorable J. B. Bennett, That the following words be added after the word "Bill":—But that inasmuch as it appears from the Message received from the Legislative Assembly that the amendments made by the Council in the Appropriation Bill have been refused to be entertained on the alleged ground that the "*Constitution Act*" prohibits the Council from making any alterations therein, this House agrees that an address be presented to His Excellency the Governor, praying him to transmit by Message to the Legislative Assembly, for their consideration, the following amendment:—

That the figures £92,500 and £32,500 be struck out of the 36th division of the First Schedule of the Appropriation Bill.

Debate ensued.

The Honorable M. Hervey moved, That the debate be adjourned until to-morrow.

Debate ensued.

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

Council divided.

Contents, 9.
The Hon. T. McCombie
J. Stewart
J. P. Fawkner
D. Kennedy
A. Fraser
W. Roope
S. G. Henty
J. B. Bennett
M. Hervey (*Teller*).

Not Contents, 10.
The Hon. H. Miller
J. Hood
C. Vaughan
J. Hodgson
T. T. a'Beckett
J. Henty
B. Williams
W. Highett
Dr. Wilkie
J. H. Patterson (*Teller*).

The question was therefore negatived.

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

MR. PRESIDENT,

The Legislative Assembly return to the Legislative Council a Bill, intituled, "*An Act to declare void a certain Bye-Law passed by the Council of the Municipal District of Ballarat respecting the Supply of Water for Domestic Sanitary and other purposes from Yuille's Swamp,*" and acquaint the Legislative Council, that they have agreed to the amendment made therein by the Legislative Council.

FRANS. MURPHY,
Speaker.

Legislative Assembly Chambers,
Melbourne, 24th February, 1859.

APPROPRIATION BILL.—

Debate resumed.

Question—That the words proposed to be added to the original motion be so added—put.

Council divided—

Contents, 7.
The Hon. J. P. Fawkner
J. Stewart
A. Fraser
W. Roope
T. McCombie
J. B. Bennett
M. Hervey (*Teller*).

Not Contents, 12.
The Hon. H. Miller
J. Hodgson
C. Vaughan
J. Hood
J. Henty
T. T. a'Beckett
S. G. Henty
Dr. Wilkie
W. Highett
D. Kennedy
B. Williams
J. H. Patterson (*Teller*).

The question was therefore negatived.

Question—That this Council do not insist on the amendments made by them in the Appropriation Bill—put and passed.

Ordered—That a Message be carried to the Legislative Assembly to acquaint them that the Council do not insist upon the amendments made by them in the Appropriation Bill.

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, he, after a speech to His Excellency, delivered the Appropriation Bill to the Clerk of the Parliaments, 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 amend an Act intituled 'An Act to regulate the Importation Carriage and Custody of Gunpowder 21 Victoria No. 21.'*"

"*An Act for the regulation of Oyster Fisheries in Victoria.*"

"*An Act for the continuation of expiring Laws.*"

"*An Act to incorporate a Company to be called 'The Bendigo Water Works Company' and for other purposes.*"

"*An Act to amend and consolidate the Laws affecting the Solemnization of Marriage.*"

"*An Act to incorporate a Company to be called 'The Castlemaine Gas Company' and for other purposes.*"

"*An Act to enable the Trustees for the time being to sell and convey certain Land situate in the City of Melbourne and vested in such Trustees to the use of the Religious Society denominated Wesleyan Methodists.*"

"*An Act to alter and extend some of the provisions contained in 'The St. Kilda and Brighton Railway Act 1857' and for other purposes.*"

"*An Act to incorporate the Shareholders of 'The National Bank of Australasia' and for other purposes.*"

"An Act to reduce the Capital and Borrowing Powers of 'The Melbourne Exchange Company' and for other purposes."

"An Act to amend the Law relating to the more easy Recovery of certain Debts and Demands."

"An Act for the protection of the Fisheries of Victoria."

"An Act to amend the Law relating to Innkeepers Carriers and others."

"An Act for an Assessment on Stock."

"An Act to consolidate and amend the Laws affecting the Chinese emigrating to or resident in Victoria."

"An Act to amend the Law relating to the Registration of Parliamentary Electors."

"An Act to amend an Act intituled 'An Act to regulate the temporal affairs of the Synod of Victoria and to amend the Law relating thereto.'"

"An Act for the establishment of a Board of Agriculture."

"An Act for the Preservation of Fish in the Lakes and Rivers of the Colony of Victoria."

"An Act to authorize the making of the Melbourne and Essendon Railway and for other purposes."

"An Act to amend the Law for the Collection and Payment of the Public Moneys the Audit of the Public Accounts and the Protection and Recovery of the Public Property."

"An Act to declare void a certain Bye-Law passed by the Council of the Municipal District of Ballarat respecting the Supply of Water for Domestic Sanitary and other purposes from Yuille's Swamp."

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."

RESERVATION OF BILLS FOR THE SIGNIFICATION OF HER MAJESTY'S PLEASURE THEREON.—

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

"An Act to enlarge the powers of the 'Australian Trust Company' and to remove doubts as to the validity of Deeds executed by Agents of the Company, and for other purposes."

"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."

ROYAL ASSENT TO A BILL.—His Excellency was then pleased to assent, in Her Majesty's name, to the following Bill:—

"An Act to appropriate the Consolidated Revenue to the Service of the year One thousand eight hundred and fifty-nine 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 schedules of the Bills assented to, and of 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:

When I called you together in October last, I stated that the principal object which I had in view in requiring your attendance in Parliament at that season of the year, was to enable you to dispose of those measures of reform which had been introduced in a former Session, and that it would be the duty of my advisers to bring forward only such other measures as were absolutely required to meet the exigencies of the public service. I then ventured to express a hope that the Session would be brought to a close before the termination of the year; but fresh questions of more or less importance, some of a public some of a private character, have forced themselves upon the attention of Parliament, and the Session has thereby been extended to a later period than anticipated. The beneficial nature of most of the Bills which have now become law compensates for this increased demand upon your time and attention, and the Country will recognize in them renewed evidence of the zeal and assiduity with which you have applied yourselves to your Parliamentary duties.

The Bill to alter the Electoral Districts and increase the number of Members of the Assembly will come into operation on the first of May. It distributes the representation more equally over the entire population of the country, and provides for such an increase in the number of members as will, I trust, be found greatly to facilitate the dispatch of business before Parliament. The Bill for shortening the duration of the Assembly has been reserved for the signification of Her Majesty's pleasure, as required by the Constitution Act. I have no reason to doubt that it will receive Her Majesty's assent, and it will in all probability become law long before its operation can be required. It has also been thought advisable to reserve the Bill to limit the number of persons holding

office under the Crown who may sit and vote in either House of Parliament, as it affects the prerogative of the Crown, and as doubts have arisen whether it should not have been passed by an absolute majority of both Houses.

The Bills which I announced as intended to be brought forward at the commencement of the Session have been successfully carried through Parliament, with the exception of three, namely, a Bill to consolidate the Road Acts, a Bill to regulate Weights and Measures, and a Bill to give validity to certain contracts for Mining on Private Property. The two first have long since been prepared, and were only withheld in order to give place to such as appeared to be of more immediate importance; and the third has failed to become law in consequence of the want of concurrence of both Houses in some of its provisions.

The Bills severally to amend the Audit Act, to amend the Act authorising an Assessment on Stock, to consolidate the Laws relating to the Chinese, to establish a Board of Agriculture, to consolidate the Laws respecting Marriage, are calculated either to improve the previously existing law, to give security to our public credit, or to aid in developing our industry and resources. The several Private Railway Bills which have ripened into Acts carry out the principle enunciated by a former Legislature, namely, that while the construction of the main lines should be kept in the hands of the Government, all other lines should be left to private enterprise.

I avail myself of the opportunity to congratulate you upon, and at the same time to express my own satisfaction with, the progress which has been made in the great railway undertakings already authorised by Parliament. This rapidity of execution has not been purchased at the expense of inferiority. I am assured, indeed, that the character of the work is equal to that of the best lines of railway in Great Britain. I am happy to think that the state of the London money market justifies a confident expectation that our Railway Bonds will almost immediately occupy the favorable position which has been anticipated.

The opinions which have been expressed in Parliament respecting the necessity of placing every branch of the public service on a more permanent and settled footing, though not expressed in any formal resolution, will not be disregarded by my advisers. Means will be adopted during the recess to institute a full and comprehensive enquiry into the state of the public establishments, partly with a view to economy, and partly for the purpose of placing meritorious officers in the public service in a position of progressive advancement and future security.

GENTLEMEN OF THE LEGISLATIVE ASSEMBLY:

I thank you in Her Majesty's name for the liberality with which you have provided for the exigencies of the Public Service, as well as for the necessary expenditure on Roads, Bridges, and other public improvements. The large sums which you have found yourselves justified in appropriating for various public works bear witness to the abundant resources of the country. The early period at which they are voted, as compared with former years, will enable them to be expended with much greater economy and efficacy.

The Resolutions which your House adopted for the purchase of the line of Railway constructed by the Melbourne and Geelong Railway Company will, I trust, allay the discontent which had arisen in the minds of some persons connected with that undertaking owing to a misconception as to the duty of this Government to interfere with regard to the appropriation of the guaranteed interest. I need scarcely assure you that the engagements of the Colony have invariably been faithfully and punctually fulfilled. If the proposals which these Resolutions embody should be accepted by the Company, a measure will be submitted to Parliament early in the ensuing Session to carry them into effect.

HONORABLE GENTLEMEN OF THE LEGISLATIVE COUNCIL, AND GENTLEMEN OF THE LEGISLATIVE ASSEMBLY:

I now dismiss you to your homes. The arrangements preliminary to a dissolution which the recent change in the electoral law has rendered necessary will be made with a view to calling the new Parliament together at an earlier and more convenient period than has hitherto been found practicable.

I now, in Her Majesty's name, declare this Parliament to be prorogued to Thursday, the thirty-first day of March next, and it is hereby prorogued accordingly.

HENRY BARKLY.

Which being concluded, a copy of the Speech was delivered to the President of the Council and to Mr. Speaker, and the Legislative Assembly withdrew at five minutes to eleven o'clock.

His Excellency the Governor left the Council Chamber.

G. W. RUSDEN,

Clerk of the Council and Clerk of the Parliaments.

SELECT COMMITTEES

APPOINTED DURING THE SESSION 1858-9.

1.—ADDRESS IN REPLY TO GOVERNOR'S OPENING SPEECH.

Appointed 7th October, 1858.

The Hon. H. Miller	The Hon. J. B. Bennett
„ T. McCombie	„ J. Henty
„ W. Highett	„ T. T. a'Beckett (<i>Mover</i>).
„ J. Hood	

2.—REFRESHMENT ROOMS AND STABLES—(JOINT COMMITTEE).

Appointed 12th October, 1858.

The Hon. J. Stewart	The Hon. J. Hodgson
„ S. G. Henty	„ W. Highett (<i>Mover</i>).
„ J. H. Patterson	

3.—LIBRARY—(JOINT COMMITTEE).

Appointed 12th October, 1858.

The Hon. The President	The Hon. Dr. Hope
„ J. P. Fawkner	„ J. Hodgson (<i>Mover</i>).
„ T. T. a'Beckett	

4.—STANDING ORDERS.

Appointed 12th October, 1858.

The Hon. The President	The Hon. J. B. Bennett
„ H. Miller	„ J. Hood
„ J. P. Fawkner	„ T. McCombie (<i>Mover</i>).

5.—PARLIAMENT HOUSE BUILDINGS—(JOINT COMMITTEE).

Appointed 12th October, 1858.

The Hon. The President	The Hon. A. Fraser
„ J. Hodgson	„ H. Miller (<i>Mover</i>).
„ T. T. a'Beckett	

6.—PRINTING.

Appointed 12th October, 1858.

The Hon. T. H. Power	The Hon. J. P. Fawkner
„ J. B. Bennett	„ M. Hervey (<i>Mover</i>).
„ T. McCombie	

142
145,
7.—ELECTIONS AND QUALIFICATIONS.

Appointed by President's Warrant, 19th October, 1858.

The Hon. T. T. a'Beckett	The Hon. * Dr. Tierney
„ T. H. Fellows	„ J. H. Patterson
„ M. Hervey	„ J. Henty
„ T. McCombie	„ † R. Thomson.

* For the time being disqualified 9th November, 1858.

† Appointed 9th November, 1858, in room of a member for the time being disqualified.

8.—IMPOUNDING ACT.

Appointed 20th October, 1858.

The Hon. H. Miller	The Hon. G. Urquhart
„ J. P. Fawkner	„ T. H. Power (<i>Mover</i>).
„ M. Hervey	

9.—ABORIGINES.

Appointed 26th October, 1858.

The Hon. H. Miller	The Hon. J. H. Patterson
„ J. Henty	„ Dr. Hope
„ G. Urquhart	„ Dr. Tierney
„ M. Hervey	„ T. McCombie (<i>Mover</i>).

10.—SOUTH PROVINCE ELECTORAL ROLLS.

Appointed 26th October, 1858.

The Hon. T. H. Power	The Hon. T. T. a'Beckett
„ M. Hervey	„ J. B. Bennett (<i>Mover</i>).
„ T. H. Fellows	

11.—MANAGEMENT OF BOARD OF LAND AND WORKS.

Appointed (by Ballot) 2nd November, 1858.

The Hon. H. Miller	The Hon. T. McCombie
„ J. H. Patterson	„ J. F. Strachan
„ T. T. a'Beckett	„ W. Highett
„ M. Hervey	„ G. Urquhart (<i>Mover</i>).

12.—DIVORCE.

Appointed 14th December, 1858.

The Hon. T. H. Fellows	The Hon. W. Roope
„ T. T. a'Beckett	„ T. H. Power
„ J. B. Bennett	„ T. McCombie
„ G. S. Coppin	„ J. P. Fawkner (<i>Mover</i>).

13.—COMMISSION OF THE PEACE.

Appointed 15th December, 1858.

The Hon. T. T. a'Beckett	The Hon. R. Thomson
„ M. Hervey	„ G. S. Coppin
„ T. H. Power	„ T. H. Fellows (<i>Mover</i>).
„ J. H. Patterson	

VICTORIA.

LEGISLATIVE COUNCIL.

SESSION 1858.

WEEKLY REPORT OF DIVISIONS

IN

COMMITTEE OF THE WHOLE COUNCIL.

No. 1.

Extracted from the Minutes.

WEDNESDAY, 3RD NOVEMBER, 1858.

No. 1.—MARRIAGE BILL.—Proposed new clause.—That for the purposes of this Act females shall be deemed to have attained their majority at the age of nineteen.

Motion made and question put—That the above proposed clause stand part of the Bill.—*(Hon. J. Hood.)*

Committee divided.

Contents, 9.

The Hon. G. S. Coppin
T. H. Power
M. Hervey
G. Urquhart
Dr. Tierney
W. Roope
C. Vaughan
J. Henty
J. Hood (*Teller*).

Not Contents, 12.

The Hon. H. Miller
The President
A. Fraser
T. T. a'Beckett
J. P. Fawkner
W. Highett
J. B. Bennett
Dr. Hope
T. McCombie
J. F. Strachan
W. J. T. Clarke
J. H. Patterson (*Teller*).

VICTORIA.

LEGISLATIVE COUNCIL.

SESSION 1858.

WEEKLY REPORT OF DIVISIONS

IN

COMMITTEE OF THE WHOLE COUNCIL.

No. 2.

Extracted from the Minutes.

TUESDAY, 23RD NOVEMBER, 1858.

No. 1.—BOARD OF AGRICULTURE BILL.—Clause 1.

Motion made and question put—That the Chairman report progress, and ask leave to sit again this day week.—(Hon. J. P. Fawkner.)

Committee divided.

Contents, 10.

- The Hon. A. Fraser
- J. Stewart
- J. H. Patterson
- J. P. Fawkner
- G. Urquhart
- M. Hervey
- T. McCombie
- T. H. Fellows
- J. B. Bennett
- J. F. Strachan (*Teller*).

Not Contents, 9.

- The Hon. H. Miller
- C. Vaughan
- T. T. a'Beckett
- Dr. Hope
- Dr. Tierney
- G. S. Coppin
- Dr. Wilkie
- B. Williams
- J. Hood (*Teller*).

VICTORIA.

LEGISLATIVE COUNCIL.

SESSION 1858.

WEEKLY REPORT OF DIVISIONS

IN

COMMITTEE OF THE WHOLE COUNCIL.

No. 3.

Extracted from the Minutes.

TUESDAY, 30TH NOVEMBER, 1858.

No. 1.—ELECTORAL DISTRICTS, ALTERATION BILL.—Schedule, part 4.—4. The Electoral District of South Melbourne.—Bounded on the north by the River Yarra Yarra, from its junction with the Saltwater River to Prince's Bridge; on the east by the road bearing south-east to the northern angle of section No. 46, St. Kilda; thence by Fitz Roy-street to the sea coast; thence by the sea coast to the Yarra Yarra River; and thence by the said river to its junction with the Saltwater River aforesaid Two.

Motion made and question put—That the above part 4 be struck out of the Schedule.—(Hon. J. B. Bennett.)

Committee divided.

Contents, 10.
The Hon. J. Stewart
T. H. Fellows
G. Urquhart
J. B. Bennett
W. Highett
T. McCombie
W. Roope
Dr. Hope
B. Williams
J. H. Patterson (Teller).

Not Contents, 13.
The Hon R. Thomson
H. Miller
A. Fraser
T. T. a'Beckett
M. Hervey
J. Hood
C. Vaughan
Dr. Wilkie
Dr. Tierney
T. H. Power
J. Henty
J. F. Strachan
G. S. Coppin (Teller).

No. 2.—The same.—The Schedule, part 4.—

Motion made—That the word "Two" occurring in the seventh line of the above division be struck out, with the view of inserting the word "ONE".—(Hon. J. B. Bennett.)

Question—That the word proposed to be omitted stand part of the division of the Schedule—put.

Committee divided.

Contents, 20.
 The Hon. The President
 A. Fraser
 J. Stewart
 G. S. Coppin
 J. F. Strachan
 T. T. a'Beckett
 H. Miller
 T. McCombie
 G. Urquhart
 W. Highett
 Dr. Tierney
 Dr. Wilkie
 J. H. Patterson
 J. Henty
 W. Roope
 Dr. Hope
 T. H. Power
 M. Hervey
 J. Hood
 R. Thomson (*Teller*).

Not Contents, 3.
 The Hon. T. H. Fellows
 B. Williams
 J. B. Bennett (*Teller*).

No. 3.—The same.—The Schedule, part 29.—29. The Electoral District of Mandurang. Bounded on the north by the Murray; on the east by the Campaspe; on the south by the Myrtle Creek and the northern boundary of Maldon; and on the west by the River Loddon, excluding the parish of Tarnagulla and the electoral district of Sandhurst Two.

Motion made and question put—That the word “Bendigo,” proposed to be inserted (in the blank created by the omission of the word “Mandurang”), be so inserted.

Committee divided.

Contents, 9.
 The Hon. H. Miller
 G. S. Coppin
 J. B. Bennett
 J. H. Patterson
 G. Urquhart
 Dr. Wilkie
 Dr. Tierney
 B. Williams
 T. T. a'Beckett (*Teller*).

Not Contents, 11.
 The Hon. R. Thomson
 The President
 J. Hood
 C. Vaughan
 T. H. Fellows
 J. Henty
 M. Hervey
 T. H. Power
 Dr. Hope
 J. F. Strachan
 A. Fraser (*Teller*).

THURSDAY, 2ND DECEMBER, 1858.

No. 4.—ELECTORAL DISTRICTS ALTERATION BILL.—The Schedule, parts 1, 2 and 3.—
 1. The Electoral District of West Melbourne.—Commencing at that point on the north bank of the River Yarra Yarra intersected by a line passing through the centre of Elizabeth-street; thence north-westerly by a line passing through the centre of Elizabeth-street to Victoria-street; thence west by a line passing through the centre of Victoria-street and by a line bearing west (excluding the Benevolent Asylum reserve) to the western boundary of the City; thence south by the western boundary of the city to the River Yarra Yarra; and thence easterly by the north bank of the River Yarra Yarra to Elizabeth-street, the commencing point aforesaid Two.

2. The Electoral District of North Melbourne.—Commencing at that point in the centre of Victoria-parade intersected by a line passing through the centre of Nicholson-street; thence north by a line passing through the centre of Nicholson-street, and by a line bearing north to the southern boundary of portion 90, parish of Jika Jika; thence west by the southern boundary of that portion and by the southern boundary of portion 91 to the Moonee Ponds; thence southward by the Moonee Ponds to the site of Main's bridge; thence by a line bearing south to a point due west of Victoria-street; thence by a line bearing east (including the Benevolent Asylum reserve), and by a line passing through the centre of Victoria-street and Victoria-parade to Nicholson-street, the commencing point Two.

3. The Electoral District of East Melbourne.—Commencing at that point on the north bank of the River Yarra Yarra intersected by a line passing through the centre of Elizabeth-street ; thence north-westerly by a line passing through the centre of Elizabeth-street to Victoria-street ; thence east by a line passing through the centre of Victoria-street and Victoria-Parade to Gisborne-street ; thence southward by the eastern side of Gisborne-street and a line bearing south to the River Yarra Yarra ; and thence westerly by the north bank of the River Yarra Yarra to the commencing point

... Two.

Motion made and question put—That the above three parts be struck out of the Schedule, with a view to insert the 1st division of Schedule F of the " Constitution Act."—

1. Electoral District of Melbourne.—Commencing at a point in the Yarra Yarra River due south from the south-western angle of Gisborne-street ; thence to Gisborne-street and by the western side of that street to Victoria-parade ; thence by the south side of Victoria-parade to the western side of Nicholson-street ; thence by the said western side of Nicholson-street northwards to the boundary line of the corporate limits of Melbourne ; thence by the last mentioned boundary line, bearing west to the Moonee Ponds by the said Moonee Ponds downwards to the site of Main's Bridge ; thence by a line bearing south to the Yarra Yarra River ; and on the south by the Yarra Yarra River to the commencing point

... FIVE.

—(Hon. T. T. a'Beckett.)

Committee divided.

Contents, 5.
The Hon. T. T. a'Beckett
A. Fraser
J. Stewart
T. H. Fellows
J. F. Strachan (Teller).

Not Contents, 17.
The Hon. The President
H. Miller
Dr. Wilkie
G. S. Coppin
J. Hood
T. H. Power
M. Hervey
Dr. Hope
W. Highett
R. Thomson
Dr. Tierney
B. Williams
T. McCombie
J. Henty
W. Roope
C. Vaughan
J. H. Patterson (Teller).

No. 5.—The same.—The Schedule, part 31.—31. The Electoral District of the Ovens.—Commencing at the junction of Whorouly Creek with the River Ovens ; thence by a line bearing north *twenty miles* ; thence by a line bearing east to the Little River ; thence southward by the Little River to its source in the Dividing Range ; thence by the Dividing Range and a line south to a point on the Ovens River nine miles above its junction with the River Buckland ; on the south by a line from the last mentioned point to the source of the River Buckland ; thence by the Dividing Range to the source of the River Buffalo ; and thence by the River Buffalo and the River Ovens to the commencing point

... Two.

Motion made—That the words "*twenty miles*" occurring in the third line of the above part of the Schedule be struck out, with the view of inserting the words "*to the River Murray.*"—(Hon. T. H. Fellows.)

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

Contents, 5.
The Hon. H. Miller
Dr. Wilkie
J. Hood
Dr. Tierney
G. S. Coppin (Teller).

Not Contents, 16.
The Hon. J. H. Patterson
A. Fraser
T. H. Power
T. H. Fellows
T. T. a'Beckett
W. Highett
R. Thomson
Dr. Hope
B. Williams
W. Roope
J. F. Strachan
T. McCombie
J. Stewart
C. Vaughan
J. Henty
M. Hervey (Teller).

VICTORIA.

LEGISLATIVE COUNCIL.

SESSION 1858.

WEEKLY REPORT OF DIVISIONS

IN

COMMITTEE OF THE WHOLE COUNCIL.

No. 4.

Extracted from the Minutes.

TUESDAY, 7TH DECEMBER, 1858.

No. 1.—DUTY ON SPIRITS BILL.—Motion made and question put—That the Chairman do leave the Chair.—(Hon. J. P. Fawcner.)

Committee divided.

Contents, 5.
 The Hon. J. P. Fawcner
 J. Stewart
 T. McCombie
 J. F. Strachan
 T. H. Power (*Teller*).

Not Contents, 17.
 The Hon. T. H. Fellows
 C. Vaughan
 J. H. Patterson
 H. Miller
 A. Fraser
 G. S. Coppin
 Dr. Tierney
 G. Urquhart
 Dr. Hope
 W. Highett
 J. Hood
 T. T. a'Beckett
 Dr. Wilkie
 W. J. T. Clarke
 W. Roope
 B. Williams
 J. Henty (*Teller*).

152152

VICTORIA.

LEGISLATIVE COUNCIL.

SESSION 1858.

WEEKLY REPORT OF DIVISIONS

IN

COMMITTEE OF THE WHOLE COUNCIL.

No. 5.

Extracted from the Minutes.

TUESDAY, 14TH DECEMBER, 1858.

No. 1.—ELECTORAL DISTRICTS ALTERATION BILL.—Schedule part 4.—4. The Electoral District of South Melbourne.—Bounded on the north by the River Yarra Yarra, from its junction with the Saltwater River to Prince's Bridge; on the east by the road bearing south-east to the northern angle of section No. 46, St. Kilda; thence by Fitz Roy-street, to the sea coast; thence by the sea coast to the Yarra Yarra River; and thence by the said river to its junction with the Saltwater River aforesaid Two.

Motion made and question put—That the above part of the Schedule be struck out.—
(Hon. T. H. Fellows.)

Committee divided.

- Contents, 18.
- The Hon. J. F. Strachan
- T. H. Fellows
- T. T. a'Beckett
- T. H. Power
- M. Hervey
- G. Urquhart
- A. Fraser
- W. Highett
- W. Roope
- Dr. Hope
- T. McCombie
- R. Thomson
- J. B. Bennett
- W. J. T. Clarke
- J. Stewart
- B. Williams
- J. P. Fawcner
- J. H. Patterson (*Teller*).

- Not Contents, 6.
- The Hon. G. S. Coppin
- J. Hood
- Dr. Wilkie
- Dr. Tierney
- C. Vaughan
- H. Miller (*Teller*).

75-254

VICTORIA.

LEGISLATIVE COUNCIL.

SESSION 1858-9.

WEEKLY REPORT OF DIVISIONS

IN

COMMITTEE OF THE WHOLE COUNCIL.

No. 6.

Extracted from the Minutes.

WEDNESDAY, 19TH JANUARY, 1859.

No. 1.—OFFICIALS IN PARLIAMENT BILL.—Clause 3.—(Now Clause 4.)—Notwithstanding the provisions hereinbefore contained it shall be lawful for the Governor from time to time to appoint any number of officers so that the entire number shall not at any one time exceed nine who shall be capable of being elected members of either of the said Houses of Parliament and of sitting and voting therein Provided always that such officers shall be responsible Ministers of the Crown and members of the Executive Council and four at least of such officers shall be members of the said Council or Assembly.

Motion made and question put—That the above clause be struck out.—(Hon. T. H. Fellows.)

Committee divided.

Contents, 10.

- The Hon. J. H. Patterson
- T. H. Power
- M. Hervey
- J. P. Fawkner
- J. F. Strachan
- T. McCombie
- W. Roope
- W. J. T. Clarke
- J. B. Bennett
- T. H. Fellows (*Teller*).

Not Contents, 5.

- The Hon. H. Miller
- J. Hood
- Dr. Wilkie
- Dr. Tierney
- A. Fraser (*Teller*).

No. 2.—COUNTY COURTS ACT AMENDMENT BILL.—Clause 1.

Motion made and question put—That the Chairman report progress, and ask leave to sit again on Tuesday next.—(Hon. J. B. Bennett.)

Committee divided.

Contents, 6.

- The Hon. J. B. Bennett
- T. H. Fellows
- J. P. Fawkner
- H. Miller
- Dr. Tierney
- T. H. Power (*Teller*).

Not Contents, 6.

- The Hon. J. Hood
- J. H. Patterson
- W. Roope
- J. F. Strachan
- W. J. T. Clarke
- A. Fraser (*Teller*).

The Tellers having declared the "Contents" and the "Not Contents" to be equal in number, the Chairman gave his casting vote with the "Contents."

VICTORIA.

LEGISLATIVE COUNCIL.

SESSION 1858-9.

WEEKLY REPORT OF DIVISIONS

IN

COMMITTEE OF THE WHOLE COUNCIL.

No. 7.

Extracted from the Minutes.

THURSDAY, 10TH FEBRUARY, 1859.

No. 1.—REGISTRATION ACT AMENDMENT BILL.—Clause XVIII.—(Now Clause XXI.)—If any person, after the completion of the divisional electoral roll in any year as aforesaid shall consider himself entitled to vote for members to serve in Parliament it shall be competent for such person at any time to give notice thereof in writing signed by him or if he be unable to write verified by his mark duly attested by a competent witness thereto stating the nature of his qualification and its exact locality to the registrar of the division within which such qualification shall be said to exist and every registrar shall within three days of the first day of the "months" of June September and December in each year prepare a list of the claims so sent to him since the last list shall have been made out and shall forthwith transmit a copy of such list arranged alphabetically to the clerk of the court of the petty sessions which shall have acted as a revision court for revising the annual electoral roll for the division for which such claims shall have been made and such clerk of petty sessions shall cause a copy of such list to be exhibited in some place convenient for reference in the building wherein such court shall be held until such list shall have been revised and such registrar shall also keep a copy of such list in his office for inspection at any reasonable time without fee or reward and a court of petty sessions for the revision of such lists shall be held on the fourteenth day of June fourteenth day of September and fourteenth day of December respectively and all the provisions of this Act applicable to any revision court and the powers and duties conferred and imposed by this Act on such courts and the registrars respectively shall be so far as they can applicable and be applied to the registrars and to the revision courts held in the months of June September and December respectively and any such courts may adjourn Provided that no such court shall adjourn by one or more adjournment beyond the period of seven days from the first day of its sitting.

Motion made and question put—That the letter "s," in the word "months," in the eighth line, be struck out.—(Hon. J. B. Bennett.)

Committee divided.

Contents, 6.
The Hon. G. S. Coppin
T. H. Power
J. B. Bennett
Dr. Hope
J. P. Fawkner
M. Hervey (Teller).

Not Contents, 7.
The Hon. H. Miller
C. Vaughan
A. Fraser
J. Hood
T. McCombie
Dr. Wilkie
J. H. Patterson (Teller).

No. 2.—NATIONAL BANK OF AUSTRALASIA BILL.—Clause XVII.

Motion made and question put—That the Chairman report progress, and ask leave to sit again this day week.—(*Hon. T. H. Power.*)

Committee divided.

Contents, 5.
The Hon. H. Miller
T. H. Power
J. P. Fawkner
Dr. Wilkie
J. H. Patterson (*Teller*).

Not Contents, 9.
The Hon. G. S. Coppin
T. McCombie
Dr. Hope
M. Hervey
J. Hood
J. Stewart
J. B. Bennett
C. Vaughan
A. Fraser (*Teller*).

No. 3.—The Same.—Clause XVII.—The discounts or advances by the said corporation on securities bearing the name of any director or officer thereof as maker drawer acceptor or indorser shall not at any time to all the directors or officers collectively exceed in amount one-tenth of the total advances and discounts of the said corporation and no director shall exercise his vote at a board meeting on any application for monetary accommodation in which it shall appear to the directors at such board meeting that he is directly or indirectly interested further or otherwise than as a mere shareholder in the company.

Motion made and question put—That the above clause be struck out.—(*Hon. J. P. Fawkner.*)

Contents, 3.
The Hon. T. H. Power
J. P. Fawkner
J. H. Patterson (*Teller*).

Not Contents, 11.
The Hon. H. Miller
G. S. Coppin
T. McCombie
Dr. Hope
J. Stewart
A. Fraser
J. Hood
C. Vaughan
J. B. Bennett
Dr. Wilkie
M. Hervey (*Teller*).

VICTORIA.

LEGISLATIVE COUNCIL.

SESSION 1858-9.

WEEKLY REPORT OF DIVISIONS

IN

COMMITTEE OF THE WHOLE COUNCIL.

No. 8.

Extracted from the Minutes.

FRIDAY, 18TH FEBRUARY, 1859.

No. 1. SYNOD OF VICTORIA BILL.—Clause I.—So soon as the said sections or bodies of Presbyterians shall have united and formed themselves into one church under and bearing the name of the Presbyterian Church of Victoria and after notice of such union having taken place shall have been published in the *Government Gazette* the office bearers and congregations forming the said church and under the spiritual superintendence of the judicatories of the same shall be recognized as the Presbyterian Church of Victoria unconnected with any other church or ecclesiastical judicatory whatever and all hereditaments estates and temporal privileges and all equitable rights belonging to any of the aforesaid bodies and the congregations thereof or to any such other congregation or congregations as may be formed in time to come under the spiritual superintendence of the said Presbyterian Church of Victoria and the judicatories thereof shall belong to the said Presbyterian Church of Victoria and to the several congregations thereof as fully and effectually to all intents and purposes as at the time of the passing of this Act such hereditaments estates temporal privileges and equitable rights were vested in or belonged to the said Synods and the congregations thereof respectively and shall continue to be administered in terms and according to the provisions of the Acts deeds or instruments under which the same hereditaments estates temporal privileges and equitable rights have accrued to the said bodies and congregations subject to the decisions and judicatories of the said Presbyterian Church of Victoria “only.”

Motion made and question put—That after the word “only,” at the end of the clause, the following words be inserted:—“*Provided that before any such hereditaments estates temporal privileges and equitable rights or any of them shall belong to the said Presbyterian Church of Victoria and the congregations thereof as above mentioned the said Church or some persons on behalf of the said Church shall indemnify all persons not joining therein liable for the payment of any sum or sums of money in respect of such hereditaments estates temporal privileges and equitable rights aforesaid or any of them from and against all such liability.*”—(Hon. J. B. Bennett.)

Committee divided.

Contents, 8.

The Hon. G. S. Coppin
T. H. Power
The President
W. Highett
J. B. Bennett
J. P. Fawkner
T. H. Fellows
J. Hood (*Teller*).

Not Contents, 14.

The Hon. H. Miller
A. Fraser
J. H. Patterson
J. Stewart
J. Henty
M. Hervey
D. Kennedy
Dr. Wilkie
W. Roope
J. F. Strachan
T. McCombie
C. Vaughan
B. Williams
Dr. Hope (*Teller*).

7/060

VICTORIA.

LEGISLATIVE COUNCIL.

SESSION 1858-9.

WEEKLY REPORT OF DIVISIONS
IN
COMMITTEE OF THE WHOLE COUNCIL.

No. 9.

Extracted from the Minutes.

TUESDAY, 22ND FEBRUARY, 1859.

No. 1.—GOLD MINING ON PRIVATE PROPERTY BILL.—Clause I.—No “contract” made before the first day of November One thousand eight hundred and fifty-eight nor any contract made after that day and before the first day of November One thousand eight hundred and fifty-nine the operation or continuance of which shall not extend beyond the first day of November One thousand eight hundred and fifty-nine by and between the owner of any land in Victoria and any other person authorising such person to mine for gold in or upon the land of such owner or in any way relating to gold therein or the proceeds of mining therein or any contract between any persons whomsoever respecting or relating to the working of any such land shall in any court in Victoria be deemed illegal or void by reason of the gold in such land not having passed to the grantee of the said land under or by virtue of the Crown grant but such contract if registered in cases where the same is required to be registered as hereinafter provided shall and may be enforced in the court of mines of the district within which the land is situate and it shall be no ground of nonsuit or of defence in any suit that such gold is the property of the Crown.

Motion made—That the word “heretofore” be inserted after the word “contract” in the first line of the above clause.—(Hon. T. T. a’Beckett.)

Question—That the word proposed to be inserted be so inserted—put.
Committee divided.

Contents, 14.
The Hon. A. Fraser
T. T. a’Beckett
T. H. Fellows
J. Stewart
T. H. Power
J. B. Bennett
W. Highett
D. Kennedy
S. G. Henty
T. McCombie
J. P. Fawkner
J. Henty
W. J. T. Clarke
J. H. Patterson (Teller).

Not Contents, 6.
The Hon. H. Miller
C. Vaughan
J. Hood
M. Hervey
Dr. Wilkie
B. Williams (Teller).

No. 2.—BALLAARAT BYE LAW BILL.—

Motion made and question put—That the Chairman report progress, and ask leave to sit again after the other orders of the day have been disposed of.—(Hon. T. H. Fellows.)

Contents, 3.
The Hon. J. P. Fawkner
J. B. Bennett
T. H. Fellows (Teller).

Not Contents, 12.
The Hon. The President
H. Miller
C. Vaughan
B. Williams
Dr. Wilkie
J. Hood
A. Fraser
J. Stewart
M. Hervey
T. T. a’Beckett
T. H. Power
J. H. Patterson (Teller).

No. 3.—BALLAARAT BYE-LAW BILL.—Clause III.—This Act shall commence and take “effect” on and after the first day of May One thousand eight hundred and fifty-nine.

Motion made—That all the words after the word “effect” in the first line of the above clause be omitted, with a view to insert the following words, “so soon as the sum of six thousand pounds shall have been paid to the Municipal Council of Ballaarat West.”
(Hon. T. H. Fellows.)

Question—That the words proposed to be omitted stand part of the Bill—put.
Committee divided.

Contents, 8.
The Hon. H. Miller
J. Hood
C. Vaughan
B. Williams
A. Fraser
J. Stewart
Dr. Wilkie
J. H. Patterson (*Teller*).

Not Contents, 6.
The Hon. T. H. Fellows
J. B. Bennett
W. J. T. Clarke
M. Hervey
T. H. Power
J. P. Fawkner (*Teller*).

No. 4.—The same.—Clause III.—

Motion made—That the words “if the sum of five thousand pounds shall have been paid to the Municipal Council of Ballaarat West but not otherwise” be inserted at the end of the clause.—(Hon. T. H. Fellows.)

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

Contents, 6.
The Hon. T. H. Power
J. P. Fawkner
J. B. Bennett
M. Hervey
T. H. Fellows
W. J. T. Clarke (*Teller*).

Not Contents, 8.
The Hon. H. Miller
J. H. Patterson
J. Hood
Dr. Wilkie
B. Williams
A. Fraser
J. Stewart
C. Vaughan (*Teller*).

No. 5.—The same.—Proposed new Clause.—The Municipal Council of Ballaarat East shall within three months after the commencement of this Act pay to the Municipal Council of Ballaarat West three-fourths of all moneys expended by them in and about and in connection with the supply of water from the said swamp.

Motion made and question put—That the above Clause stand as Clause IV. of the Bill.
(Hon. T. H. Fellows.)

Committee divided.

Contents, 6.
The Hon. W. J. T. Clarke
J. P. Fawkner
T. H. Power
M. Hervey
J. B. Bennett
T. H. Fellows (*Teller*).

Not Contents, 8.
The Hon. H. Miller
J. H. Patterson
Dr. Wilkie
B. Williams
C. Vaughan
A. Fraser
J. Stewart
J. Hood (*Teller*).

No. 6.—The same.—Proposed new Clause.—The Municipal Council of Ballaarat East shall within three months after the commencement of this Act pay to the Municipal Council of Ballaarat West two-thirds of all moneys expended by them in and about and in connection with the supply of water from the said swamp.

Motion made and question put—That the above Clause stand as Clause IV. of the Bill.
(Hon. T. H. Fellows.)

Committee divided.

Contents, 6.
The Hon. T. H. Power
J. P. Fawkner
J. B. Bennett
M. Hervey
W. J. T. Clarke
T. H. Fellows (*Teller*).

Not Contents, 8.
The Hon. J. Stewart
A. Fraser
C. Vaughan
B. Williams
Dr. Wilkie
J. H. Patterson
H. Miller
J. Hood (*Teller*).

VICTORIA.

LEGISLATIVE COUNCIL.

SESSION 1858-9.

WEEKLY REPORT OF DIVISIONS
IN
COMMITTEE OF THE WHOLE COUNCIL.

No. 10.

Extracted from the Minutes.

WEDNESDAY, 23RD FEBRUARY, 1859.

No. 1.—GOLD MINING ON PRIVATE PROPERTY BILL.—Clause V.—V. No person shall in pursuance of any contract now made or which shall hereafter be made mine or employ any other person to mine upon private property unless the person so mining shall be possessed of a miner's right but no such contract shall be void nor shall the rights of the respective parties to such contract or any of them be in anywise prejudicially affected nor shall any such person be precluded from instituting or defending any suit in the court of mines in respect of such contract by reason of such person or of any of the parties to or interested in the contract not being possessed of a miner's right but every person mining or employing any other person to mine upon private property without a miner's right after the passing of this Act shall forfeit a sum not exceeding twenty pounds which penalty may be summarily imposed by the judge of the court of mines of the mining district in which the lands mined upon are situate and shall be enforced in like manner as a judgment of the said court or the same may be recovered in a summary way before any justice of the peace.

Motion made and question put—That Clause V. of this Bill be struck out.—(Hon. T. McCombie.)

Committee divided.

Contents, 5.

- The Hon. W. Highett
- J. B. Bennett
- T. McCombie
- W. J. T. Clarke
- A. Fraser (*Teller*).

Not Contents, 10.

- The Hon. The President
- T. H. Fellows
- M. Hervey
- J. Henty
- T. H. Power
- D. Kennedy
- W. Roope
- Dr. Wilkie
- T. T. a'Beckett
- J. H. Patterson (*Teller*).

No. 2.—The same.—Proposed new Clause.—XIII. That nothing in this Act contained shall prejudice or affect the right of the Crown to any royalty or dues out of or in respect of any gold raised upon the land of any owner as hereinbefore mentioned.

Motion made and question put—That this clause stand part of the Bill.—(Hon. T. T. a'Beckett.)

Committee divided.

Contents, 15.

- The Hon. H. Miller
- A. Fraser
- T. H. Fellows
- J. Hood
- T. H. Power
- T. T. a'Beckett
- S. G. Henty
- W. Highett
- Dr. Wilkie
- D. Kennedy
- J. Henty
- J. B. Bennett
- W. Roope
- T. McCombie
- C. Vaughan (*Teller*).

Not Contents, 3.

- The Hon. M. Hervey
- W. J. T. Clarke
- J. H. Patterson (*Teller*).

164/64

No. 3.—APPROPRIATION BILL.—First Schedule.—Division No. 36.

No. 36. EDUCATION—(DIVISION).

Grant in aid of Education—

	£	s.	d.
To the Denominational Board	92500	0	0
To the National Board	32500	0	0

125,000 0 0

To be distributed in the manner hereinafter mentioned, viz., That the expenses of the Departments of the Denominational and National School Boards be first provided for, and the salaries to teachers under both systems be paid in accordance with the present scale ; the balance to be divided between both Boards in proportion to the number of scholars on the books of each for the year 1858 ; provided that under this distribution no assistance shall be given to any school having an average attendance of less than twenty scholars, and that neither Board shall make any grant for school buildings to a greater amount than that of the local subscriptions.

Motion made—That the figures “92,500 and 32,500” in the above division (No. 36) of the Schedule be struck out.—(Hon. T. H. Fellows.)

Question—That the figures proposed to be omitted stand part of the Bill—put. Committee divided.

Contents, 6.

- The Hon. H. Miller
- J. H. Patterson
- Dr. Wilkie
- B. Williams
- W. Highett
- J. Hood (*Teller*).

Not Contents, 10.

- The Hon. S. G. Henty
- T. H. Power
- J. B. Bennett
- A. Fraser
- J. Stewart
- W. J. T. Clarke
- T. McCombie
- The President
- T. H. Fellows
- M. Hervey (*Teller*).

21/65

1858.

VICTORIA.

CONTRACT FOR RAILWAY LOAN.

LAI'D UPON THE COUNCIL TABLE BY THE HONORABLE H. MILLER 12TH OCTOBER, 1858,
AND ORDERED BY THE COUNCIL TO BE PRINTED 19TH OCTOBER, 1858.

By Authority :

JOHN FERRES, GOVERNMENT PRINTER, MELBOURNE.

166/66

1858.

VICTORIA.

CONTRACT FOR RAILWAY LOAN.

PRESENTED TO BOTH HOUSES OF PARLIAMENT BY HIS EXCELLENCY'S COMMAND.

Memorandum of Agreement made and entered into this Sixteenth day of August A.D. 1858 ~~Between~~ the Honorable George Harker the Treasurer of Victoria (hereinafter designated the Treasurer) for and on behalf of the Government of Victoria (hereinafter designated the Government) of the one part and James Blackwood Esquire Inspector of the Banking Company carrying on business under the style of the Union Bank of Australia and the several Corporations following that is to say the Bank of Victoria the London Chartered Bank the Bank of Australasia the Bank of New South Wales and the Colonial Bank of Australasia which said Banking Company and the said several Banking Corporations are respectively carrying on business at Melbourne in Victoria aforesaid and elsewhere and are hereinafter designated the Banks of the other part ~~Whereas~~ by the *Railway Loan Act* of 1857 it was enacted that it should be lawful for the Governor in Council to cause to be made out and issued Debentures secured upon the consolidated revenues of Victoria for such sum or sums of money not exceeding £8,000,000 sterling in the whole as might be required for the several purposes in such Act particularly expressed and that the Treasurer of Victoria might under such regulations at such times and places on such terms on such conditions and in such manner as the Governor in Council might direct offer or cause to be offered for sale such Debentures ~~And~~ it was further enacted that it should be lawful for the Governor in Council to authorize the whole or any portion of the moneys to be raised by the sale of Debentures of the class therein described as the first class and issuable to the extent of £7,000,000 to be negotiated or contracted for by an agent or agents to be appointed on behalf of the said Government by the Governor in Council ~~And~~ whereas the said Banks have agreed to advance the sum or sums of money hereinafter mentioned upon the terms and conditions hereinafter expressed for the construction of the two lines of railway following (that is to say) one line from Melbourne by way of Castlemaine and Sandhurst to the River Murray and one line from Geelong to Ballarat and for the purchase of rails chairs rolling-stock railway-plant and other materials requisite for the said lines of railway ~~And~~ ~~Whereas~~ the Governor in Council has authorized the issue of the whole of the Debentures of the first class amounting to the said sum of £7,000,000 for the purposes aforesaid and the Governor in Council has directed that all such Debentures when issued shall be offered for sale in London under and according to the provisions hereinafter expressed and in contemplation of the execution of these presents the Governor in Council has appointed the said Banks to be the Agents on behalf of the said Government to negotiate or contract for the sale of the whole of the said Debentures of the first class and otherwise to act in reference thereto in manner and under and subject to the several provisions stipulations and agreements and upon the terms respectively hereinafter mentioned and the said Banks have accepted the said agency upon the terms hereinafter mentioned ~~Now therefore~~ it is hereby agreed by and between the parties hereto in manner following that is to say—

1. That the Banks shall from time to time advance to the said Government such sum or sums of money as the said Government may require for the purposes aforesaid not exceeding in any one month except as hereinafter provided the sum of £150,000 ~~Provided~~ that in case the sum advanced in any one month shall not amount to the sum of £150,000 the Banks shall if required so to do advance the difference in the following month but not afterwards unless with their own consent ~~Provided also~~ that the Banks shall not be required to make any advances to the Government under this contract exceeding in the whole at any one time the sum of £1,800,000.

2. That no interest shall be charged by either of the said Banks upon the amount advanced by such Bank so long as there shall be an amount to the credit of the said Government at such Bank equal to the amount advanced by it but if at any time the sum advanced by either of the said Banks shall exceed the sum to the credit of the Government at such Bank then the said Bank shall be entitled to charge interest on the amount of such excess at the rate of Six pounds per centum per annum.

3. That in the event of the Debentures which shall have been remitted to London as hereinafter provided remaining unsold and the receipts or other acknowledgments given by the Government to the Banks for advances not being paid on presentation the said Banks shall be entitled to charge interest at the rate of six pounds per centum per annum upon the amount of such receipts or acknowledgments from the date of their being made in Victoria until the amount of the same shall be covered by the amounts realized by the sale of Debentures or be otherwise liquidated and such allowance of interest shall be made irrespective of the Government accounts in Victoria.

4. The Banks shall forthwith nominate and appoint some person resident in Melbourne to whom all communications from the Government to the said Banks shall be made and addressed.

5. That on such advances being made the Government shall transmit to London by the earliest opportunity occurring after the first day of October next to some Bank firm or person or persons to be named by the Banks and approved by the Treasurer as the recipient and custodian in London of the said Debentures of the first class an amount of the said Debentures equivalent in nominal amount to the advances made from time to time under this contract such Debentures to be disposed of as hereinafter provided and the Treasurer for the time being of Victoria shall give each of the said Banks receipts or acknowledgments (in triplicate) in the form set out in the schedule hereto for the advances made by each such Bank in excess of the amount to the credit of the public account as the same shall from time to time be made and upon the production and delivery of such receipts or acknowledgments by the said Banks respectively to the said Bank firm or person or persons to be so nominated and approved of as aforesaid either the amounts mentioned in such receipts or acknowledgments respectively shall be paid in cash or Debentures in nominal amount equal to the advances acknowledged in such receipts respectively shall be delivered by the said Bank firm or person or persons aforesaid to the Bank in whose favor such receipts or acknowledgments shall have been made or their order for the sale thereof it being however understood and agreed that all such Debentures shall be sold only through or by the means of such Bank firm or person or persons aforesaid and upon the sale of such Debentures the interest chargeable upon such advances as shall be covered by such sales or be otherwise liquidated from time to time shall thenceforth cease. But it is expressly understood and agreed that the Banks shall be responsible for the due and faithful application by the said Bank firm or person or persons to be nominated by them as above mentioned of the Debentures which shall from time to time be transmitted pursuant to this provision.

6. That such Debentures shall not be disposed of by the Banks or their agents at a lower price than £105 for every £100 Debenture exclusive of accrued interest unless with the previous consent of the Governor in Council testified in writing under the hand of the Treasurer of Victoria for the time being in that behalf and except as hereinafter expressly provided.

7. That the Banks shall be entitled to a commission of one per cent. upon the amount of all Debentures which shall be sold under this agreement besides brokerage at a rate not exceeding one-quarter per cent. together with disbursements for advertisements and petty charges.

8. That the interest on all the Debentures payable in London shall be paid by means of the said Banks in London who shall be entitled to a commission of one-half per cent. on the amount thereof the amount of such interest to be provided in London by the Government before the same becomes due.

9. That the payment of the Debentures at maturity or the repurchases of any portion of them during their currency on behalf of the Government should the Government be desirous of repurchasing the same shall be performed by means of the Banks who shall be entitled to a commission of one-quarter per cent. besides the usual brokerage payable on such transactions in London.

10. That in the event of the Government requiring to reimburse the Banks the amount of their advances on moneys payable to them or to make remittances to London for any purposes connected with railway construction drafts shall be provided for that purpose by the Banks at one-half per cent. below their selling rate of exchange on London and such drafts as the Government may make against funds to their credit in London arising from the sale of the said Debentures in the form set forth in the schedule marked B hereunto annexed and shall be negotiated by the Banks at one-half per cent. below their selling rate of exchange on London provided that the amount of such drafts shall not exceed in any one month the sum of Three hundred thousand pounds.

11. The Banks hereby undertake when required by the Government so to do to sell the whole or so much of the said Debentures as the Government may from time to time be desirous to dispose of in excess of such advances as aforesaid in such amounts at such prices and upon such terms and the proceeds thereof to dispose of in London in such manner as the Governor in Council shall in that behalf direct and upon the same terms so far as the Banks themselves are concerned as to the sale payment of interest and ultimate payment of the debentures or repurchase of the same as is hereinbefore provided with reference to Debentures given to cover advances to the Government by the Banks.

12. That in the event of the Debentures proving unsaleable at the sum or price reserved as aforesaid it shall be at the option of the said Banks at any time after the 1st day of October 1859 and from time to time to reimburse themselves all such advances made by them and all moneys payable to them and all expenses as shall have been made or incurred by effecting sales of such Debentures or a competent part thereof at the best price and most money then

obtainable in London therefor and if there shall be any deficiency in the proceeds of the sale of the Debentures then in the hands of the said Banks or of their said representatives additional Debentures shall be placed in the hands of the said Banks to cover such deficiency.

13. That the said Banks shall render or cause to be rendered to the Government by every mail from England true and full accounts of all sales of Debentures under this agreement and shall and will make up and render regular statements of account by every such mail of all transactions then pending and unsettled between the Government and the said Banks touching the subject matter of this agreement or in any way relating thereto.

As Witness the respective hands of the Honorable the said George Harker as such Treasurer as aforesaid of the said James Blackwood as Inspector of the Union Bank of Australia of John Matheson as the General Manager of the Bank of Victoria of John Bramwell as Manager of the London Chartered Bank of David Charteris McArthur as Manager of the Bank of Australasia of John Badcock as Manager of the Bank of New South Wales and of Thomas E. Boyd as General Manager of the Colonial Bank of Australasia for and on behalf of the said Banking Company and Banking Corporations respectively.

GEO. HARKER
J. BLACKWOOD
J. MATHESON
D. C. McARTHUR
J. BADCOCK
JOHN BRAMWELL
THO^S E. BOYD

Witness to the respective Signatures of the within named the Honorable George Harker James Blackwood John Matheson John Bramwell David Charteris McArthur John Badcock and Thomas Elder Boyd

H. S. CHAPMAN
Attorney General
R. D. IRELAND
Solicitor General.

THE SCHEDULES ABOVE REFERRED TO.

A.

VICTORIA RAILWAY LOAN.

Under the Authority of "The Railway Loan Act 1857."

This is to certify that the _____ Bank has this day advanced in Melbourne to the Government of Victoria in accordance with the Contract for the Railway Loan the sum of £ _____ sterling and is entitled on presentation hereof to _____ in London to receive a like sum in cash and in the event of cash not having been provided by the sale of Debentures issued under the authority of the above Act to repay the said advance then to receive Debentures equivalent in nominal amount to the above advance to be dealt with in terms of the contract Dated in triplicate (one part whereof being satisfied the other to stand void) at Melbourne the _____ day of _____ 18 _____

B.

Form of Draft to be used by the Government in drawing against their Funds in London under this Contract.

No. _____ Treasury Melbourne 18
£ _____ of Exchange (and of the
At sixty days after sight of this or order the sum of sterling
same tenor and date not paid) pay value received which place to account. Treasurer.

No. _____ Treasury Melbourne 18
£ _____ of Exchange (and of the
At sixty days after sight of this or order the sum of sterling
same tenor and date not paid) pay value received which place to account. Treasurer.

No. _____ Treasury Melbourne 18
£ _____ of Exchange (and of the
At sixty days after sight of this or order the sum of sterling
same tenor and date not paid) pay value received which place to account. Treasurer.

A 1-a.

170170

1858.

VICTORIA.

PAY OR PENSION MONEY.

Return to Address:

THE HONORABLE J. P. FAWKNER.—13TH APRIL, 1858.

LAI D UPON THE COUNCIL TABLE BY THE HONORABLE H. MILLER, 12TH OCTOBER, 1858.
AND ORDERED BY THE COUNCIL TO BE PRINTED, 19TH OCTOBER, 1858.

By Authority:

JOHN FERRES, GOVERNMENT PRINTER, MELBOURNE.

PERSONS DRAWING OR ENTITLED TO DRAW PAY OR PENSION MONEY ON THE 31st JANUARY, 1858.

An alphabetical and numerical return from each department of the Colonial Government of all persons who drew or were entitled to draw pay or pension money from the Treasury of Victoria upon the 31st day of January, 1858, showing the annual salary payable to each, commencing with the chief officer in each department or sub-division of department under each head; to state the date of entry of each person into the Public Service; the amount of daily, weekly, monthly, or yearly pension; the name of the person who appointed him to the office he holds; the amount of security under which he is now or formerly was bound; the time each day at which he commences the business of the office, and the hour at which he quits his post or office; the country in which each employé was born, whether English, Irish, Scotch, Welsh, or from the islands depending upon Great Britain; or if foreigners, of what nation and when naturalized.

LEGISLATIVE COUNCIL DEPARTMENT.

No.	NAME.	Annual Salary.	Date of Entry.	Pension.	By whom appointed.	Amount of Security.		Hours of Duty.		Where Born.	If Foreigners.	
						Now.	Formerly.	From	To		What Nation.	When naturalized.
1	Rusden, G. W. ...	£1000	4th July, 1849	Nil	His Excellency the Governor, with advice of Executive Council	£500	Nil until 29th April, 1858.	9 a.m.	During Session: until no work remains to be done for the printer.—Out of Session: supervision and attendance of Department.	England.		
2	Austin, George ...	£3 per week	1st Jan., 1852	"	" "	Nil	Nil	8 a.m.	Constant during Session	"		
3	Briarton, James ...	"	18th Nov., 1856	"	" "	"	"	"	" "	Ireland.		
4	Bridges, Frederick	"	1st Aug., 1851	"	" "	"	"	"	" "	England.		
5	Carr, C. W. ...	£400	7th Dec., 1854	"	" "	"	"	9 a.m.	Until no work remains to be done for the printer, &c.	Ireland.		
6	Comyns, C. L. ...	£600	27th June, 1854	"	" "	"	"	"	" "	England.		
7	Farquharson, H. H.	£400	18th Nov., 1856	"	" "	"	"	"	" "	"		
8	Russell, Henry ...	£200	16th June, 1852	"	" "	"	"	Constant	charge of the premises...	"		
9	Scott, John... ..	£3 per week	10th July, 1857	"	... ..	"	"	8 a.m.	Constant during Session	Scotland.		
10	Shallard, Thomas ...	25s. "	29th May, 1857	"	" "	"	"	9 a.m.	4 p.m., during Session ...	England.		
11	Stevenson, W. H. ...	£3 "	15th Jan., 1857	"	... ..	"	"	8 a.m.	Constant during Session	Scotland.		
12	Weare, James ...	£300	21st Aug., 1854	"	" "	"	"	9 a.m.	Until no work remains to be done for the printer, &c.	England.		
13	Webb, Arthur ...	£3 per week	January, 1844	"	" "	"	"	8 a.m.	Constant during Session	Ireland.		

NOTE.—The President and Chairman of Committees not being Departmental Officers are not included in this Return.

(Signed)

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

1774

DEPARTMENT OF THE LEGISLATIVE ASSEMBLY.

No.	NAME.	Annual Salary.	Date of Entry.	Pension.	By whom appointed.	Amount of Security.		Hours of Duty.		Where Born.	If Foreigners.	
						Now.	Formerly.	From	To		What Nation.	When naturalized.
1	Barker, John ...	£1000	18th Aug., 1849	Nil	The Governor	Nil	Nil	9 a.m.	During Session: to adjournment of Assembly.—Out of Session: to 4 o'clock	Buckinghamshire, England.		
2	Atkinson, T. G. ...	£300	21st Oct., 1852	"	" "	"	"	"	During Session: to about half-past 5 o'clock.—Out of Session: 4 o'clock	Penrith, England.		
3	Bonner, Edward ...	£3 per week	November, 1856	"	Executive Council	"	"	"	During Session: to adjournment of Assembly.—Out of Session: 4 o'clock	London.		
4	Bowman, John ...	25s. "	1st Jan., 1857	"	" "	"	"	"	4 p.m.	"		
5	Brophy, M. ...	£3 "	November, 1856	"	" "	"	"	"	During Session: to adjournment of Assembly.—Out of Session: 4 o'clock	Ireland.		
6	Church, R. ...	" "	1st April, 1857	"	" "	"	"	"	" "	London.		
7	Corneille, Thos. ...	" "	1st Feb., 1857	"	" "	"	"	"	" "	Ireland.		
8	Dumas, A. G. ...	£800	2nd Oct., 1836	"	The Governor in Council	"	"	"	" "	Sicily.		
9	Gill, S. M. ...	£300	21st Sept., 1854	"	The Governor	"	"	"	During Session: to about half-past 5 o'clock.—Out of Session: 4 o'clock	Kent Co., England.		
10	Hardess, George ...	per week	19th Nov., 1856	"	Executive Council	"	"	"	4 p.m.	Buckingham, England.		
11	Mears, Henry ...	£1 "	1st Jan., 1857	"	Executive Council	"	"	"	During Session: till after adjournment of Assembly:—Out of Session: till 4 o'clock	Somersetshire, England.		
12	Palmer, W. J. ...	£500	21st June, 1854	"	The Governor	"	"	"	" "	Ireland.		
13	Pearse, G. E. ...	£200	July, 1854	"	Executive Council	"	"	"	" "	London.		
14	Reddan, D....	£3 per week	November, 1856	"	" "	"	"	"	" "	Ireland.		
15	Ring, R. B....	" "	" "	"	" "	"	"	"	" "	"		
16	Sorell, W. ...	£400	28th Aug., 1853	"	The Governor	"	"	"	" "	Tasmania.		
17	Warner, A. ...	"	9th June, 1852	"	" "	"	"	"	During Session: to about half-past 5 o'clock.—Out of Session: 4 o'clock	Rochester, England.		

4

(Signed)

JOHN BARKER,
Clerk of Assembly.

DEPARTMENT OF THE PARLIAMENTARY LIBRARIAN.

No.	NAME.	Annual Salary.	Date of Entry.	Pension.	By whom appointed.	Amount of Security.		Hours of Duty.		Where Born.	If Foreigners.	
						Now.	Formerly.	From	To		What Nation.	When naturalized.
1	Ridgway, Charles...	£700, and allowance for quarters	10th Nov., 1851	None	His Excellency the Acting Governor, with the advice of the Executive Council	None	None	Half-past 9 o'clock every morning	Until half-past 4 o'clock of each day in recess, and until the rising of the Houses in Session	Surrey, England.		
2	Britter, Alfred ...	£250	7th Aug., 1854	„	Chief Secretary	„	„	„	„	Kent, England.		
3	Dopping, William...	£400	20th May, 1857	„	His Excellency the Governor, with the advice of the Executive Council	„	„	„	„	Westmeath, Ireland.		
4	Moore, B. Hugh ...	£160	March, 1853	„	The Librarian, with the assent of the Chief Secretary	„	„	8 a.m. throughout the year	„	Dublin, Ireland.		

(Signed)

CHARLES RIDGWAY,
Librarian.

DEPARTMENT OF THE EXECUTIVE COUNCIL.

No.	NAME.	Annual Salary.	Date of Entry.	Pension.	By whom appointed.	Amount of Security.		Hours of Duty.		Where Born.	If Foreigners.	
						Now.	Formerly.	From	To		What Nation.	When naturalized.
1	Kay, Joseph H., Comr., R.N.	£1200	22nd June, 1854	Nil	The Governor in Council ...	Nil	Nil	As	required	England.		

(Signed)

JOSEPH H. KAY.

175

176

DEPARTMENTS OF THE HONORABLE THE CHIEF SECRETARY.

CHIEF SECRETARY'S OFFICE.

No.	NAME.	Annual Salary.	Date of Entry.	Pension.	By whom appointed.	Amount of Security.		Hours of Duty.		Where Born.	If Foreigners.	
						Now.	Formerly.	From	To		What Nation.	When naturalized.
1	Moore, John	£ 1200	19th April, 1854	Nil	By His Excellency the Governor, C. J. La Trobe, Esq.	Nil	Nil	9 a.m.	4 p.m.	Ireland.		
2	Blakeney, John	350	Sept., 1853	"	" "	"	"	"	"	England.		
3	Cleary, Michael	200	Jan., 1852	"	" "	"	"	7 a.m.	6 p.m.	Ireland.		
4	Cleary, Bridget	60	"	"	" "	"	"	"	"	"		
5	Colville, Hugh	400	Oct., 1852	"	" "	"	"	9 a.m.	4 p.m.	"		
6	Denbigh, John S.	400	13th Apr., 1852	"	" "	"	"	"	"	England.		
7	Francis, Richard	500	10th Feb., 1853	"	" "	"	"	"	"	"		
8	Hogan, James	50	6th Jan., 1858	"	His Excellency the Governor in Council	"	"	7 a.m.	6 p.m.	Ireland.		
9	Lascells, John	600	Aug., 1853	"	By His Excellency C. J. La Trobe	"	"	9 a.m.	4 p.m.	Dublin.		
10	Leake, Richard	450	16th Oct., 1852	"	" "	"	"	"	"	Ireland.		
11	Mackenzie, Eneas... ..	500	5th Aug., 1853	"	" "	"	"	"	"	England.		
12	McCrae, George G.	300	8th Jan., 1854	"	His Excellency the Governor in Council	"	"	"	"	Scotland.		
13	Odgers, William Henry	650	22nd Mar., 1852	"	By His Excellency C. J. La Trobe	"	"	"	"	England.		
14	Sasse, H. A.	400	June, 1853	"	" "	"	"	"	"	Brussels (of English Parents).		
15	Spence, James M.	600	4th Oct., 1851	"	" "	"	"	"	"	Ireland.		
16	Tully, William	60	28th Nov., 1856	"	His Excellency the Governor in Council	"	"	7 a.m.	6 p.m.	"		
17	Ware, Thomas Webb	600	9th Oct., 1852	"	His Excellency C. J. La Trobe ...	"	"	9 a.m.	4 p.m.	"		
18	Whitby, A. L.	400	15th May, 1852	"	" "	"	"	"	"	England.		

DEPARTMENT OF THE REGISTRAR-GENERAL AND REGISTRAR OF THE SUPREME COURT.

No.	NAME.	Annual Salary.	Date of Entry.	Pension.	By whom appointed.	Amount of Security.		Hours of Duty.		Where Born.	If Foreigners.	
						Now.	Formerly.	From	To		What Nation.	When naturalized.
1	Campbell, N.	£ 1000	1st July, 1852	Nil	The Governor	Nil	Nil	10 a.m.	4 p.m.	Gt. Britain.		
2	Archer, William Henry ...	850	February, 1853	"	" "	"	"	"	"	London.		
3	Canavan, H.	200	21st Oct., 1852	"	" "	"	"	9 a.m.	"	Ireland.		
4	Corbett, F. A.	500	10th April, 1854	"	" "	"	"	"	"	"		
5	Drew, R. H.	250	1st Jan., 1853	"	" "	"	"	"	"	England.		
6	Farley, J. H.	250	" "	"	" "	£200	£200	"	"	London.		
7	Gibbs, R.	400	20th Oct., 1853	"	" "	Nil	Nil	"	"	Kent, England.		
8	Hardess, C. P.	150	25th Nov., 1852	"	Chief Justice	"	"	All day		Amsterdam.		
9	Holm, J. C.	450	24th Oct., 1853	"	The Governor	"	"	9 a.m.	4 p.m.	...	Denmark	1844.
10	Krone, H.	400	1st Jan., 1853	"	" "	"	"	"	"	London.		
11	Pinn, D. E.	500	28th June, 1852	"	" "	"	"	"	"	Devon, England.		
12	Robertson, P.	300	1st Aug., 1853	"	" "	"	"	"	"	Scotland.		
13	Smale, J. K.	400	17th May, 1853	"	" "	"	"	"	"	Devon, England.		
14	Sunderland, T.	500	13th April, 1853	"	" "	"	"	"	"	Yorkshire, England.		
15	Thompson, G.	100	1st March, 1858	"	Head of the Department	"	"	"	"	Manchester, England.		
CENSUS DEPARTMENT.												
1	Tomlins, P. S.	500	15th Nov., 1854	"	The Governor	"	"	"	"	England.		
2	Feinaigle, Chas. G. ...	350	1st Jan., 1854	"	" "	"	"	"	"	Ireland.		
3	Richards, Thos.	350	1st June, 1854	"	" "	"	"	"	"	"		
4	Roberts, Hy. H.	350	24th March, 1854	"	" "	"	"	"	"	England.		

(Signed) N. CAMPBELL,
Registrar-General.

7

1777

5	Ah Saam	120	1st Jan., 1858	"	"	"	"	"	"	"	"	"
6	Ah Thoon	120	1st Oct., 1856	"	"	"	"	"	"	"	"	"
7	Bates, R. W.	350	20th Jan., 1854	"	His Excellency the Governor	250 & 200	250	9 a.m.	4 p.m.	England.	"	"
8	Brackenbury, W. C.	750	...	"	"	1000	500	"	"	"	"	"
9	Chin Sung	120	13th Jan., 1857	"	Chinese Protector	Nil	Nil	" All	hours	China	China.	"
10	Doveton, F. C.	750	19th Aug., 1851	"	His Excellency the Governor	1000	500	9 a.m.	4 p.m.	England.	"	"
11	Hamilton, John P.	750	1st Jan., 1854	"	"	"	"	"	"	Scotland.	"	"
12	Harrington, Charles	300	1st Aug., 1853	"	"	250	250	"	"	East Indies.	"	"
13	Harvey, Thomas E.	300	June, 1854	"	"	"	"	"	"	Ireland.	"	"
14	Heron, Thomas D. S.	750	July, 1850	"	"	1000	500	"	"	"	"	"
15	Lawford, E. H. A.	350	20th Jan., 1853	"	"	250	250	"	"	Arcot, East Indies.	"	"
16	Lusignau, H. A. F.	450	1st Sept., 1852	"	"	"	"	"	"	England.	"	"
17	Mackenzie, R. C.	750	29th April, 1853	"	"	1000	500	"	"	Scotland.	"	"
18	Smith, Alexander John	750	6th March, 1853	"	"	"	"	"	"	England.	"	"
19	Smith, F. Augustus	300	24th June, 1854	"	"	250	250	"	"	"	"	"

(Signed)

J. E. N. BULL,
Resident Warden, Castlemaine.

DEPARTMENT OF THE RESIDENT WARDEN, SANDHURST.

No.	NAME.	Annual Salary.	Date of Entry.	Pension.	By whom appointed.	Amount of Security.		Hours of Duty.		Where born.	If Foreigners.	
						Now.	Formerly.	From	To		What Nation.	When naturalized.
1	Panton, J. A.	£ 950	June, 1852	Nil	Lieutenant-Governor, C. J. La Trobe	£ 1000	£ 500	9 a.m.	4 p.m.	Scotland.		
2	Barnard, E. T.	750	1st May, 1853	"	"	"	"	"	Sundown	Southampton Hampshire, England.		
3	Evans, Thomas F.	300	May, 1854	"	...	250	250	"	4 p.m.	Wales.		
4	Kerr, John F. F.	350	3rd June, 1852	"	His Excellency the Governor	450	250	"	"	England.		
5	Molison, Crawford	750	7th June, 1853	"	His Excellency C. J. La Trobe	1000	500	"	Uncertain hour	Hastings, England.		
6	Skene, Henry	400	6th Sept., 1852	"	His Excellency the Governor	250	250	"	4 p.m.	Portugal (of British Parents).		
7	Standish, F. C.	750	12th Apr., 1854	"	"	1000	500	"	"	England.		
8	Wollaston, W. E.	300	26th Mar., 1853	"	His Excellency C. J. La Trobe	250	Nil	"	"	Cambridgeshire, England.		

18180

DEPARTMENTS OF THE HONORABLE THE CHIEF SECRETARY—continued.

DEPARTMENT OF THE RESIDENT WARDEN, AVOCA.

No.	NAME.	Annual Salary.	Date of Entry.	Pension.	By whom appointed.	Amount of Security.		Hours of Duty.		Where born.	If Foreigners.	
						Now.	Formerly.	From	To		What Nation.	When naturalized.
1	Templeton, W. ...	£ 950	11th Nov., 1851	Nil	His Excellency Sir C. Hotham ...	£ 1000	£ 500	9 a.m.	4 p.m.	Scotland.		
2	Alexander, B. ...	400	22nd Nov., 1853	"	His Excellency C. J. La Trobe ...	250	Nil	"	"	England.		
3	Christian, W. S. ...	350	28th June, 1855	"	His Excellency Sir C. Hotham ...	"	"	"	"	"		
4	Crespigny, P. C. ...	750	18th Nov., 1852	"	" " " " ...	1000	500	"	"	France.		
5	Homan, B. S. ...	300	June, 1854	"	Acting Governor, J. Foster, Esq. ...	250	Nil	"	"	Ireland.		
6	McArthur, H. ...	350	20th Nov., 1856	"	His Excellency Major-Gen. Macarthur ...	"	"	"	"	Island of Ascension.		
7	Murray, V. ...	750	13th Jan., 1853	"	His Excellency Sir C. Hotham ...	1000	500	"	"	England.		
8	Thompson, G. A. ...	750	1st Jan., 1854	"	" " " " ...	"	"	"	"	Scotland.		
9	Webster, G. ...	750	27th Jan., 1854	"	" " " " ...	"	"	"	"	England.		

(Signed)

W. TEMPLETON, Resident Warden.

DEPARTMENT OF THE RESIDENT WARDEN, BEECHWORTH.

No.	NAME.	Annual Salary.	Date of Entry.	Pension.	By whom appointed.	Amount of Security.		Hours of Duty.		Where born.	If Foreigners.	
						Now.	Formerly.	From	To		What Nation.	When naturalized.
1	Price, Mathew ...	£ 950	4th Jan., 1853	Nil	Acting Governor Major-Gen. Macarthur	£ 1000	£ 500	* 9 a.m.	4 p.m.	Naples (of English parents).		
2	Brown, Saml. U. ...	300	August, 1853	"	His Excellency Sir Henry Barkly ...	250	250	"	"	Jamaica (of English parents).		
3	Butler, Walter ...	400	19th April, 1854	"	Acting Governor Major-Gen. Macarthur	"	"	"	"	Ireland.		
4	Church, Henry D. ...	380	October, 1853	"	His Excellency Sir C. Hotham ...	"	"	"	"	Scotland.		
5	Dowling, Chas. C. ...	750	February, 1853	"	Acting Governor Major-Gen. Macarthur	1000	500	* "	"	England.		
6	Drummond, Wm. ...	750	21st June, 1854	"	His Excellency Sir Henry Barkly ...	"	"	* "	"	Scotland.		
7	Gaunt, Wm. Henry ...	750	6th July, 1853	"	Acting Governor Major-Gen. Macarthur	"	"	* "	"	England.		
8	Lane, H. B. ...	750	August, 1852	"	" " " " ...	"	"	* "	"	Corfu, Ionian Islands (of English parents).		
9	Ho-A-Low ...	300	1st May, 1857	"	His Excellency Sir Henry Barkly ...	Nil	Nil	"	"	Canton	Chinese	Not naturalized, but has applied for letters of naturalization.
10	Morphy, John S. ...	750	29th Oct., 1852	"	His Excellency C. J. La Trobe ...	1000	500	* "	"	Ireland.		
11	Mulligan, Jas. A. ...	300	4th Oct., 1853	"	Acting Governor Major-Gen. Macarthur	250	250	"	"	"		
12	Tyrer, Jas. H. ...	300	11th Jan., 1853	"	" " " " ...	"	"	"	"	England.		

NOTE.—* The office hours are from 9 to 4, but these gentlemen are frequently employed on field duty to a much later hour.

(Signed)

M. PRICE, Resident Warden.

10

DEPARTMENT OF THE WARDEN IN CHARGE, ARARAT.

No.	NAME.	Annual Salary.	Date of Entry.	Pension.	By whom appointed.	Amount of Security.		Hours of Duty.		Where Born.	If Foreigners.	
						Now.	Formerly.	From	To		What Nation.	When naturalized.
1	Taylor, J. G.	£ 750	30th Sept., 1854	Nil	Sir C. Hotham	£ 1000	£ 500	9 a.m.	Sunset	Scotland.		
2	Christian, W. S.	350	28th June, 1853	"	Lieut.-Governor C. J. La Trobe ...	250	500	"	4 p.m.	England.		
3	Fenwick, W.	750	November, 1850	"	" "	1000	500	No fixed hours: generally the whole day		Denmark.		
4	Pasley, R. S.	350	14th Feb., 1856	"	Chief Secretary	250	250	9 a.m.	4 p.m.	India.		
5	Willoby, W.	750	3rd Nov., 1852	"	Lieut.-Governor C. J. La Trobe ...	1000	500	"	5 "	England.		
6	Worsley, C. B.	300	17th May, 1853	"	Superintendent of Police	250	Nil	"	4 "	"		

(Signed)

J. G. TAYLOR,
Warden in Charge.

DEPARTMENT OF THE CHIEF COMMISSIONER OF POLICE.

No.	NAME.	Annual Salary.	Date of Entry.	Pension.	By whom appointed.	Amount of Security.		Hours of Duty.		Where Born.	If Foreigners.	
						Now.	Formerly.	From	To		What Nation.	When naturalized.
1	Mac Mahon, Chas. ...	£ 1200	1st Jan., 1853	Nil	His Excellency the Acting Governor in Council	Nil	Nil	No stated hour, always engaged on service		Ireland.		
2	Fosbery, E. W.	500	10th Feb., 1853	"	His Excellency C. J. La Trobe ...	"	"	9 a.m.	4 p.m.	England.		
3	Harriman, B. C.	350	3rd Sept., 1854	"	His Excellency Sir C. Hotham ...	"	"	"	"	"		
4	Moors, Henry	600	1st Dec., 1852	"	"	"	"	"	"	"		
5	Pettet, Jno. G.	300	19th June, 1854	"	His Excellency Sir H. Barkly in Council	"	"	"	"	"		
6	Robertson, William ...	250	11th Jan., 1856	"	"	"	"	"	"	"		
7	Rusden, Hy. K.	400	23rd June, 1853	"	His Excellency C. J. La Trobe ...	"	"	"	"	"		

DEPARTMENTS OF THE HONORABLE THE CHIEF SECRETARY—(POLICE)—*continued.*

No.	NAME.	Annual Salary.	Date of Entry.	Pension.	By whom appointed.	Amount of Security.		Hours of Duty.		Where born.	If Foreigners.		
						Now.	Formerly.	From	To		What Nation.	When naturalized.	
	<i>Paymaster.</i>	£ s. d.											
1	Mair, William ...	800 0 0	1st March, 1843	Nil	His Excellency C. J. La Trobe ...	Personal security by deposit of deeds	Nil	9 a.m.	4 p.m.	Scotland.			
2	Elkins, Henry ...	500 0 0	7th July, 1853	"	His Excellency Sir H. Barkly, in Council ..	Nil	"	"	"	England.			
3	Raven, John C. ...	300 0 0	February, 1854	"	His Excellency the Acting Governor (J. V. F. L. Foster)	"	"	"	"	Jersey.			
4	Walker, Alexander ...	350 0 0	11th Aug., 1853	"	His Excellency C. J. La Trobe ...	"	"	"	"	Scotland.			
1	<i>Inspecting Superintendent.</i> Smith, Peter Henry ...	650 0 0	28th Feb., 1853	"	His Excellency Sir C. Hotham ...	"	"	"	"	England.			
	<i>Superintendents.</i>												
1	Bookey, Power Le Poer	500 0 0	1st Feb., 1853	"	His Excellency C. J. La Trobe ...	"	"			Ireland.			
2	Burke, Robert O'Hara	550 0 0	1st April, 1853	"	"	"	"			"			
3	Cobham, F. McCrae ...	500 0 0	1st Jan., 1853	"	"	"	"			West Indies.			
4	Dana, Wm. A. Pulteney	550 0 0	1844	"	"	"	"			England.			
5	Foster, Henry ...	550 0 0	15th Mar., 1853	"	"	"	"			"			
6	Freeman, Samuel E. ...	550 0 0	4th Dec., 1852	"	"	"	"			"			
7	Kirk, Arthur ...	500 0 0	8th Nov., 1852	"	His Excellency Sir C. Hotham ...	"	"			"			
8	Lydiard, John C. P. ...	500 0 0	14th April, 1852	"	His Excellency C. J. La Trobe ...	"	"			"			
9	Lyttleton, Thomas H. ...	550 0 0	9th Jan., 1852	"	"	"	"			"			
10	Norman, William H. ...	550 0 0	1st May, 1855	"	His Excellency Sir C. Hotham ...	"	"			"			
11	Reid, Francis A. S. ...	500 0 0	29th July, 1852	"	His Excellency the Acting Governor (Major General Macarthur)	"	"			"			
12	Richardson, Robert ...	550 0 0	3rd Jan., 1853	"	His Excellency C. J. La Trobe ...	"	"	No stated hours can be specified as police officers are supposed to be always on duty		Scotland.			
13	Slade, Edgar ...	500 0 0	10th Feb., 1853	"	"	"	"				England.		
14	Winch, Frederick A. ...	500 0 0	8th Sept., 1852	"	His Excellency Sir H. Barkly, in Council ..	"	"				"		
15	Nicholson, C. H. (Detective Superintendent)	500 0 0	1st Dec., 1852	"	"	"	"				Scotland.		
	<i>Inspectors (1st Class).</i>												
1	Barclay, Hugh Ross ...	350 0 0	4th Oct., 1852	"	His Excellency C. J. La Trobe ...	Self £1000; two sureties £500 each	"			"			
2	Furnell, Samuel S. ...	350 0 0	1st Jan., 1853	"	"	Nil	"			Ireland.			
3	Geary, Harry Vincent	350 0 0	18th Feb., 1853	"	"	Self and two sureties jointly, £1000	"			Australia.			
4	Hill, Henry ...	350 0 0	1st June, 1853	"	"	Nil	"			Ireland.			
5	Langley, Thos. Edmund	350 0 0	1st April, 1852	"	"	"	"			"			
6	McCulloch, Robert ...	350 0 0	10th May, 1853	"	"	"	"			"			
7	Mason, Joseph ...	350 0 0	4th Oct., 1852	"	"	"	"			"			
8	Wilson, Bowes Todd ...	350 0 0	10th Feb., 1853	"	"	Self £1000; two sureties £500 each	"			England.			
9	Woods, George Austin	350 0 0	3rd Nov., 1855	"	His Excellency Sir Charles Hotham	Nil	"			"			

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<i>Inspectors (2nd Class).</i>										
1	Chomley, Hussey ...	325 0 0	19th Sept., 1852	„	His Excellency C. J. La Trobe ...	Self £1000; two sureties £500 each	„	Ireland.		
2	Cook, Richard Sakeld	325 0 0	1st Sept., 1852	„	„	Nil	„	„		
3	Green, Reginald ...	325 0 0	16th Sept., 1852	„	„	Self £1000; two sureties £500 each	„	England.		
4	Hare, Francis ...	325 0 0	1st Jan., 1854	„	His Excellency Sir Charles Hotham	„	„	Cape Colony.		
5	McNeil, Nathan ...	325 0 0	20th Sept., 1852	„	His Excellency C. J. La Trobe ...	Nil	„	Scotland.		
6	Nicolas, Wm. Keigwm	325 0 0	1st March, 1853	„	„	„	„	England.		
7	Taylor, Arthur Edward	325 0 0	1st Dec., 1852	„	„	Self £1000; two sureties £500 each	„	Ireland.		
8	Ximenes, Maurice Fred.	325 0 0	8th Nov., 1852	„	„	„	„	England.		
<i>Sub-Inspectors (1st Class).</i>										
1	Chambers, Dav. Douglas	300 0 0	1st Jan., 1853	„	His Excellency Governor Barkly in Council ..	Nil	„	N. S. Wales.		
2	Hodgetts, Edward ...	300 0 0	1st April, 1856	„	His Excellency C. J. La Trobe ...	„	„	England.		
3	Kabat, Leopold ...	300 0 0	7th Nov., 1852	„	„	„	„	Poland	Poland	April, 1853
4	Kossack, Ladislaw ...	300 0 0	7th Nov., 1852	„	„	„	„	„	„	„
5	Leech, Robert ...	300 0 0	1st August, 1853	„	„	„	„	England.		
6	Page, Martin ...	300 0 0	1st May, 1853	„	„	„	„	Ireland.		
7	Powell, Murray ...	300 0 0	1st Dec., 1852	„	„	„	„	Br. Canada.		
8	Purcell, Dillon ...	300 0 0	1st May, 1853	„	„	„	„	Ireland.		
9	Sadlier, John ...	300 0 0	1st Dec., 1852	„	„	„	„	„		
<i>Sub-Inspectors (2nd Class).</i>										
1	Beaver, Alexander ...	275 0 0	10th Dec., 1852	„	His Excellency John Foster, Officer Administering Government	„	„	E. Indies.		
2	Branigan, St. John ...	275 0 0	25th Nov., 1854	„	General Macarthur, Officer Administering Government	„	„	Ireland.		
3	Disney, Robert ...	275 0 0	22nd Jan., 1853	„	His Excellency John Foster, Officer Administering Government	„	„	„		
4	Gilman, Hill John ...	275 0 0	9th Mar., 1854	„	General Macarthur, Officer Administering Government	„	„	„		
5	Palmer, Henry S. ...	275 0 0	21st July, 1853	„	„	„	„	„		
6	Shearman, Robert C. ...	275 0 0	1st Feb., 1852	„	His Excellency John Foster, Officer Administering Government	„	„	„		
7	Stoney, Isaac H. H. ...	275 0 0	1st April, 1853	„	„	„	„	„		
8	Wrixon, John H. ...	275 0 0	1st May, 1853	„	„	„	„	England.		
<i>Quartermaster.</i>										
1	Taylor, Robert Cofton	400 0 0	October, 1852	„	His Excellency C. J. La Trobe ...	„	„	Ireland.		
<i>Veterinary Surgeon.</i>										
1	Pearce, George E. ...	350 0 0	7th May, 1853	„	„	„	„	England.		
<i>1st Engineer "Victoria."</i>										
1	Griffiths, Richard ...	350 0 0	8th Dec., 1855	„	His Excellency Sir Charles Hotham in Council	„	„	„		
<i>2nd Engineer "Victoria."</i>										
2	Arnold, Alfred ...	255 10 0	1st April, 1857	„	His Excellency Governor Barkly in Council ..	„	„	„		

No stated hours can be specified as a police officer is considered to be always on duty.

1853

DEPARTMENTS OF THE HONORABLE THE CHIEF SECRETARY—(POLICE)—*continued.*

No.	NAME.	Annual Salary.	Date of Entry.	Pension.	By whom appointed.	Amount of Security.		Hours of Duty.		Where Born.	If Foreigners.	
						Now.	Formerly.	From	To		What Nation.	When naturalized.
<i>Detective (1st Class).</i>												
1	Addey, William ...	£ 273 15 0	14th Oct., 1855	}	If subsequent to the year 1854, by the Chief Commissioner of Police; if prior to that date, by the officers in charge of districts	Nil	Nil	No stated hours can be specified, as members of the Police Force are considered to be always on duty	}	England.		
2	Alexander, John ...	273 15 0	1st May, 1853							Scotland.		
3	Black, Charles ...	273 15 0	1st Jan., 1856							England.		
4	Grant, William ...	273 15 0	1st Aug., 1854							Scotland.		
5	Morton, Wm. S. ...	273 15 0	1st Sept., 1853							Ireland.		
6	O'Neill, Lucien ...	273 15 0	9th Aug., 1853							"		
7	Rendall, Walter ...	273 15 0	1st June, 1853							England.		
8	Sincoch, Thomas H. ...	273 15 0	1st Feb., 1853							"		
9	Williams, John ...	273 15 0	"							"		
10	Wolfe, John ...	273 15 0	5th July, 1855							Ireland.		
<i>Detective (2nd Class).</i>												
1	Daly, Peter ...	228 2 6	27th June, 1854	}	If subsequent to the year 1854, by the Chief Commissioner of Police; if prior to that date, by the officers in charge of districts	Nil	Nil	No stated hours can be specified, as members of the Police Force are considered to be always on duty	}	"		
2	Eason, Joseph ...	228 2 6	22nd Sep., 1856							"		
3	Hyland, Richard ...	228 2 6	5th Dec., 1854							"		
4	Hudson, Jno. R. ...	228 2 6	2nd Aug., 1856							England.		
5	Kennedy, Douglass S. ...	228 2 6	5th Feb., 1855							Ireland.		
6	Lett, Thomas ...	228 2 6	12th May, 1856							"		
7	Rourke, David ...	228 2 6	23rd April, 1857							"		
8	Scott, James ...	228 2 6	27th June, 1855							"		
9	Slattery, Thomas ...	228 2 6	21st Nov., 1854							"		
10	White, Hy. Jno. ...	228 2 6	16th March, 1853							England.		
11	Willicombe, Ezra ...	228 2 6	29th Dec., 1856							"		
12	White, Daniel ...	228 2 6	1st Oct., 1853							Ireland.		
<i>Detective (3rd Class).</i>												
1	Cartwright, William ...	182 10 0	6th June, 1856	}	If subsequent to the year 1854, by the Chief Commissioner of Police; if prior to that date, by the officers in charge of districts	Nil	Nil	No stated hours can be specified, as members of the Police Force are considered to be always on duty	}	"		
2	Edwards, James ...	182 10 0	8th Dec., 1856							"		
3	Evans, Thomas ...	182 10 0	17th Mar., 1853							England.		
4	Gorman, Chas. ...	182 10 0	8th Aug., 1857							Ireland.		
5	Hodges, Henry ...	182 10 0	12th May, 1856							England.		
6	Hogan, William ...	182 10 0	23rd July, 1857							Ireland.		
7	Kelly, Michael ...	182 10 0	30th Dec., 1856							"		
8	Manwaring, W. H. ...	182 10 0	6th April, 1857							England.		
9	Perkins, Alfred ...	182 10 0	6th Aug., 1856							Belgium.		
10	Tucker, Robert ...	182 10 0	23rd Oct., 1855							Ireland.		
11	Whittiken, Alfred ...	182 10 0	11th April, 1856							England.		

186

DEPARTMENTS OF THE HONORABLE THE CHIEF SECRETARY—(POLICE)—*continued.*

No.	NAME.	Annual Salary.		Date of Entry.	Pension.	By whom appointed.	Amount of Security.		Hours of Duty.		Where Born.	If Foreigners.	
		£	s. d.				Now.	Formerly.	From	To		What Nation.	When Naturalized.
48	Roche, Joseph ...	219	0 0	6th July, 1853	} Nil	The Chief Commissioner of Police, on the recommendation of the officers in charge of districts	Nil	Nil	No stated hours can be given as members of the police force are considered to be always on duty	}	Ireland..		
49	Ryall, Edward B. ...	219	0 0	14th Jan., 1853							"		
50	Riggs, William ...	219	0 0	9th Oct., 1852							"		
51	Steele, Stephen ...	219	0 0	6th April, 1853							England..		
52	Stinson, William ...	219	0 0	11th July, 1854							Ireland.		
53	Sutherland, George ...	219	0 0	9th Dec., 1853							Scotland..		
54	Tabor, Alfred ...	219	0 0	1st March, 1853							England.		
55	Tydd, Ezekial ...	219	0 0	17th Oct., 1852							Ireland.		
56	Waugh, William ...	219	0 0	15th Nov., 1852							Scotland.		
57	Weldon, Thomas ...	219	0 0	1st Dec., 1852							Ireland.		
58	White, Richard ...	219	0 0	29th Mar., 1855							"		
59	Whiteford, Caleb ...	219	0 0	21st Sept., 1853							England.		
<i>Sergeants (2nd Class).</i>													
1	Babington, James ...	200	15 0	21st May, 1856	} Nil	The Chief Commissioner of Police, on the recommendation of the officers in charge of districts	Nil	Nil	No stated hours can be given as members of the police force are considered to be always on duty	}	Ireland.		
2	Barrows, Richard ...	200	15 0	15th Aug., 1853							England.		
3	Boake, William ...	200	15 0	7th Feb., 1854							Ireland.		
4	Bolton, Stewart ...	200	15 0	11th Sept., 1854							England.		
5	Boylan, Peter ...	200	15 0	6th June, 1853							Ireland.		
6	Burns, James ...	200	15 0	28th May, 1855							"		
7	Cardell, Garrett ...	200	15 0	3rd Jan., 1856							"		
8	Carlisle, William ...	200	15 0	5th Sept., 1853							"		
9	Chamberlain, Robert ...	200	15 0	30th Aug., 1854							England.		
10	Cobden, William ...	200	15 0	5th April, 1853							"		
11	Colles, Abraham ...	200	15 0	27th Oct., 1854							Ireland.		
12	Crisp, Charles ...	200	15 0	14th May, 1854							England.		
13	Currie, George ...	200	15 0	14th Sept., 1852							Ireland.		
14	Coleman, Bryan ...	200	15 0	6th July, 1855							"		
15	Dowling, Patrick ...	200	15 0	11th Sept., 1854							"		
16	Drought, Andrew ...	200	15 0	2nd Aug., 1853							"		
17	Ellis, George ...	200	15 0	28th Jan., 1854	"								
18	Finnegan, Patrick ...	200	15 0	29th Jan., 1856	"								
19	Goulding, H. J. ...	200	15 0	1st April, 1853	England.								
20	Grant, William ...	200	15 0	18th April, 1854	Ireland.								
21	Grover, Harry ...	200	15 0	28th April, 1853	England.								
22	Hardman, Nathan ...	200	15 0	18th May, 1855	"								
23	Hurley, John ...	200	15 0	17th May, 1855	Ireland.								
24	Joyce, John ...	200	15 0	6th March, 1854	"								
25	Keddell, Jackson ...	200	15 0	1st May, 1853	England.								
26	Kelly, John ...	200	15 0	19th June, 1854	Ireland.								

27	Keohane, James ...	200 15 0	6th May, 1854	} Nil	The Chief Commissioner of Police, on the recommendation of the officers in charge of districts	Nil	Nil	No stated hours can be given, as members of the police force are considered to be always on duty	Ireland.	German	In London in 1852.						
28	Lanigan, Michael ...	200 15 0	15th Nov., 1855						"								
29	Larner, James... ...	200 15 0	1st Dec., 1854						"								
30	McSweeney, Patrick ...	200 15 0	15th Sept., 1856						"								
31	Meyer, Charles ...	200 15 0	26th Oct., 1852						Germany								
32	Montford, Wm. N. ...	200 15 0	17th Feb., 1853						Ireland.								
33	Morton, Mark... ...	200 15 0	17th May, 1853						England.								
34	Moynihan, Cors. ...	200 15 0	1st Aug., 1853						Ireland.								
35	O'Brien, Thomas ...	200 15 0	22nd June, 1855						"								
36	Paschen, Charles O. ...	200 15 0	9th Feb., 1854						Prussia								
37	Power, William ...	200 15 0	22nd June, 1854						Ireland.								
38	Reid, John ...	200 15 0	8th Nov., 1855						"								
39	Robinson, Arthur ...	200 15 0	29th June, 1855						"								
40	Rooke, George ...	200 15 0	16th June, 1855						England.								
41	Rowe, Peter H. ...	200 15 0	1st Aug., 1857						"								
42	Russom, Edward ...	200 15 0	21st April, 1853						"								
43	Searcy, Frederick ...	200 15 0	10th Mar., 1856						"								
44	Shipp, Jonathan ...	200 15 0	19th Aug., 1853						"								
45	Stephenson, Wm. ...	200 15 0	27th April, 1855						"								
46	Tabor, Theodore ...	200 15 0	3rd March, 1853						Ireland.								
47	Torbitt, John ...	200 15 0	3rd Aug., 1854						England.								
48	Ward, Patrick... ...	200 15 0	7th Nov., 1853						Ireland.								
49	Whelan, Lawrence ...	200 15 0	7th Oct., 1854						"								
50	Wilson, Wm. R. ...	200 15 0	29th Aug., 1856						England.								
51	Young, James ...	200 15 0	22nd Jan., 1856						Ireland.								
<i>Constables, &c.</i>																	
1	Archdeacon, Patrick ...	182 10 0	3rd Dec., 1852						} "			If subsequent to 1854, by the Chief Commissioner of Police; if prior to that date, by the officers in charge of districts	"	"	"	"	
2	Antisell, Richard ...	182 10 0	16th Sept., 1854													"	
3	Armstrong, Thomas ...	182 10 0	1st July, 1855													"	
4	Armstrong, James ...	182 10 0	28th May, 1854													"	
5	Adams, William ...	182 10 0	15th May, 1854													"	
6	*Algie, Robert ...	182 10 0	6th Sept., 1854													Scotland.	
7	Algie, John ...	182 10 0	6th Sept., 1854													"	
8	Ahern, Michael ...	182 10 0	Sept., 1854													Ireland.	
9	Arhill, William ...	182 10 0	19th May, 1856													"	
10	Anderson, William ...	182 10 0	18th June, 1856													"	
11	*Allis, Philip ...	182 10 0	15th July, 1856													"	
12	*Ahern, John ...	182 10 0	20th Aug., 1856													"	
13	Avid, John ...	182 10 0	22nd Oct., 1856													"	
14	Anderson, Chas. C. ...	182 10 0	24th Dec., 1856													"	
15	Armstrong, Robert ...	173 7 6	9th Nov., 1857													"	
16	Ball, George ...	182 10 0	15th Mar., 1854													England.	
17	Bomko, Christr. ...	182 10 0	25th April, 1854													Ireland.	
18	Booker, Thomas ...	182 10 0	20th July, 1854													England.	
19	Burke, William ...	182 10 0	7th Aug., 1854													Ireland.	
20	Browne, James ...	182 10 0	22nd June, 1855													"	
21	Bray, Thomas... ...	182 10 0	3rd May, 1855													England.	

DEPARTMENTS OF THE HONORABLE THE CHIEF SECRETARY—(POLICE)—*continued.*

No.	NAME.	Annual Salary.	Date of Entry.	Pension.	By whom appointed.	Amount of Security.		Hours of Duty.		Where Born.	If Foreigners.	
						Now.	Formerly.	From	To		What Nation.	When naturalized.
<i>Constables, &c.—continued.</i>		£ s. d.										
22	Byrne, Patrick ...	182 10 0	8th Aug., 1854	Nil	If subsequent to 1854, by the Chief Commissioner of Police; if prior to that date, by the officers in charge of districts	Nil	Nil	No stated hours can be given, as members of the police force are considered to be always on duty	Ireland.			
23	Badcock, John ...	182 10 0	4th Aug., 1853							England.		
24	Baker, William ...	182 10 0	28th Sept., 1855							"		
25	Bassett, William ...	182 10 0	25th Mar., 1854							"		
26	Bailey, John ...	182 10 0	4th May, 1854							"		
27	Bird, George ...	182 10 0	11th Aug., 1854							"		
28	Buckley, Patrick ...	182 10 0	3rd April, 1855							Ireland.		
29	Boyle, Robert ...	182 10 0	12th Aug., 1854							"		
30	Bell, William ...	182 10 0	22nd May, 1855							"		
31	Brown, James ...	182 10 0	16th April, 1855							Scotland.		
32	Black, Francis ...	182 10 0	19th April, 1854							Ireland.		
33	Blanc, George ...	182 10 0	30th Oct., 1854							"		
34	*Brett, William ...	182 10 0	23rd April, 1855							"		
35	Bailey, Thomas ...	182 10 0	1st Oct., 1854							"		
36	*Burke, Richard ...	182 10 0	4th July, 1854							"		
37	Balfour, J. Henry ...	182 10 0	8th Feb., 1854							"		
38	Baker, Henry ...	182 10 0	12th Nov., 1853							England.		
39	Byrne, Timothy ...	182 10 0	26th June, 1855							Ireland.		
40	Byrne, Peter ...	182 10 0	8th May, 1855							"		
41	*Bullen, Francis ...	182 10 0	1st Feb., 1854							England.		
42	Brady, William ...	182 10 0	1st June, 1853							Ireland.		
43	Bullen, John ...	182 10 0	13th April, 1855							"		
44	Burland, Leontine ...	182 10 0	2nd Jan., 1854							England.		
45	Bennett, John ...	182 10 0	3rd Sept., 1853							"		
46	*Brennan, James ...	182 10 0	3rd Nov., 1855							Ireland.		
47	*Bell, Charles ...	182 10 0	10th June, 1853							Scotland.		
48	Bowland, Patrick ...	182 10 0	8th Dec., 1855							Ireland.		
49	Bergin, William ...	182 10 0	17th Dec., 1855							"		
50	Bambrick, James ...	182 10 0	8th Jan., 1856							"		
51	Barlow, William ...	182 10 0	31st Jan., 1856							England.		
52	Bickle, Wm. Henry ...	182 10 0	12th Mar., 1856	"								
53	Burrowes, William ...	182 10 0	17th Mar., 1856	Ireland.								
54	Bole, John ...	182 10 0	12th May, 1856	"								
55	Bolger, Ryran ...	182 10 0	19th May, 1856	"								
56	Byrne, Michael ...	182 10 0	4th June, 1856	"								
57	Bennett, Stephen ...	182 10 0	19th June, 1856	"								
58	Boyle, Richard ...	182 10 0	30th June, 1856	"								
59	Bishop, James ...	182 10 0	23rd June, 1856	Scotland.								
60	Buck, Charles ...	182 10 0	30th April, 1856	Ireland.								
61	Bolger, Pierce ...	182 10 0	1st Aug., 1856	"								

DEPARTMENTS OF THE HONORABLE THE CHIEF SECRETARY—(POLICE)—*continued.*

No.	NAME.	Annual Salary.	Date of Entry.	Pension.	By whom appointed.	Amount of Security.		Hours of Duty.		Where Born.	If Foreigners.						
						Now.	Formerly.	From	To		What Nation.	When naturalized.					
<i>Constables, &c.—continued.</i>		£ s. d.															
111	Comyn, John ...	182 10 0	1st Feb., 1854	} Nil	If subsequent to the year 1854, by the Chief Commissioner of Police; if prior to that date, by the officers in charge of districts	Nil	Nil	No stated hours can be specified, as members of the police force are considered to be always on duty	}	Ireland.							
112	Carroll, Thomas ...	182 10 0	18th May, 1854							"							
113	Connell, Thomas ...	182 10 0	17th Aug., 1854							"							
114	*Cox, Thomas ...	182 10 0	9th May, 1854							"							
115	Carter, Joseph ...	182 10 0	24th June, 1855							"							
116	Cox, Edward ...	182 10 0	18th May, 1854							"					England.		
117	Carey, Neil ...	182 10 0	4th Aug., 1853							"					Ireland.		
118	Casey, William ...	182 10 0	28th Nov., 1854							"					"		
119	Clarke, Andrew ...	182 10 0	28th Oct., 1854							"					"		
120	Crowley, John ...	182 10 0	7th Jan., 1856							"					"		
121	Costello, Charles ...	182 10 0	29th Jan., 1856							"					"		
122	Carter, Alex. ...	182 10 0	31st Jan., 1856							"					"		
123	*Crichton, Robt. ...	182 10 0	18th Feb., 1856							"					Scotland.		
124	Collins, Henry ...	182 10 0	31st Mar., 1856							"					Ireland.		
125	Casey, Henry ...	182 10 0	16th Apr., 1856							"					"		
126	Crowley, John ...	182 10 0	21st Apr., 1856							"					"		
127	Connor, Michael ...	182 10 0	11th Apr., 1856							"					"		
128	Cregzan, Michael ...	182 10 0	16th Apr., 1856							"					"		
129	Cahill, Thomas ...	182 10 0	16th Apr., 1856							"					"		
130	Cleary, Thomas ...	182 10 0	2nd May, 1856							"					"		
131	Carven, Edward ...	182 10 0	30th Apr., 1856							"					England.		
132	Coulon, Patrick ...	182 10 0	12th May, 1856							"					Ireland.		
133	Cantillon, Bernard ...	182 10 0	12th May, 1856							"					"		
134	Clarke, Jno. Alex. ...	182 10 0	5th June, 1856							"					"		
135	Crilly, Edward ...	182 10 0	11th June, 1856							"					"		
136	*Cowen, Owen ...	182 10 0	23rd May, 1856							"					"		
137	Cooper, Tom H. ...	182 10 0	6th Aug., 1856							"					England.		
138	Collins, Patrick ...	182 10 0	19th Sep., 1856							"					Ireland.		
139	Cawley, John ...	182 10 0	27th July, 1856	"					"								
140	Crowley, William ...	182 10 0	12th Nov., 1855	"					"								
141	Clark, David ...	182 10 0	18th Feb., 1853	"					Scotland.								
142	Cummins, Hugh ...	182 10 0	26th Oct., 1855	"					Ireland.								
143	Cuddon, George ...	182 10 0	25th Feb., 1853	"					England.								
144	Call, Thomas ...	182 10 0	2nd May, 1854	"					Wales.								
145	Clarke, William ...	182 10 0	11th Aug., 1854	"					Ireland.								
146	*Crofts, Christopher ...	182 10 0	1st Nov., 1852	"					"								
147	Carroll, Patrick ...	182 10 0	29th Oct., 1854	"					"								
148	*Chadwich, William ...	182 10 0	1st Dec., 1853	"					"								
149	Connell, William ...	182 10 0	14th Apr., 1855	"					"								
150	*Cook, Thomas ...	182 10 0	9th June, 1855	"					"								

151	Cripps, Thomas ...	182 10 0	25th May, 1855	Nil If subsequent to the year 1854, by the Chief Commissioner of Police; if prior to that date, by the officers in charge of districts	Nil	Nil	No stated hour can be speci- fied, as mem- bers of the Police Force are considered to be always on duty	Ireland.
152	*Cummins, John ...	182 10 0	18th April, 1855					"
153	Childs, William ...	182 10 0	22nd June, 1855					England.
154	Crossman, John ...	182 10 0	3rd April, 1854					"
155	Carr, John ...	182 10 0	19th Nov., 1855					Ireland.
156	Cowderoy, John ...	182 10 0	11th June, 1853					"
157	*Cleary, John ...	182 10 0	2nd Dec., 1855					"
158	Crosbie, Patrick ...	182 10 0	17th Dec., 1855					"
159	*Costello, John ...	182 10 0	3rd Jan. 1856					"
160	Cavanagh, Patrick ...	182 10 0	15th Sept., 1856					"
161	Conway, Martin ...	182 10 0	"					"
162	*Cox, Michael ...	182 10 0	21st Sept., 1856					"
163	Cronin, Jeremiah ...	182 10 0	6th Oct., 1856					"
164	Chapman, Isaac ...	182 10 0	20th Oct., 1856					England.
165	Cole, Percy ...	182 10 0	19th Nov., 1856					"
166	Caldwell, Geo. ...	182 10 0	2nd Jan., 1857					Ireland.
167	Cobbe, Joseph ...	182 10 0	"					"
168	Conway, James ...	182 10 0	26th Feb., 1857					"
169	Callaghan, John ...	182 10 0	3rd April, 1857					"
170	Clarke, Louis S. ...	182 10 0	26th Feb., 1857					"
171	Corrigan, Thomas ...	182 10 0	"					"
172	Conole, Denis ...	182 10 0	9th April, 1857					"
173	*Cotter, Michael ...	182 10 0	22nd Dec., 1857					"
174	Carroll, Denis ...	182 10 0	3rd April, 1857					"
175	Corbett, John ...	182 10 0	20th April, 1857					"
176	Carland, Charles ...	182 10 0	13th June, 1857					"
177	Calcutt, Henry Wm. ...	182 10 0	15th June, 1857					"
178	Collier, Walter ...	182 10 0	20th June, 1856					England.
179	Carson, Herbert ...	182 10 0	20th July, 1857					Ireland.
180	Connor, John ...	182 10 0	8th Aug., 1857					"
181	Connor, William ...	182 10 0	6th Aug., 1857					"
182	Cantwell, William ...	182 10 0	7th Aug., 1857					"
183	Crawley, James ...	182 10 0	"					"
184	Costello, Andrew ...	182 10 0	10th Aug., 1857					"
185	Cooper, James ...	182 10 0	5th Aug., 1857					"
186	Chapman, John ...	182 10 0	8th Oct., 1857					"
187	Comyn, William ...	182 10 0	20th Aug., 1857					"
188	Comyn, George ...	182 10 0	3rd Sept., 1857					"
189	Carrick, John Wm. ...	182 10 0	2nd Nov., 1857					"
190	Callender, James ...	182 10 0	1st Oct., 1857					"
191	Coyne, John ...	182 10 0	2nd Oct., 1857					Scotland.
192	Cahill, Denis ...	182 10 0	8th Oct., 1857					Ireland.
193	*Cabot, Philip ...	182 10 0	1st April, 1857					"
194	Connolly, John ...	182 10 0	1st Oct., 1857					Jersey.
195	Cooper, John ...	164 5 0	25th Jan., 1858					England.
196	Deacon, James ...	182 10 0	15th Dec., 1853					Ireland.
197	Donnolly, Patrick ...	182 10 0	7th Feb., 1854					"
198	Dann, Nathaniel ...	182 10 0	3rd May, 1854					"
199	Dougherty, Hugh ...	182 10 0	2nd June, 1854					England.

DEPARTMENTS OF THE HONORABLE THE CHIEF SECRETARY—(POLICE)—*continued.*

No.	NAME.	Annual Salary.	Date of Entry.	Pension.	By whom appointed.	Amount of Security.		Hours of Duty.		Where Born.	If Foreigners.	
						Now.	Formerly.	From	To		What Nation.	When naturalized.
<i>Constables, &c.—continued.</i>		£ s. d.										
200	Dillon, Simon ...	182 10 0	7th May, 1856	} Nil	If subsequent to the year 1854, by the Chief Commissioner of Police; if prior to that date, by the officers in charge of districts	Nil	Nil	No stated hours can be specified, as members of the Police Force are considered to be always on duty	}	Ireland.		
201	Donnelly, James ...	182 10 0	4th May, 1856							"		
202	Deane, George...	182 10 0	16th May, 1856							"		
203	Douglas, James ...	182 10 0	27th May, 1856							Scotland.		
204	Doxey, John ...	182 10 0	28th May, 1856							Ireland.		
205	Dowling, Robert ...	182 10 0	26th May, 1856							"		
206	Davis, Thomas ...	182 10 0	21st July, 1856							"		
207	Dunlop, Adam...	182 10 0	3rd Feb., 1856							"		
208	Duffy, Thomas ...	182 10 0	1st Oct., 1856							"		
209	Dundas, James ...	182 10 0	27th Oct., 1856							"		
210	Darcy, John ...	182 10 0	12th Feb., 1857							"		
211	Donnelly, James ...	182 10 0	26th Feb., 1857							"		
212	Donnelly, Robert ...	182 10 0	"							"		
213	*Desmond, Daniel ...	182 10 0	1st Sept., 1856							England.		
214	Delaney, Richard ...	182 10 0	3rd April, 1857							Ireland.		
215	Dillon, Robert...	182 10 0	26th Feb., 1857							"		
216	Dempsey, Michael ...	182 10 0	14th May, 1857							"		
217	Dawson, Alexander ...	182 10 0	16th April, 1857							"		
218	Dooley, Michael ...	182 10 0	4th June, 1857							"		
219	Darcy, Nicholas ...	182 10 0	"							"		
220	Doyle, Michael ...	182 10 0	8th June, 1857							"		
221	Dunn, Michael ...	182 10 0	27th July, 1857							"		
222	Duane, Patrick ...	182 10 0	30th July, 1857							"		
223	Deegan, William ...	182 10 0	8th Aug., 1857							"		
224	Davern, Thomas ...	182 10 0	7th Aug., 1857							"		
225	Delaney, Michael ...	182 10 0	"							"		
226	Dormer, Michael ...	182 10 0	"							"		
227	Doherty, Michael ...	182 10 0	20th Aug., 1857							"		
228	Daly, Jeremiah ...	182 10 0	1st Oct., 1857							"		
229	Dunn, Michael ...	182 10 0	24th Sept., 1857							"		
230	Dyer, Richard ...	182 10 0	5th Oct., 1857	"								
231	Dwyer, John ...	182 10 0	1st Oct., 1857	"								
232	Donovan, Denis ...	173 7 6	12th Nov., 1857	"								
233	Dawson, Anderson ...	164 5 0	15th Jan., 1858	England.								
234	Dwyer, William ...	164 5 0	29th Jan., 1858	"								
235	Dunne, Clarke...	164 5 0	15th Jan., 1858	Scotland.								
236	Darling, Edward ...	164 5 0	9th Nov., 1857	Ireland.								
237	Dempster, Alexander...	173 7 6	17th Dec., 1857	"								
238	Donohue, David ...	173 7 6	14th Dec., 1857	"								
239	Draper, Alexander ...	173 7 6	3rd Dec., 1857	England.								

240	Donne, William ...	182	10	0	14th Aug., 1854
241	Delaney, Patrick ...	182	10	0	13th Oct., 1855
242	Duncan, Andrew ...	182	10	0	22nd Feb., 1852
243	Durrell, Thomas ...	182	10	0	18th April, 1854
244	Davies, Richard ...	182	10	0	16th Jan., 1853
245	Donnegan, Thomas ...	182	10	0	20th May, 1855
246	Davey, William ...	182	10	0	1st July, 1855
247	Duffy, Francis ...	182	10	0	20th Nov., 1854
248	Donnelly, John ...	182	10	0	15th Oct., 1855
249	Dana, Jonathan ...	182	10	0	21st March, 1854
250	Dolan, Mark ...	182	10	0	21st Oct., 1854
251	*Dowling, Patrick ...	182	10	0	29th May, 1855
252	Davies, Henry ...	182	10	0	7th April, 1854
253	Davey, Michael ...	182	10	0	11th Dec., 1854
254	Dana, Alexander ...	182	10	0	11th Dec., 1855
255	Davies, Charles ...	182	10	0	8th Feb., 1856
256	*Doyle, James ...	182	10	0	18th Feb., 1856
257	*Dunlap, Heather ...	182	10	0	22nd Feb., 1856
258	Duffy, Bernard ...	182	10	0	26th Mar., 1856
259	Darby, John ...	182	10	0	16th April, 1856
260	Evans, Lewis ...	182	10	0	20th Oct., 1852
261	Eyton, John ...	182	10	0	4th March, 1854
262	Eastwood, James ...	182	10	0	9th Nov., 1853
263	*Eager, Edward ...	182	10	0	28th May, 1855
264	Eche, George ...	182	10	0	24th Sept., 1855
265	Ellis, Manby ...	182	10	0	16th April, 1853
266	Evans, Bernard ...	182	10	0	4th April, 1853
267	Evers, Bernard ...	182	10	0	14th May, 1853
268	Edwards, Wm. L. ...	182	10	0	17th July, 1854
269	*Ellis, Henry ...	182	10	0	26th Sept., 1854
270	Eagan, Michael ...	182	10	0	8th Dec., 1855
271	Elliott, Robert ...	182	10	0	16th April, 1856
272	Eghan, John ...	182	10	0	27th June, 1856
273	Ellis, Thomas ...	182	10	0	29th Oct., 1856
274	Egan, Benjamin ...	182	10	0	21st Nov., 1856
275	Emmerson, Stewart ...	182	10	0	10th Dec., 1856
276	Ellis, Daniel ...	182	10	0	12th Feb., 1857
277	Evans, Theophilus ...	182	10	0	7th Jan., 1857
278	Elliott, John ...	182	10	0	1st Sept., 1856
279	Egan, Patrick ...	182	10	0	8th Aug., 1857
280	Egan, Daniel ...	182	10	0	27th July, 1857
281	Eager, Gerald ...	182	10	0	2nd Sept., 1857
282	Enwin, Henry ...	182	10	0	20th Aug., 1857
283	Elward, John ...	182	10	0	1st Oct., 1857
284	Eagan, James ...	182	10	0	8th Oct., 1857
285	Flower, Joseph ...	182	10	0	2nd Nov., 1853
286	Field, Robert ...	182	10	0	28th Jan., 1854
287	Fowler, James ...	182	10	0	15th May, 1854
288	Fahey, Thomas ...	182	10	0	8th June, 1854

Nil If subsequent to the year 1854, by the Chief Commissioner of Police; if prior to that date, by the officers in charge of districts

Nil

Nil

No stated hours can be specified as members of the police force are considered to be always on duty

England.
Ireland.
Scotland.
Guernsey.
Ireland.
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England.
Ireland.
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England.
Ireland.
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Wales.
Ireland.
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Wales.
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Ireland.
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Guernsey.
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Wales.
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Ireland.
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England.
Ireland.
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England.
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Ireland.

DEPARTMENTS OF THE HONORABLE THE CHIEF SECRETARY—(POLICE)—*continued.*

No.	NAME.	Annual Salary.	Date of Entry.	Pension.	By whom appointed.	Amount of Security.		Hours of Duty.		Where Born.	If Foreigners.	
						Now.	Formerly.	From	To		What Nation.	When naturalized.
<i>Constables, &c.—continued.</i>		£ s. d.										
289	Farrell, Thomas ...	182 10 0	6th July, 1855	Nil	If subsequent to the year 1854, by the Chief Commissioner of Police; if prior to that date, by the officers in charge of districts	Nil	Nil	No stated hours can be specified, as members of the police force are considered to be always on duty	Ireland.			
290	Flahive, Patrick ...	182 10 0	18th Oct., 1855									
291	Fagan, Daniel ...	182 10 0	16th Oct., 1855									
292	Fagan, Michael ...	182 10 0	26th Oct., 1855									
293	Foley, John ...	182 10 0	26th Oct., 1855									
294	Fannmore, Welbert ...	182 10 0	20th Nov., 1855									
295	*Flanders, Patrick ...	182 10 0	4th Jan., 1850									
296	Foley, Thomas ...	182 10 0	30th Nov., 1854									
297	Fitzgerald, Michael ...	182 10 0	8th June, 1853									
298	Foley, John ...	182 10 0	6th June, 1855									
299	Fitzgerald, Patrick ...	182 10 0	23rd Nov., 1853									
300	*Fawsett, Leonard ...	182 10 0	13th April, 1853									
301	Flinn, John ...	182 10 0	19th April, 1855									
302	*Fullerton, John ...	182 10 0	2nd May, 1855									
303	*Fitzmaurice, Geo. ...	182 10 0	26th Nov., 1855									
304	Fitzpatrick, Denis ...	182 10 0	11th Dec., 1855									
305	Fitzsimons, John ...	182 10 0	29th Feb., 1856									
306	Finlayson, Donald ...	182 10 0	9th May, 1856									
307	Fox, Columb ...	182 10 0	7th May, 1856									
308	Fagan, Patrick ...	182 10 0	23rd June, 1856									
309	Fanlon, Edward ...	182 10 0	9th July, 1856									
310	Flower, James ...	182 10 0	11th July, 1856									
311	Fallon, Malachi ...	182 10 0	15th Sept., 1856									
312	Fisher, William ...	182 10 0	29th Aug., 1856									
313	Flanagan, James ...	182 10 0	8th Oct., 1856									
314	Fox, Francis ...	182 10 0	17th Nov., 1856									
315	*Frost, James ...	182 10 0	1st Nov., 1856									
316	Froud, Wm. Henry ...	182 10 0	2nd Jan., 1857									
317	Fitzgerald, Corns. ...	182 10 0	21st May, 1857									
318	Fitzpatrick, Bartw. ...	182 10 0	30th July, 1857									
319	Fitzmaurice, Thos. ...	182 10 0	27th July, 1857									
320	Fudger, William ...	182 10 0	10th Aug., 1857									
321	Finlay, Thomas ...	182 10 0	23rd July, 1857									
322	Genty, Andrew ...	182 10 0	7th Mar., 1854									
323	Grant, William ...	182 10 0	18th April, 1854									
324	*Glass, William ...	182 10 0	12th Nov., 1853									
325	Gonn, Richard ...	182 10 0	19th Nov., 1855									
326	Gascoigne, Bamber ...	182 10 0	4th Sept., 1853									
327	Glenny, William ...	182 10 0	15th May, 1854									
328	*Goodenough, Henry ...	182 10 0	16th Dec., 1853									

19596

DEPARTMENTS OF THE HONORABLE THE CHIEF SECRETARY—(POLICE)—*continued.*

No.	NAME.	Annual Salary.	Date of Entry.	Pension.	By whom appointed.	Amount of Security.		Hours of Duty.		Where born.	If Foreigners.	
						Now.	Formerly.	From	To		What Nation.	When naturalized.
<i>Constables, &c.—continued.</i>		£ s. d.										
378	*Howban, John...	182 10 0	6th Oct., 1855	Nil	If subsequent to the year 1854, by the Chief Commissioner of Police; if prior to that date, by the officers in charge of districts	Nil	Nil	No stated hours can be specified, as members of the police force are considered to be always on duty	}	Ireland.		
379	Howley, Thomas ...	182 10 0	28th May, 1855							"		
380	Hogan, James...	182 10 0	13th April, 1855							"		
381	*Harding, Thomas ...	182 10 0	5th March, 1853							"		
382	Hoey, Edwin ...	182 10 3	25th April, 1855							"		
383	Harbert, Edwin ...	182 10 0	25th April, 1854							England.		
384	Howard, Timothy ...	182 10 0	21st Oct., 1854							Ireland.		
385	Hayes, George ...	182 10 0	11th June, 1855							"		
386	Halloran, David ...	182 10 0	23rd Aug., 1854							"		
387	Henderson, Sam. ...	182 10 0	7th July, 1855							"		
388	*Harvey, Arthur ...	182 10 0	9th Jan., 1854							"		
389	Hampson, James ...	182 10 0	22nd Nov., 1855							"		
390	Hart, Timothy ...	182 10 0	2nd Nov., 1855							"		
391	Hand, Edward...	182 10 0	30th April, 1855							"		
392	Hurley, Timothy ...	182 10 0	20th Dec., 1855							"		
393	Howard, Michael ...	182 10 0	26th Dec., 1855							"		
394	Hardy, Robert...	182 10 0	21st Jan., 1856							England.		
395	Hogan, Patrick ...	182 10 0	29th Jan., 1856							Ireland.		
396	Hanley, Patrick ...	182 10 0	1st Feb., 1856							"		
397	*Heelen, James...	182 10 0	24th Jan., 1856							"		
398	Hynes, Malachy ...	182 10 0	12th Feb., 1856							"		
399	Harper, Robert ...	182 10 0	7th July, 1856							"		
400	Hempenstall, George...	182 10 0	16th July, 1856							"		
401	Hammond, James ...	182 10 0	8th Aug., 1856							England.		
402	Huggart, William ...	182 10 0	17th Oct., 1856							Ireland.		
403	Hennessy, Jno. ...	182 10 0	29th Oct., 1856							"		
404	Henderson, Francis ...	182 10 0	4th Feb., 1857	"								
405	Hawthorne, Stewart ...	182 10 0	2nd Jan., 1857	"								
406	Harbins, James ...	182 10 0	"	"								
407	Halloran, William ...	182 10 0	12th Feb., 1857	"								
408	Heath, John ...	182 10 0	1st Sept., 1856	England.								
409	Hynes, William ...	182 10 0	3rd April, 1857	Ireland.								
410	Howard, John ...	182 10 0	9th April, 1857	"								
411	Hargraves, James ...	182 10 0	"	"								
412	Hammond, Thomas ...	182 10 0	7th April, 1856	England.								
413	Hayes, Timothy ...	182 10 0	21st May, 1857	Ireland.								
414	Howard, Joseph ...	182 10 0	16th April, 1857	"								
415	Harbuns, Henry ...	182 10 0	6th July, 1857	"								
416	Harty, Patrick ...	182 10 0	8th June, 1857	"								
417	Hawkins, John ...	182 10 0	10th April, 1857	"								

DEPARTMENTS OF THE HONORABLE THE CHIEF SECRETARY—(POLICE)—*continued.*

No.	NAME.	Annual Salary.	Date of Entry.	Pension.	By whom appointed.	Amount of Security.		Hours of Duty.		Where born.	If Foreigners.	
						Now.	Formerly.	From	To		What Nation.	When naturalized.
<i>Constables, &c.—continued.</i>		£ s. d.										
467	Kerrins, Martin ...	182 10 0	4th July, 1856	} Nil	If subsequent to the year 1854, by the Chief Commissioner of Police; if prior to that date, by the officers in charge of districts	Nil	Nil	No stated hours can be specified, as members of the police force are considered to be always on duty	}	Ireland.		
468	Kenny, John ...	182 10 0	27th June, 1856							"		
469	Kelly, Patrick ...	182 10 0	2nd July, 1856							"		
470	Kerr, William ...	182 10 0	4th July, 1856							"		
471	Kennedy, John ...	182 10 0	11th July, 1856							"		
472	Kingcombe, Edw. ...	182 10 0	12th Sept., 1856							England.		
473	Kyley, Mortimer ...	182 10 0	19th Dec., 1856							Ireland.		
474	Kinsley, Francis ...	182 10 0	12th Jan., 1857							"		
475	Kissick, Robert ...	182 10 0	14th Jan., 1857							England.		
476	Kernan, Joseph ...	182 10 0	5th Sept., 1856							Ireland.		
477	Killen, Jno. Wm. ...	182 10 0	12th Dec., 1856							"		
478	Kilduff, John ...	182 10 0	16th Apr., 1857							"		
479	Kelly, Thomas ...	182 10 0	4th May, 1857							"		
480	Kingsley, Michael ...	182 10 0	4th May, 1857							"		
481	Keefe, Patrick ...	182 10 0	11th June, 1857							"		
482	Kennedy, Robert ...	182 10 0	6th Aug., 1857							"		
483	Kilkelly, Patrick ...	182 10 0	27th July, 1857							"		
484	Kerfool, Andrew ...	182 10 0	10th Aug., 1857							"		
485	Keelan, Edward ...	182 10 0	6th Aug., 1857							"		
486	Kerr, Robert ...	182 10 0	7th Aug., 1857							"		
487	Keating, James ...	182 10 0	7th Aug., 1857							"		
488	Kelley, John ...	182 10 0	7th Aug., 1857							"		
489	Kinsella, Patrick ...	182 10 0	1st Oct., 1857							"		
490	Kirkpatrick, Jno. ...	182 10 0	10th Aug., 1857							"		
491	Kelly, Timothy ...	164 5 0	12th Nov., 1857							"		
492	Lowden, Thomas ...	182 10 0	1st Apr., 1853							"		
493	Lynas, James ...	182 10 0	1st May, 1853							"		
494	Leonard, William ...	182 10 0	12th Jan., 1855							Scotland.		
495	Lowry, Robert ...	182 10 0	24th Feb., 1853	Ireland.								
496	Lynch, Lawc. ...	182 10 0	6th Sept., 1854	Scotland.								
497	Lang, James ...	182 10 0	6th June, 1855	Ireland.								
498	Lee, William ...	182 10 0	4th July, 1854	Scotland.								
499	Leslie, Henry ...	182 10 0	24th July, 1855	"								
500	Lynas, Wm. ...	182 10 0	28th Nov., 1854	"								
501	Legnore, Michael ...	182 10 0	10th July, 1854	"								
502	Laidlow, John ...	182 10 0	21st June, 1855	Scotland.								
503	Lewis, Jno. A. ...	182 10 0	30th Mar., 1855	"								
504	*Lyons, Patrick ...	182 10 0	5th Sept., 1854	"								
505	Lee, Edward ...	182 10 0	23rd Sept., 1854	"								
506	Lowc, George ...	182 10 0	11th Oct., 1854	England.								

A 2.-g.

507	Langstaff, Henry ...	182	10	0	1st Oct., 1853	Nil If subsequent to the year 1854, by the Chief Commissioner of Police; if prior to that date, by the officers in charge of districts	Nil	Nil	No stated hours can be specified, as members of the police force are considered to be always on duty	Ireland.
508	Lewis, Richard ...	182	10	0	28th Aug., 1854					England.
509	*Lynch, James ...	182	10	0	"					Ireland.
510	Leary, Denis ...	182	10	0	1st June, 1850					"
511	Lloyd, George... ..	182	10	0	18th Mar., 1855					England.
512	Lewis, William ...	182	10	0	1st Mar., 1854					E. Indies.
513	Lennon, Michael ...	182	10	0	5th Feb., 1856					Ireland.
514	Lohan, Patrick ...	182	10	0	12th Mar., 1856					"
515	Lynch, Thomas ...	182	10	0	14th May, 1856					"
516	Leehane, Michael ...	182	10	0	25th July, 1856					"
517	Lawler, Peter ...	182	10	0	18th Aug., 1856					"
518	*Loscombe, John ...	182	10	0	21st July, 1856					England.
519	Lohan, Thomas ...	182	10	0	19th Sept., 1856					Ireland.
520	Le Petronel, James ...	182	10	0	6th June, 1856					Guernsey.
521	Leche, Charles ...	182	10	0	7th April, 1856					England.
522	Lambert, Robt. ...	182	10	0	11th June, 1857					Ireland.
523	Lyons, A. Miles ...	182	10	0	23rd July, 1857					"
524	Loch, Wm. ...	182	10	0	30th July, 1857					"
525	Liston, James ...	182	10	0	"					"
526	Lohan, Luke ...	182	10	0	6th Aug., 1857					"
527	Lattimer, Richard ...	182	10	0	8th Aug., 1857					"
528	Lloyd, John ...	173	7	6	6th Nov., 1857					"
529	Lloyd, Richard ...	173	7	6	5th Nov., 1857					"
530	Logan, Robert... ..	173	7	6	19th Nov., 1857					"
531	Leonard, Alf. W. ...	182	10	0	1st Oct., 1857					England.
532	Lewis, James ...	164	5	0	15th Jan., 1858					"
533	Lee, Frederick... ..	164	5	0	16th Jan., 1858					"
534	McMichael, Samuel ...	182	10	0	2nd July, 1853					Ireland.
535	McCartin, Patrick ...	182	10	0	1st Dec., 1852					"
536	McDougall, John ...	182	10	0	22nd April, 1853					Scotland.
537	McWilliams, James ...	182	10	0	19th Sept., 1853					Ireland.
538	McGarrell, Denis ...	182	10	0	8th March, 1854					Scotland.
539	McKelvey, David ...	182	10	0	7th June, 1854					Ireland.
540	McGeorge, Jas. ...	182	10	0	14th Aug., 1854					Scotland.
541	McDonald, John ...	182	10	0	24th April, 1855					Ireland.
542	McDonald, Fred. ...	182	10	0	1st Oct., 1852					"
543	McCaghan, Robt. ...	182	10	0	7th Oct., 1854					"
544	McCarthy, John ...	182	10	0	28th June, 1855					"
545	McCann, Thos. ...	182	10	0	26th Oct., 1854					"
546	McNulty, John ...	182	10	0	13th Sept., 1853					"
547	McIvor, John ...	182	10	0	9th Nov., 1854					Scotland.
548	McCurdon, Wm. ...	182	10	0	3rd Nov., 1855					Ireland.
549	McKnight, Andrew ...	182	10	0	9th Nov., 1853					"
550	McLean, Allen ...	182	10	0	26th May, 1854					Scotland.
551	McLean, Roderick ...	182	10	0	24th Feb., 1854					"
552	McCurdy, George ...	182	10	0	12th Oct., 1854					Ireland.
553	McDonald, John ...	182	10	0	21st July, 1853					Scotland.
554	McPherson, Robert ...	182	10	0	3rd May, 1854					"
555	McGrath, Matthew ...	182	10	0	4th June, 1855					Ireland.

109

DEPARTMENTS OF THE HONORABLE THE CHIEF SECRETARY—(POLICE)—*continued.*

No.	NAME.	Annual Salary.	Date of Entry.	Pension.	By whom appointed.	Amount of Security.		Hours of Duty.		Where born.	If Foreigners.	
						Now.	Formerly.	From	To		What nation.	When naturalized.
<i>Constables, &c.—continued.</i>		£ s. d.										
556	McGuerny, Henry ...	182 10 0	7th June, 1855	Nil	If subsequent to the year 1854, by the Chief Commissioner of Police; if prior to that date, by the officers in charge of districts	Nil	Nil	No stated hours can be specified, as members of the police force are considered to be always on duty		Ireland.		
557	McIntosh, Finlay ...	182 10 0	24th Feb., 1854							Scotland.		
558	McCombe, Henry ...	182 10 0	1st June, 1853							Ireland.		
559	McKay, Murdoch ...	182 10 0	26th June, 1854							Scotland.		
560	*McElroy, William ...	182 10 0	3rd Jan., 1853							Ireland.		
561	McCull, John ...	182 10 0	11th Jan., 1854							Scotland.		
562	McDonnell, P. ...	182 10 0	20th Oct., 1854							Ireland.		
563	*McGuire, John ...	182 10 0	17th Dec., 1855							"		
564	McLoughlin, John ...	182 10 0	27th Dec., 1855							"		
565	McMullin, James ...	182 10 0	3rd Jan., 1856							"		
566	McEvoy, Patrick ...	182 10 0	7th Jan., 1856							"		
567	McHale, Myles ...	182 10 0	18th Jan., 1856							"		
568	McGuity, Joseph ...	182 10 0	22nd Jan., 1856							"		
569	McHugh, John ...	182 10 0	"							"		
570	McMahon, Michael ...	182 10 0	19th Feb., 1856							"		
571	McKay, Donald ...	182 10 0	14th Mar., 1856							Scotland.		
572	McKenzie, George ...	182 10 0	16th April, 1856							Ireland.		
573	McCrowley, John ...	182 10 0	21st April, 1856							"		
574	McDonald, Lawrence ...	182 10 0	30th May, 1856							"		
575	McClusky, Adam Jno. ...	182 10 0	18th July, 1856							"		
576	McCobe, Michael ...	182 10 0	22nd Aug., 1856							"		
577	*McDonald, John ...	182 10 0	7th July, 1856							Scotland.		
578	McKave, James ...	182 10 0	26th Sept., 1856							Ireland.		
579	*McSweeney, Patrick ...	182 10 0	18th Sept., 1856							"		
580	McDonald, Samuel ...	182 10 0	8th Sept., 1856							England.		
581	McCormick, Jno. ...	182 10 0	24th Oct., 1856							Ireland.		
582	McSwainey, James ...	182 10 0	14th Nov., 1856							"		
583	McRae, John ...	182 10 0	1st Jan., 1857							England.		
584	McAllister ...	182 10 0	20th Feb., 1857	Ireland.								
585	McGuerny ...	182 10 0	14th May, 1857	"								
586	McGrath, John ...	182 10 0	5th May, 1855	"								
587	McCabe, Joseph ...	182 10 0	2nd July, 1857	"								
588	McGaun, Wm. ...	182 10 0	20th July, 1857	"								
589	McGlynn, John ...	182 10 0	5th Nov., 1855	"								
590	McLoughlin, Mich. ...	182 10 0	30th July, 1857	"								
591	McCrohan, Eugene ...	182 10 0	"	"								
592	McCormick, Jos. ...	182 10 0	7th Aug., 1857	"								
593	McGovern, Francis ...	182 10 0	8th Aug., 1857	"								
594	McCoppin, Michael ...	182 10 0	10th Aug., 1857	"								
595	McGuffin, Chas. ...	182 10 0	6th Aug., 1857	"								

596	McManns, James ...	182	10	0	6th Aug., 1857
597	McEvoy, Thomas ...	182	10	0	10th Aug., 1857
598	McAdam, John ...	182	10	0	10th Sept., 1857
599	McGladdery, James ...	173	7	6	9th Nov., 1857
600	McQueen, James ...	182	10	0	24th Sept., 1857
601	McGlade, Thos. ...	173	7	6	2nd Nov., 1857
602	McCraith, Michael ...	182	10	0	27th June, 1856
603	McKay, Angus ...	182	10	0	1st Oct., 1857
604	McKay, William ...	164	5	0	1st Jan., 1858
605	McAuliffe, John ...	164	5	0	10th Dec., 1857
606	McGlove, Daniel ...	173	7	6	12th Nov., 1857
607	McKellar, Robt. W. ...	164	5	0	16th Jan., 1858
608	McCatchan, Jas. ...	173	7	6	17th Dec., 1857
609	Mullin, Isaac ...	182	10	0	15th Feb., 1854
610	Murtagh, Thomas ...	182	10	0	4th March, 1854
611	Matthews, James ...	182	10	0	6th April, 1854
612	Mitchell, Wm. ...	182	10	0	24th April, 1855
613	Mouson, James ...	182	10	0	20th May, 1855
614	Mason, James ...	182	10	0	1st June, 1855
615	Maguire, Wm. ...	182	10	0	2nd June, 1855
616	Minnion, Stephen ...	182	10	0	12th June, 1855
617	Malloy, Peter ...	182	10	0	31st Oct., 1855
618	Mingovin, John ...	182	10	0	26th April, 1853
619	Myles, Henry ...	182	10	0	23rd June, 1854
620	*Maddigan, Andr. ...	182	10	0	7th Oct., 1852
621	Murray, Patrick ...	182	10	0	2nd Oct., 1855
622	Monk, Frederick ...	182	10	0	10th Aug., 1854
623	Maloney, Christopher ...	182	10	0	9th May, 1855
624	Moran, George ...	182	10	0	25th Feb., 1854
625	*Martin, Philip ...	182	10	0	11th July, 1855
626	Murphy, Thomas ...	182	10	0	1st June, 1854
627	Morrison, Charles ...	182	10	0	2nd Nov., 1853
628	Maher, Patrick ...	182	10	0	4th June, 1853
629	Mara, Michael ...	182	10	0	28th June, 1855
630	Medley, Lynton ...	182	10	0	12th June, 1854
631	Minto, Alexr. ...	182	10	0	20th June, 1854
632	Murrell, Wm. ...	182	10	0	2nd July, 1855
633	*Moore, John ...	182	10	0	27th Feb., 1854
634	Meade, Jno. ...	182	10	0	22nd June, 1855
635	Morton, Edw. ...	182	10	0	7th Jan., 1856
636	Moore, Thomas ...	182	10	0	8th Jan., 1856
637	Maron, James ...	182	10	0	22nd Jan., 1856
638	Murphy, John ...	182	10	0	16th Jan., 1856
639	Murray, Walter ...	182	10	0	18th Feb., 1856
640	*Musson, James ...	182	10	0	20th Feb., 1856
641	Morrissy, Patrick ...	182	10	0	22nd Feb., 1856
642	Murphy, James ...	182	10	0	26th Mar., 1856
643	Maber, Patrick F. ...	182	10	0	"
644	Murphy, John ...	182	10	0	31st Mar., 1856

Nil If subsequent to the year 1854, by the Chief Commissioner of Police ; if prior to that date, by the officers of police in charge of districts

Nil

Nil

No stated hours can be specified, as members of the police force are considered to be always on duty

Ireland.
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Scotland.
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England.

DEPARTMENTS OF THE HONORABLE THE CHIEF SECRETARY—(POLICE)—*continued.*

No.	NAME.	Annual Salary.	Date of Entry.	Pension.	By whom appointed.	Amount of Security.		Hours of Duty.		Where born.	If Foreigners.	
						Now.	Formerly.	From	To		What Nation.	When naturalized.
<i>Constables, &c.—continued.</i>		£ s. d.										
645	Mullery, Patrick ...	182 10 0	16th May, 1856	Nil	If subsequent to the year 1854, by the Chief Commissioner of Police; if prior to that date, by the officers in charge of districts	Nil	Nil	No stated hours can be specified, as members of the police force are considered to be always on duty		Ireland.		
646	Moran, Thos. H. ...	182 10 0	30th May, 1856							"		
647	Moylett, Patrick ...	182 10 0	12th June, 1856							"		
648	Mitchell, Geo. ...	182 10 0	11th June, 1856							"		
649	Messit, Solomon ...	182 10 0	21st July, 1856							"		
650	Meredith, Wm. ...	182 10 0	2nd June, 1856							"		
651	Mahery, John ...	182 10 0	5th Sept., 1856							"		
652	Mooney, James ...	182 10 0	22nd Aug., 1856							"		
653	Minogue, Wm. ...	182 10 0	8th Oct., 1856							"		
654	Moore, Robt. ...	182 10 0	10th Oct., 1856							"		
655	*Moran, Peter ...	182 10 0	5th Nov., 1856							"		
656	Marks, James ...	182 10 0	12th Dec., 1856							"		
657	Murray, William ...	182 10 0	5th Dec., 1856							"		
658	Milliken, Samuel ...	182 10 0	8th Dec., 1856							"		
659	Manning, Henry ...	182 10 0	2nd Jan., 1857							"		
660	Malone, James ...	182 10 0	26th Feb., 1857							"		
661	Mallard, Fred. ...	182 10 0	1st Sept., 1856							"		England.
662	Morey, George ...	182 10 0	"							"		"
663	*Morgan, George ...	182 10 0	1st Oct., 1856							"		"
664	Mahony, Daniel ...	182 10 0	31st Dec., 1856							"		Ireland.
665	Maher, Richard ...	182 10 0	30th April, 1857							"		"
666	Morrison, Andrew ...	182 10 0	3rd April, 1857							"		"
667	Mooney, Thomas ...	182 10 0	8th June, 1857							"		"
668	Murphy, Patrick ...	182 10 0	11th June, 1857							"		"
669	Molloy, Thomas ...	182 10 0	6th Aug., 1857							"		"
670	Mulheron, James ...	182 10 0	8th Aug., 1857							"		"
671	Mara, Patrick ...	182 10 0	11th June, 1857							"		"
672	Moynihan, William ...	182 10 0	10th Aug., 1857							"		"
673	*Moors, John ...	182 10 0	17th Sept., 1857	"		England.						
674	Manning, John ...	182 10 0	7th Sept., 1857	"		Ireland.						
675	Maherry, William ...	182 10 0	24th Sept., 1857	"		"						
676	Moroney, Thomas ...	182 10 0	10th Aug., 1857	"		"						
677	Muldowney, John ...	173 7 6	2nd Nov., 1857	"		"						
678	*Merton, Henry ...	182 10 0	1st Sept., 1857	"		England.						
679	Murphy, Michael ...	182 10 0	1st July, 1857	"		Ireland.						
680	Mallam, Charles ...	182 10 0	24th Aug., 1857	"		England.						
681	Mahone, Chr. ...	164 5 0	21st Jan., 1858	"		Ireland.						
682	Millea, Robt. ...	164 5 0	18th Jan., 1858	"		"						
683	Northcott, Harvey ...	182 10 0	1st Jan., 1854	"		England.						
684	Newton, Fred. ...	182 10 0	9th Nov., 1852	"		"						

685	Nelson, Robert...	...	182 10 0	16th Jan., 1856	} Nil	If subsequent to the year 1854, by the Chief Commissioner of Police; if prior to that date, by the officers in charge of districts	} Nil	} Nil	No stated hours can be specified, as members of the police force are considered to be always on duty	England.
686	Neville, William	...	182 10 0	25th Feb., 1856						Ireland.
687	Nixon, Fred. ...	...	182 10 0	7th July, 1856						"
688	Nantes, Theop.	...	182 10 0	20th Aug., 1856						England.
689	Nalan, Michael	...	182 10 0	24th Oct., 1856						Ireland.
690	Neate, George...	...	182 10 0	2nd Jan., 1857						England.
691	O'Toole, George	...	182 10 0	12th April, 1853						Ireland.
692	*O'Reilly, Bernard	...	182 10 0	24th July, 1854						"
693	Owen, Frederick	...	182 10 0	25th July, 1854						Wales.
694	O'Shanassy, Patrick	...	182 10 0	2nd Aug., 1854						Ireland.
695	O'Shannassy, Peter	...	182 10 0	29th Mar., 1855						"
696	O'Keefe, Thomas	...	182 10 0	19th Nov., 1853						"
697	O'Brien, Patrick	...	182 10 0	27th April, 1855						"
698	Oxborough, Charles	...	182 10 0	21st Jan., 1856						England.
699	O'Keefe, Michael	...	182 10 0	4th Feb., 1856						Ireland.
700	O'Connor, Chas. James	...	182 10 0	26th Mar., 1856						"
701	Owens, Jeremiah	...	182 10 0	21st April, 1856						"
702	O'Loughin, Peter	...	182 10 0	2nd April, 1856						"
703	O'Keefe, Michael (2)	...	182 10 0	25th April, 1856						"
704	O'Brien, Henry	...	182 10 0	12th May, 1856						"
705	*O'Flanagan, Mortr.	...	182 10 0	4th June, 1856						"
706	O'Neill, Peter ...	...	182 10 0	4th Aug., 1856						"
707	C'Connell, John	...	182 10 0	5th Sept., 1856						"
708	O'Brien, Patrick	...	182 10 0	3rd Dec., 1856						"
709	O'Regan, Cornelius	...	182 10 0	3rd April, 1857						"
710	O'Brien, Thomas	...	182 10 0	21st May, 1857						"
711	Owen, John ...	...	182 10 0	15th June, 1857						England.
712	O'Sullivan, Patrick	...	182 10 0	30th July, 1857						Ireland.
713	O'Meara, Michael	...	182 10 0	8th Aug., 1857						"
714	O'Brien, David	...	182 10 0	1st Oct., 1857						"
715	Organ, Benjamin	...	182 10 0	6th Aug., 1857						England.
716	O'Reilly, Jno. Mic.	...	164 5 0	18th Jan., 1858						Ireland.
717	Peirepoint, James	...	182 10 0	10th Mar., 1854						England.
718	Phelan, James...	...	182 10 0	18th Nov., 1854	Ireland.					
719	Perron, Clement	...	182 10 0	26th Aug., 1854	B. Canada.					
720	Plowright, Thomas	...	182 10 0	19th Sept., 1853	England.					
721	*Pulford, William	...	182 10 0	3rd March, 1853	"					
722	*Power, William	...	182 10 0	22nd June, 1854	Ireland.					
723	*Price, William...	...	182 10 0	9th Dec., 1855	"					
724	Pennefather, Fred.	...	182 10 0	16th April, 1856	"					
725	Price, Fred. Wm.	...	182 10 0	2nd April, 1856	England.					
726	Parsons, James	...	182 10 0	7th May, 1856	"					
727	Purcell, Wm. H.	...	182 10 0	23rd May, 1856	Ireland.					
728	Paul, William ...	...	182 10 0	12th June, 1856	"					
729	Pepper, James...	...	182 10 0	13th June, 1856	"					
730	*Prestage, John	...	182 10 0	15th Sept., 1856	"					
731	Porteus, Richard	...	182 10 0	24th Oct., 1856	"					
732	Parker, John ...	...	182 10 0	6th Sept., 1856	"					
733	Pinch, Nicholas	...	182 10 0	6th June, 1856	England.					

DEPARTMENTS OF THE HONORABLE THE CHIEF SECRETARY—(POLICE)—*continued.*

No.	NAME.	Annual Salary.	Date of Entry.	Pension.	By whom appointed.	Amount of Security.		Hours of Duty.		Where born.	If Foreigners.	
						Now.	Formerly.	From	To		What Nation.	When naturalized.
<i>Constables, &c.—continued.</i>		£ s. d.										
734	Phillips, Henry ...	182 10 0	7th April, 1856	} Nil	If subsequent to the year 1854, by the Chief Commissioner of Police; if prior to that date, by the officers in charge of districts	Nil	Nil	No stated hours can be specified, as members of the police force are considered to be always on duty		Ireland.		
735	Peters, Henry ...	182 10 0	21st May, 1857							England.		
736	Pender, Peter ...	182 10 0	7th May, 1857							Ireland.		
737	Prater, Aug. Fred. ...	182 10 0	6th July, 1857							"		
738	Peare, Henry Robt. ...	182 10 0	18th May, 1857							"		
739	Purcell, John ...	182 10 0	7th Aug., 1857							"		
740	Percey, Wm. Jas. ...	173 7 6	16th Nov., 1857							Guernsey.		
741	Perry, Edw. ...	173 7 6	19th Nov., 1857							Ireland.		
742	Prest, John ...	164 5 0	15th Jan., 1858							England.		
743	Perry, Henry ...	164 5 0	18th Jan., 1858							Ireland.		
744	Prendergast, Hy. Mic....	173 7 6	7th Dec., 1857							England.		
745	Parkinson, Carleton ...	173 7 6	10th Dec., 1857							Ireland.		
746	Quinlan, John ...	182 10 0	1st Aug., 1854							"		
747	Quam, John ...	182 10 0	16th Dec., 1853							"		
748	Quirk, Thomas ...	182 10 0	26th Sept., 1855							"		
749	Quigley, Thomas ...	182 10 0	26th Nov., 1855							"		
750	Quarrell, John ...	182 10 0	12th May, 1856							"		
751	Quigley, Michael ...	182 10 0	29th June, 1854							"		
752	Quain, Richard ...	182 10 0	26th Sept., 1856							"		
753	Quam, Thomas ...	182 10 0	26th Nov., 1856							"		
754	Quarrier, Thomas ...	182 10 0	1st Sept., 1856							England.		
755	Quigley, James ...	182 10 0	6th Aug., 1857							Ireland.		
756	Quam, John ...	173 7 6	19th Nov., 1857							"		
757	Rivers, Anthony ...	182 10 0	12th Mar., 1854							England.		
758	Richardson, William ...	182 10 0	29th June, 1854							Scotland.		
759	Redgrave, Stephen ...	182 10 0	27th Jan., 1854							Ireland.		
760	Rogers, John ...	182 10 0	30th Mar., 1855							"		
761	*Reanie, James ...	182 10 0	1st May, 1853	Scotland.								
762	Russell, Richard ...	182 10 0	2nd Oct., 1854	Ireland.								
763	*Ryan, William ...	182 10 0	21st May, 1854	"								
764	Rankin, John ...	182 10 0	1st June, 1855	"								
765	Robinson, Arthur ...	182 10 0	29th June, 1855	England.								
766	Reid, George ...	182 10 0	1st Dec., 1857	Ireland.								
767	Reed, John ...	182 10 0	26th Dec., 1856	"								
768	Ryan, Thomas ...	182 10 0	7th Jan., 1856	"								
769	Ryan, Patrick ...	182 10 0	"	England.								
770	*Robinson, John ...	182 10 0	22nd May, 1854	Scotland.								
771	Rae, Johnston ...	182 10 0	27th June, 1856	England.								
772	Riordan, Michael ...	182 10 0	18th June, 1856	Ireland.								
773	Rodgers, Henry ...	182 10 0	9th July, 1856	"								

774	Ryan, John ...	182	10	0	21st July, 1856					Ireland.	
775	Robinson, Wm. ...	182	10	0	16th July, 1856					"	
776	Rothwell, William ...	182	10	0	6th Aug., 1856					"	
777	Rowland, Myles ...	182	10	0	10th Sept., 1856					"	
778	Rooney, John ...	182	10	0	17th Nov., 1856					"	
779	Russell, John ...	182	10	0	1st Sept., 1856					England.	
780	Robinson, Andrew ...	182	0	0	9th April, 1857					Ireland.	
781	Ryan, Thomas ...	173	7	6	9th Nov., 1857					"	
782	Swift, Richard ...	182	10	0	24th June, 1853					"	
783	Stephenson, John ...	182	10	0	24th Feb., 1854					England.	
784	Symons, James ...	182	10	0	19th April, 1855					Scotland.	
785	Shields, William ...	182	10	0	5th June, 1854					Ireland.	
786	Smith, William ...	182	10	0	3rd Feb., 1853					England.	
787	*Sisk, David ...	182	10	0	18th July, 1854					Ireland.	
788	Stanley, Edward ...	182	10	0	8th Jan., 1854					"	
789	Stone, Henry ...	182	10	0	12th June, 1854					"	
790	Strahan, Robert ...	182	10	0	7th May, 1855					"	
791	*Smith, Thomas ...	182	10	0	15th Aug., 1855					"	
792	*Spiers, Robert ...	182	10	0	2nd Dec., 1854					"	
793	*Shepherd, George ...	182	10	0	30th Mar., 1854					England.	
794	Shine, Patrick ...	182	10	0	19th May, 1855					Ireland.	
795	Shelly, Patrick ...	182	10	0	3rd Nov., 1855					"	
796	Shaw, Charles ...	182	10	0	12th Oct., 1855					"	
797	Speares, William ...	182	10	0	29th May, 1855					Scotland.	
798	South, William ...	182	10	0	30th Nov., 1855	Nil	If subsequent to the year 1854, by the Chief Commissioner of Police; if prior to that date, by the officers in charge of districts	Nil	Nil	No stated hours can be speci- fied, as mem- bers of the police force are considered to be always on duty	Ireland.
799	South, George ...	182	10	0	"					"	
800	Storey, Johnstone ...	182	10	0	29th May, 1855					"	
801	Stanley, Frederick ...	182	10	0	30th Aug., 1853					England.	
802	Sheean, Thomas ...	182	10	0	1st July, 1853					Ireland.	
803	Skinner, George ...	182	10	0	10th May, 1855					Scotland.	
804	Shoebridge, Edward ...	182	10	0	26th July, 1854					England.	
805	*Sullivan, John ...	182	10	0	25th Aug., 1854					Ireland.	
806	Shannahan, Anthony ...	182	10	0	21st June, 1854					"	
807	Swanie, John ...	182	10	0	3rd July, 1855					"	
808	*Slattery, John ...	182	10	0	17th May, 1855					"	
809	Scully, James ...	182	10	0	1st Aug., 1854					"	
810	Sharry, Stephen ...	182	10	0	15th May, 1854					"	
811	Simmons, James G. ...	182	10	0	1st May, 1854					England.	
812	Smallman, John ...	182	10	0	5th Aug., 1854					Ireland.	
813	Smythe, John ...	182	10	0	27th Dec., 1855					"	
814	Saville, Henry ...	182	10	0	14th Jan., 1856					England.	
815	Sheehan, John ...	182	10	0	21st Jan., 1856					Ireland.	
816	*Smith, William F. ...	182	10	0	1st Feb., 1856					England.	
817	Smith, Edward S. ...	182	10	0	18th Feb., 1856					Ireland.	
818	Sharpe, John ...	182	10	0	7th April, 1856					"	
819	Singleton, John ...	182	10	0	26th Mar., 1856					"	
820	*Scanlan, Edw. ...	182	10	0	5th May, 1855					"	
821	*Sullivan, William P. ...	182	10	0	2nd May, 1856					"	
822	Scott, John ...	182	10	0	19th Mar., 1856					Scotland.	

205

DEPARTMENTS OF THE HONORABLE THE CHIEF SECRETARY—(POLICE)—*continued.*

No.	NAME.	Annual Salary.	Date of Entry.	Pension.	By whom appointed.	Amount of Security.		Hours of Duty.		Where born.	If Foreigners.	
						Now.	Formerly.	From	To		What Nation.	When naturalized.
<i>Constables, &c.—continued.</i>		£ s. d.										
823	Salt, Richard ...	182 10 0	25th Apr., 1856	Nil	If subsequent to the year 1854, by the Chief Commissioner of Police; if prior to that date, by the officers in charge of districts	Nil	Nil	No stated hours can be specified, as members of the police force are considered to be always on duty	Ireland.			
824	Shanahan, John ...	182 10 0	2nd July, 1856									
825	Stephen, Charles ...	182 10 0	23rd June, 1856									
826	Shanklin, Thomas ...	182 10 0	9th July, 1856									
827	Smith, Wm. O'Brien ...	182 10 0	2nd July, 1856									
828	Salhoan, John ...	182 10 0	15th Aug., 1856									
829	Sutton, John ...	182 10 0	5th Sept., 1856									
830	Sherwood, Ch. Jas. ...	182 10 0	17th Sept., 1856									
831	Skerritt, George ...	182 10 0	8th Sept., 1856									
832	Sherson, James ...	182 10 0	22nd Sept., 1856									
833	Synnott, Loftus ...	182 10 0	6th Oct., 1856									
834	Sheahan, Michael ...	182 10 0	26th Sept., 1856									
835	South, Hugh ...	182 10 0	6th Oct., 1856									
836	Sheehan, Patrick ...	182 10 0	17th Nov., 1856									
837	Sweeney, Patrick ...	182 10 0	19th Nov., 1856									
838	Steele, Robert ...	182 10 0	8th Dec., 1856									
839	Stanley, Thomas ...	182 10 0	10th Dec., 1856									
840	Silhe, John ...	182 10 0	1st Sept., 1856									
841	South, Charles ...	182 10 0	1st Sept., 1856									
842	Strainer, Henry ...	182 10 0	16th Jan., 1857									
843	Scully, James ...	182 10 0	13th Apr., 1857									
844	Stephens, Francis ...	182 10 0	30th Apr., 1855									
845	Smith, Hiram ...	182 10 0	18th May, 1857									
846	Sunderland, George ...	182 10 0	28th May, 1857									
847	Steele, Loftus Ar. ...	182 10 0	8th June, 1857									
848	Sancott, John ...	182 10 0	8th June, 1857									
849	Scanlon, Michael ...	182 10 0	4th June, 1857									
850	Scott, Robert ...	182 10 0	23rd July, 1857									
851	Sprowle, Henry ...	182 10 0	4th June, 1857									
852	Stewart, Wm. ...	182 10 0	10th Aug., 1857									
853	Sagruce, Thomas ...	182 10 0	30th July, 1857									
854	Sullivan, Wm. ...	182 10 0	7th Aug., 1857									
855	Stafford, Wm. ...	182 10 0	6th Aug., 1857									
856	Sunmonds, Daniel ...	182 10 0	20th Aug., 1857									
857	Sullivan, James ...	182 10 0	3rd Sept., 1857									
858	Short, James ...	182 10 0	5th Oct., 1857									
859	Steeth, James ...	182 10 0	12th Nov., 1857									
860	Spargo, James ...	182 10 0	25th Oct., 1857									
861	Stephens, Thomas ...	164 5 0	15th Jan., 1858									
862	Thompson, Anthony ...	182 10 0	4th Aug., 1852									

863	Thompson, Edw. ...	182	10	0	9th May, 1853
864	Thompson, John ...	182	10	0	1st April, 1854
865	Tuckey, John ...	182	10	0	5th June, 1854
866	*Tummonds, Robert ...	182	10	0	20th Nov., 1855
867	Taylor, Robert ...	182	10	0	15th Mar., 1854
868	*Toulmin, George ...	182	10	0	28th Mar., 1854
869	Tracy, Martin... ..	182	10	0	17th May, 1855
870	Tiernan, Terance ...	182	10	0	18th May, 1855
871	Taverner, Thomas ...	182	10	0	20th June, 1853
872	Thompson, James ...	182	10	0	1st June, 1853
873	Tatlock, Thomas ...	182	10	0	24th Oct., 1854
874	Turner, Richard ...	182	10	0	21st June, 1855
875	*Tyndall, W. H. ...	182	10	0	17th Nov., 1854
876	Tarleton, William ...	182	10	0	29th Oct., 1855
877	Tobin, Wm.	182	10	0	20th Feb., 1856
878	Tobin, James	182	10	0	5th Mar., 1856
879	Talty, Michael	182	10	0	9th May, 1856
880	Tynam, Timothy	182	10	0	21st May, 1856
881	Tobine, Alexander ...	182	10	0	19th May, 1856
882	Tyrell, Michael	182	10	0	27th June, 1856
883	Thornhill, Richard ...	182	10	0	11th June, 1856
884	Thornton, Charles ...	182	10	0	25th June, 1856
885	*Tronson, Edward ...	182	10	0	11th July, 1856
886	Thatcher, Charles ...	182	10	0	23rd July, 1856
887	Tenniel, James	182	10	0	20th Aug., 1856
888	*Thomson, James	182	10	0	25th Aug., 1856
889	Toal, Joseph	182	10	0	7th May, 1856
890	Tipping, Francis	182	10	0	5th Nov., 1856
891	*Toohey, Jeremiah ...	182	10	0	2nd Jan., 1857
892	Tiernan, John... ..	182	10	0	23rd July, 1857
893	Thurnem, Wm.	182	10	0	1st Oct., 1857
894	Thomas, George	182	10	0	"
895	Toole, Edward... ..	173	7	6	10th Dec., 1857
896	Vines, Wm.	182	10	0	31st Mar., 1857
897	Wilkinson, Richard ...	182	10	0	5th Aug., 1854
898	Walsh, Patrick	182	10	0	9th Feb., 1854
899	Wall, Wm.	182	10	0	21st Feb., 1854
900	Wright, Wm. G.	182	10	0	12th April, 1854
901	Wilcox, Wm.	182	10	0	23rd May, 1854
902	White, Wm.	182	10	0	5th Aug., 1854
903	Wilson, George	182	10	0	3rd Mar., 1854
904	*Wilson, James... ..	182	10	0	20th Sept., 1855
905	*Wilson, Thomas	182	10	0	6th Aug., 1853
906	Wright, Robert	182	10	0	29th Aug., 1853
907	Walchhorn, Robert ...	182	10	0	11th Oct., 1854
908	Ware, Frederick	182	10	0	1st Aug., 1854
909	Walmsley, George ...	182	10	0	1st Oct., 1854
910	Walker, Thomas	182	10	0	27th April, 1854
911	Wright, John	182	10	0	24th Aug., 1854

Nil If subsequent to the year 1854, by the Chief Commissioner of Police; if prior to that date, by the officers in charge of districts

Nil

Nil

No stated hours can be specified, as members of the police force are considered to be always on duty

Ireland.
England.
Ireland.
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Ireland.
England.
Ireland.

207

22208

DEPARTMENTS OF THE HONORABLE THE CHIEF SECRETARY—(POLICE)—*continued.*

No.	NAME.	Annual Salary.	Date of Entry.	Pension.	By whom appointed.	Amount of Security.		Hours of Duty.		Where born.	If Foreigners.	
						Now.	Formerly.	From	To		What Nation.	When naturalized.
	<i>Constables, &c.—continued.</i>	£ s. d.										
912	Wilson, James... ..	182 10 0	16th Dec., 1853	Nil	If subsequent to the year 1854, by the Chief Commissioner of Police; if prior to that date, by the officers in charge of districts	Nil	Nil	No stated hours can be specified, as members of the police force are considered to be always on duty	Scotland.	Germany	Not natu- ralized.	
913	Weiss, Augustus	182 10 0	12th Aug., 1853									
914	Wratten, John... ..	182 10 0	16th Aug., 1853									
915	Webb, Richard	182 10 0	28th June, 1854									
916	Westerdale, Jno.	182 10 0	4th July, 1854									
917	Whitehead, Alex.	182 10 0	6th July, 1854									
918	Welch, John	182 10 0	8th Aug., 1852									
919	Wilson, James... ..	182 10 0	1st Jan., 1846									
920	Witcher, James	182 10 0	1st Oct., 1853									
921	Ward, James	182 10 0	4th Oct., 1854									
922	Wolfe, Peter	182 10 0	7th Jan., 1856									
923	Wright, William	182 10 0	31st Jan., 1856									
924	Weadich, John	182 10 0	19th Feb., 1856									
925	White, Edward	182 10 0	"									
926	*Woods, James... ..	182 10 0	10th Mar., 1856									
927	Warren, Edward	182 10 0	26th Mar., 1856									
928	Wilson, Christopher	182 10 0	14th Mar., 1856									
929	Williamson, William	182 10 0	18th April, 1856									
930	Wardle, Richard	182 10 0	4th Jan., 1854									
931	Watson, Samuel	182 10 0	16th June, 1856									
932	Welch, Michael	182 10 0	6th June, 1856									
933	*Walsh, Henry	182 10 0	30th June, 1856									
934	Whelan, John	182 10 0	23rd July, 1856									
935	Wood, Thomas	182 10 0	21st July, 1856									
936	Walsh, Henry	182 10 0	28th July, 1856									
937	Walsh, William	182 10 0	24th Sept., 1856									
938	*Woods, Michael	182 10 0	6th Oct., 1856									
939	Walsh, Michael	182 10 0	27th Oct., 1856									
940	Whelan, James	182 10 0	3rd Dec., 1856									
941	Walker, Edward	182 10 0	26th Feb., 1857									
942	Wilson, Thomas	182 10 0	3rd April, 1857									
943	Wilson, John	182 10 0	3rd Oct., 1855									
944	Wiggings, Joseph	182 10 0	16th July, 1857									
945	White, Patrick	182 10 0	30th July, 1857									
946	Wade, Robert	182 10 0	10th Aug., 1857									
947	White, Thomas	182 10 0	30th July, 1857									
948	Watson, Benjamin	182 10 0	10th Aug., 1857									
949	Wigmore, Richard	182 10 0	"									
950	Walsh, James	182 10 0	20th Aug., 1857									
951	Wallace, Thomas	173 7 6	5th Nov., 1857									

952	Wilson, Jonathan ...	182	10	0	2nd Oct., 1857	} Nil	If subsequent to the year 1854, by the Chief Commissioner of Police; if prior to that date, by the officers in charge of districts	Nil	Nil	No stated hours can be specified, as members of the police force are considered to be always on duty	England.
953	Woodhouse, Mortimer	173	7	6	10th Dec., 1857						Ireland.
954	Yardley, Wm. ...	182	10	0	10th April, 1854						England.
955	Yarde, John ...	182	10	0	4th Oct., 1855						Ireland.
956	Young, George ...	182	10	0	17th Aug., 1853						England.
957	Young, Henry ...	182	10	0	12th May, 1856						Ireland.
958	Beckwith, William ...	255	10	0	1st Dec., 1857						England.
959	Sharpe, Andrew ...	255	10	0	3rd Mar., 1853						Scotland.
960	Nelson, John ...	219	0	0	8th Jan., 1858						England.
961	Bruce, John ...	219	0	0	31st July, 1857						Scotland.
962	Cattell, Eugene ...	219	0	0	31st July, 1856						Calcutta.
963	Coffey, John ...	219	0	0	15th Mar., 1853						Ireland.
964	Dooley, Henry ...	219	0	0	1st Dec., 1855						"
965	Meaghan, Wm. ...	219	0	0	4th Feb., 1856	"					
966	Millie, Thos. Hy. ...	219	0	0	5th Nov., 1857	"					
967	Toomey, Thomas ...	219	0	0	22nd June, 1853	U.S. America.					
968	Wyll, Edward ...	219	0	0	19th May, 1856	England.					
969	Bysouth, James ...	182	10	0	19th Nov., 1855	"					
970	Agan, Benjn. ...	182	10	0	6th Aug., 1857	"					
971	Charlett, Archibald ...	118	12	6	1st Sept., 1856	"					
972	Horn, William...	118	12	6	1st Aug., 1856	"					
973	Jones, William ...	118	12	6	1st Sept., 1856	"					
974	Sylvester, Wm. ...	118	12	6	1st June, 1857	"					
975	Allen, William ...	91	5	0	1st Sept., 1856	"					
976	Stronach, Wm. ...	91	5	0	10th Jan., 1858	"					
977	Woods, Thomas ...	91	5	0	1st Aug., 1856	"					
978	Rex, Edgar ...	93	0	0	1st Aug., 1857	"					
979	Percy, Henry ...	91	5	0	1st Sept., 1856	"					
980	Donne, Rosa ...	25	0	0							
981	Flanders, Mine ...	25	0	0							
982	McElroy, Julia ...	25	0	0							
983	Owens, Mary ...	25	0	0							
984	Welsh, Caroline ...	25	0	0							

NOTE.—The Constables marked thus (*) were Senior Constables, receiving 6d. per diem more than stated.
The Military attached to the department for escort duty are not included in this statement.

602

GAOLS DEPARTMENT.

No.	NAME.	Annual Salary.	Date of Entry.	Pension.	By whom appointed.	Amount of Security.		Hours of Duty.		Where born.	If Foreigners.	
						Now.	Formerly.	From	To		What Nation.	When naturalized.
MELBOURNE.												
1	Wintle, George	£ 600	1st Sept., 1836	Nil	Lieut.-Colonel Snodgrass, Acting Governor of N. S. Wales	Nil	Nil	Always		England.		
2	Gale, John	250	6th Jan., 1851	"	His Excellency the Governor ...	"	"	"		Wales.		
3	Gale, Harriett	100	11th Feb., 1851	"	" " " " ...	"	"	"		England.		
4	Hackett, Jas.	220	3rd Mar., 1853	"	The Sheriff	"	"	6 a.m.	6 p.m.	Ireland.		
5	Macnee, Duncan	400	25th May, 1853	"	His Excellency the Governor, C. J. La Trobe.	"	"	9 a.m.	4 p.m.	Scotland.		
6	Newby, Thomas	200	11th Mar., 1854	"	" " " " ...	"	"	"		England.		
7	Rowley, James	220	6th Apr., 1850	"	" " " " ...	"	"	Always		"		
8	Stack, Maurice, H.	100	1st Mar., 1857	"	His Excellency the Governor ...	"	"	Not specified		Ireland.		
9	Stoddart, John	220	10th Mar., 1857	"	The Sheriff	"	"	Always		"		
10	Studdert, George	100	Jan., 1853	"	His Excellency the Governor ...	"	"	Not specified		"		
11	Wintle, Mary	100	Sept., 1840	"	Lieut.-Colonel Snodgrass, Acting Governor of N. S. Wales	"	"	Always		England.		
GEEELONG.												
1	Dwyer, Peter	400	1st Nov., 1853	Nil	His Excellency the Governor ...	Nil	Nil	Resident		Ireland.		
2	Ford, James	220	Oct., 1852	"	" " " " ...	"	"	"		England.		
3	Hylton, John C.	300	March, 1853	"	" " " " ...	"	"	9 a.m.	4 p.m.	Jamaica.		
4	Smith, Joseph	220	May, 1853	"	" " " " ...	"	"	6 a.m.	6 p.m.	England.		
5	Vernon, Joseph	220	Feb., 1854	"	" " " " ...	"	"	Resident		"		
CASTLEMAINE.												
1	McEwen, John	300	July, 1855	Nil	His Excellency the Governor ...	Nil	Nil	6 a.m.	6 p.m.	East Indies.		
2	Keys, Daniel	220	1st Dec., 1857	"	Deputy Sheriff	"	"	"	"	Ireland.		
3	McEwen, Mary	60	July, 1855	"	His Excellency the Governor ...	"	"	"	"	"		
SANDHURST.												
1	Gee, J. Wilson	300	1st Jan., 1854	Nil	His Excellency C. J. La Trobe ...	Nil	Nil	6 a.m.	6 p.m.	England.		
2	Gee, Mary S.	60	19th June, 1855	"	His Excellency the Governor ...	"	"	"	"	"		
3	Maude, Thos.	220	6th Oct., 1854	"	" " " " ...	"	"	"	"	"		

A 2.-h.

BALLAARAT.

1	Forster Chas.	300	20th June, 1854	Nil	His Excellency the Governor	Nil	Nil	Constant	England.
2	Magee, Wm. S.	220	16th Oct., 1856	"	The Sheriff	"	"	"	Ireland.

BEECHWORTH.

1	Castean, John B.	300	December, 1852	Nil	His Excellency Major-General Macarthur ..	Nil	Nil	Always	England.
2	Harris, Jas.	220	November, 1853	"	The Sheriff	"	"	7 a.m. | 5 p.m.	"
3	Loton, Jane	60	January, 1857	"	His Excellency Major-General Macarthur ..	"	"	8 a.m. | 8 p.m.	Ireland.

PORTLAND.

1	Walker, Saml.	250	December, 1853	Nil	His Excellency the Governor	Nil	Nil	Always	England.
2	Thompson, C. G.	220	March, 1854	"	" " " " " " " "	"	"	"	"
3	Walker, Eliza	50	December, 1853	"	" " " " " " " "	"	"	"	"

(Signed)

CLAUD FARIE,
Sheriff.

PENAL DEPARTMENT.

41

No.	NAME.	Annual Salary.	Date of Entry.	Pension.	By whom appointed.	Amount of Security.		Hours of Duty.*		Where born.	If Foreigners.	
						Now.	Formerly.	From	To		What Nation.	When naturalized.
1	Champ, Wm. S. N. ...	£ 1080 0 0	3rd June, 1857	Nil	His Excellency Sir H. Barkly ...	Nil	Nil	...	...	England.		
2	Armstrong, William ...	182 10 0	2nd Dec., 1854	"	Mr. John Price ... ..	"	"	...	...	Ireland.		
3	Allcock, Edward H. ...	182 10 0	19th June, 1856	"	" " " " " " " "	"	"	...	...	England.		
4	Abbott, William ...	182 10 0	27th Feb., 1857	"	" " " " " " " "	"	"	...	...	Ireland.		
5	Armstrong, John ...	182 10 0	1st May, 1857	"	Mr. Duncan ... ..	"	"	...	...	"
6	Allcock, Hy. D. ...	182 10 0	16th Aug., 1857	"	Mr. Champ ... ..	"	"	...	...	"
7	Blachford, Hy. M. ...	500 0 0	1st March, 1855	"	His Excellency Maj.-Gen. Macarthur	"	"	...	...	England.		
8	Bird, John ...	270 0 0	14th Jan., 1853	"	" " " " " " " "	"	"	5 a.m.	6 p.m.	Ireland.		
9	Begg, William ...	219 0 0	26th May, 1854	"	Mr. John Price ... ..	"	"	...	...	Scotland.		
10	Butler, R. C. ...	270 0 0	1st April, 1856	"	His Excellency Sir H. Barkly ...	"	"	...	...	Ireland.		
11	Badcock, Richard ...	182 10 0	1st April, 1855	"	Mr. John Price ... ..	"	"	...	...	England.		
12	Badcock, William ...	182 10 0	"	"	" " " " " " " "	"	"	...	...	"
13	Barry, Patrick ...	182 10 0	"	"	" " " " " " " "	"	"	...	...	Ireland.		
14	Birmingham, Jas. ...	182 10 0	10th Jan., 1855	"	" " " " " " " "	"	"	...	...	"
15	Boase, Charles ...	182 10 0	1st April, 1855	"	" " " " " " " "	"	"	...	...	England.		
16	Bogue, James ...	182 10 0	3rd Oct., 1856	"	" " " " " " " "	"	"	...	...	Ireland.		
17	Boyle, Thomas ...	182 10 0	9th Nov., 1856	"	" " " " " " " "	"	"	...	...	"
18	Buter, George ...	182 10 0	1st Nov., 1856	"	" " " " " " " "	"	"	...	...	England.		

* For this portion of the Return, see note of the Inspector General's at the end of this Return.

211

2212

PENAL DEPARTMENT—continued.

No.	NAME.	Annual Salary.	Date of Entry.	Pension.	By whom appointed.	Amount of Security.		Hours of Duty.		Where born.	If Foreigners.	
						Now.	Formerly.	From	To		What Nation.	When naturalized.
19	Burnarde, Augustus A. ...	£ 182 10 0	12th Dec., 1856	Nil	Mr. John Price ...	Nil	Nil	...	...	Ireland.		
20	Brabazon, Chas. A ...	182 10 0	16th April, 1857	"	Mr. Duncan... ..	"	"	...	...	"
21	Bell, Jonathan ...	182 10 0	1st May, 1857	"	" ... ..	"	"	...	...	England.		
22	Barry, David ...	182 10 0	"	"	" ... ..	"	"	...	...	Ireland.		
23	Braidley, Henry ...	182 10 0	20th June, 1857	"	Mr. Champ ... ..	"	"	...	...	England.		
24	Bolton, Jonathan ...	182 10 0	8th Oct., 1857	"	" ... ..	"	"	...	...	"
25	Bull, James ...	182 10 0	1st Aug., 1855	"	Mr. John Price ...	"	"	...	...	"
26	Caldwell, James ...	219 0 0	12th Jan., 1855	"	" ... ..	"	"	...	...	Ireland.		
27	Carey, Thos. H. ...	191 12 6	1st Oct., 1855	"	" ... ..	"	"	...	...	England.		
28	Carey, Frederick ...	191 12 6	5th Oct., 1856	"	" ... ..	"	"	...	...	Ireland.		
29	Casey, John ...	191 12 6	1st May, 1856	"	" ... ..	"	"	...	...	"
30	Connor, Caroline ...	91 5 0	1st Jan., 1858	"	Mr. Champ ... ..	"	"	...	...	England.		
31	Cummins, Michael ...	182 10 0	1st Feb., 1855	"	Mr. J. Price... ..	"	"	...	...	Ireland.		
32	Coffey, William ...	182 10 0	1st Dec., 1856	"	" ... ..	"	"	...	...	"
33	Cahill, James ...	182 10 0	"	"	" ... ..	"	"	...	...	"
34	Collins, William ...	182 10 0	5th Sept., 1854	"	" ... ..	"	"	...	...	"
35	Coer, John ...	182 10 0	2nd April, 1857	"	Mr. Duncan... ..	"	"	...	...	"
36	Croker, Samuel ...	182 10 0	8th April, 1857	"	" ... ..	"	"	...	...	"
37	Connor, Martin ...	182 10 0	12th July, 1854	"	Mr. Champ ... ..	"	"	...	...	"
38	Collins, Henry ...	182 10 0	20th Aug., 1854	"	Mr. J. Price... ..	"	"	...	...	"
39	Corkhill, Robert ...	182 10 0	7th Jan., 1854	"	Mr. Barrow ... ..	"	"	...	...	England.		
40	Duncan, George O. ...	500 0 0	19th June, 1854	"	His Excellency Sir C. Hotham ...	"	"	...	...	Scotland.		
41	Donald, Peter ...	275 0 0	15th Sept., 1852	"	His Excellency Sir Henry Barkly	"	"	7 a.m.	4 p.m.	England.		
42	Dunn, George ...	275 0 0	19th April, 1854	"	His Excellency Sir C. Hotham ...	"	"	...	...	Ireland.		
43	Dobbyn, William ...	182 10 0	21st Oct., 1856	"	Mr. J. Price... ..	"	"	...	...	"
44	Dixey, John ...	182 10 0	1st Nov., 1856	"	" ... ..	"	"	...	...	England.		
45	Daley, Thomas ...	182 10 0	25th Nov., 1856	"	" ... ..	"	"	...	...	Ireland.		
46	Danes, Abraham ...	182 10 0	14th April, 1857	"	Mr. Duncan... ..	"	"	...	...	England.		
47	Dodd, George ...	182 10 0	16th April, 1857	"	" ... ..	"	"	...	...	Ireland.		
48	Duggan, Patrick ...	182 10 0	12th June, 1857	"	Mr. Champ ... ..	"	"	...	...	"
49	Dawson, Francis ...	182 10 0	22nd June, 1857	"	" ... ..	"	"	...	...	"
50	Dowling, Wm. R. ...	182 10 0	1st July, 1857	"	" ... ..	"	"	...	...	"
51	Ellery, Henry ...	219 0 0	23rd Dec., 1854	"	Mr. Duncan... ..	"	"	...	...	England.		
52	Eddy, John ...	182 10 0	22nd June, 1855	"	Mr. J. Price... ..	"	"	...	...	"
53	Foreman, Charlotte A. ...	91 5 0	1st April, 1856	"	Mr. Champ ... ..	"	"	...	...	"
54	Fox, Andrew ...	182 10 0	13th Sept., 1854	"	Mr. J. Price... ..	"	"	...	...	"
55	Foster, James ...	182 10 0	13th Nov., 1854	"	" ... ..	"	"	...	...	Ireland.		
56	Fraser, Charles ...	182 10 0	14th Nov., 1854	"	" ... ..	"	"	...	...	"
57	Fraser, William ...	182 10 0	4th July, 1856	"	" ... ..	"	"	...	...	Scotland.		
58	Farley, Bernard ...	182 10 0	1st Oct., 1856	"	" ... ..	"	"	...	...	Ireland.		

59	Fulton, John ...	182	10	0	11th Oct., 1856	Nil	Mr. J. Price ...	Nil	Nil	...	...	Ireland.		
60	Falvey, Thomas ...	182	10	0	18th Oct., 1856	"	" ...	"	"	...	...	"
61	Flannagan, Timothy ...	182	10	0	9th July, 1857	"	Mr. Champ ...	"	"	...	...	"
62	Gardiner, Robert ...	350	0	0	1st Aug., 1852	"	His Excellency Sir C. Hotham ...	"	"	...	...	"
63	Guerin, Patrick ...	219	0	0	7th July, 1855	"	Mr. Duncan...	"	"	...	...	"
64	Gardiner, William ...	191	12	6	1st July, 1855	"	" ...	"	"	...	...	"
65	Gleeson, John ...	182	10	0	21st July, 1855	"	Mr. J. Price...	"	"	...	...	"
66	Gray, Edward ...	182	10	0	17th Dec., 1856	"	" ...	"	"	...	...	"
67	Gibney, Francis ...	182	10	0	1st Feb., 1857	"	" ...	"	"	...	...	"
68	Gilmore, Alexander ...	182	10	0	"	"	" ...	"	"	...	...	"
69	Gaynor, George ...	182	10	0	1st April, 1857	"	Mr. Duncan ...	"	"	...	...	"
70	Grieves, Matthew...	182	10	0	1st Dec., 1855	"	Mr. J. Price...	"	"	...	...	"
71	Green, Luke ...	182	10	0	3rd April, 1856	"	" ...	"	"	...	...	"
72	Hems, Richard ...	500	0	0	10th Feb., 1852	"	His Excellency Mr. LaTrobe ...	"	"	9 a.m.	4 p.m.	England.		
73	Hyland, Thomas ...	300	0	0	1st Feb., 1853	"	His Excellency Mj.-Gen. Macarthur ...	"	"	...	...	Ireland.		
74	Hoskins, William H. ...	270	0	0	11th April, 1855	"	His Excellency Sir C. Hotham ...	"	"	6.30 a.m.	5.15 p.m.	England.		
75	Hammond, Henry ...	270	0	0	15th Oct., 1856	"	His Excellency Sir Henry Barkly ...	"	"	"	"	"		
76	Halpin, James ...	182	10	0	29th Nov., 1854	"	Mr. Price ...	"	"	...	...	Ireland.		
77	Harrison, George ...	182	10	0	1st April, 1856	"	" ...	"	"	...	...	England.		
78	Hutchinson, James ...	182	10	0	17th Sept., 1855	"	" ...	"	"	...	...	Ireland.		
79	Harding, Daniel ...	182	10	0	13th Dec., 1857	"	Mr. Champ ...	"	"	...	...	England.		
80	Harkan, Patrick ...	182	10	0	1st Mar., 1857	"	Mr. J. Price...	"	"	...	...	Ireland.		
81	Hade, William ...	182	10	0	4th April, 1857	"	Mr. Duncan...	"	"	...	...	"
82	Hunt, John ...	182	10	0	24th April, 1857	"	" ...	"	"	...	...	"
83	Henry, Bernard ...	182	10	0	12th Oct., 1857	"	Mr. Champ ...	"	"	...	...	"
84	Johnson, Robert ...	182	10	0	2nd Oct., 1856	"	Mr. J. Price...	"	"	...	...	"
85	Jones, Edmond ...	182	10	0	5th Nov., 1856	"	" ...	"	"	...	...	"
86	Jessop, John ...	182	10	0	23rd Nov., 1856	"	" ...	"	"	...	...	"
87	Johnson, George ...	182	10	0	12th Aug., 1857	"	Mr. Champ ...	"	"	...	...	"
88	Kilmartin, Denis ...	270	0	0	1st Jan., 1852	"	His Excellency Mr. La Trobe ...	"	"	5 a.m.	6 p.m.	"		
89	Kelly, Robert ...	219	0	0	16th Dec., 1854	"	Mr. J. Price...	"	"	...	...	"
90	Keane, Timothy ...	182	10	0	5th Mar., 1856	"	" ...	"	"	...	...	"
91	Kelly, Edward ...	182	10	0	20th Feb., 1855	"	" ...	"	"	...	...	"
92	Kennally, John ...	182	10	0	5th Jan., 1855	"	" ...	"	"	...	...	"
93	Kirk, John... ...	182	10	0	9th Nov., 1856	"	" ...	"	"	...	...	"
94	Kerr, John C. ...	182	10	0	1st Jan., 1857	"	" ...	"	"	...	...	Scotland.		
95	Kelly, Martin ...	182	10	0	1st Feb., 1857	"	" ...	"	"	...	...	Ireland.		
96	Longland, Frederick ...	350	0	0	1st Nov., 1853	"	His Excellency Sir Henry Barkly ...	"	"	9 a.m.	4 p.m.	England.		
97	Latchford, Robert ...	275	0	0	23rd Dec., 1856	"	" ...	"	"	...	...	Ireland.		
98	Linkin, John ...	191	12	6	12th May, 1856	"	Mr. Duncan...	"	"	...	...	England.		
99	Linney, Charles ...	182	10	0	3rd July, 1856	"	Mr. J. Price...	"	"	...	...	Ireland.		
100	Lesowski, Bladeslaw ...	182	10	0	19th Feb., 1857	"	" ...	"	"	...	...	Poland.	Austria	Not known
101	Leary, John ...	182	10	0	1st April, 1857	"	Mr. Duncan ...	"	"	...	...	Ireland.		
102	Longheed, William ...	182	10	0	9th April, 1857	"	" ...	"	"	...	...	"
103	Lloyd, Robert ...	182	10	0	1st May, 1857	"	" ...	"	"	...	...	"
104	L'Estrange, Guy T. ...	182	10	0	14th Aug., 1857	"	Mr. Champ ...	"	"	...	...	"
105	Mabey, Robert ...	300	0	0	3rd May, 1853	"	His Excellency Mr. La Trobe ...	"	"	5 a.m.	6 p.m.	England.		
106	Matthie, James ...	250	0	0	1st Feb., 1855	"	His Excellency Sir Henry Barkly ...	"	"	...	...	Scotland.		
107	Moore, Robert ...	220	0	0	27th May, 1854	"	" ...	"	"	...	...	England.		

PENAL ESTABLISHMENT—continued.

No.	NAME.	Annual Salary.			Date of Entry.	Pension.	By whom appointed.	Amount of Security.		Hours of Duty.		Where born.	If Foreigners.	
		£	s.	d.				Now.	Formerly.	From	To		What Nation.	When naturalized.
108	Moran, Owen ...	270	0	0	1st Jan., 1854	Nil	His Excellency Sir Chas. Hotham	Nil	Nil	6.30 a.m.	5.15 p.m.	Ireland.		
109	Maxwell, Wm. Hy. ...	219	0	0	12th June, 1854	"	Mr. J. Price... ..	"	"	...	...	"
110	Morley, Richard ...	219	0	0	1st Feb., 1855	"	" .....	"	"	...	...	"
111	Murphy, Denis ...	275	0	0	18th Nov., 1856	"	His Excellency Sir H. Barkly ...	"	"	...	...	"
112	Moran, Patrick ...	182	10	0	3rd Oct., 1854	"	Mr. J. Price... ..	"	"	...	...	"
113	Mulvaney, Patrick ...	182	10	0	28th May, 1853	"	Mr. Barrow ... ..	"	"	...	...	"
114	Minnis, Francis ...	182	10	0	7th July, 1856	"	Mr. J. Price... ..	"	"	...	...	"
115	Murphy, William... ..	182	10	0	3rd Jan., 1857	"	" .....	"	"	...	...	"
116	Mack, Edward ...	182	10	0	1st Feb., 1857	"	" .....	"	"	...	...	"
117	Mackay, William... ..	182	10	0	25th Feb., 1857	"	" .....	"	"	...	...	"
118	Morley, Denis ...	182	10	0	1st May, 1857	"	Mr. Duncan... ..	"	"	...	...	"
119	Maloney, Michael... ..	182	10	0	"	"	" .....	"	"	...	...	"
120	Meiklejohn, George ...	182	10	0	"	"	" .....	"	"	...	...	Scotland.		
121	Miller, David ...	182	10	0	10th May, 1857	"	" .....	"	"	...	...	England.		
122	Moore, John ...	182	10	0	28th Oct., 1857	"	Mr. Champ ... ..	"	"	...	...	Ireland.		
123	McIlroy, James ...	191	12	6	1st Nov., 1855	"	Mr. Duncan... ..	"	"	...	...	"
124	McKoyle, John ...	191	12	6	7th Sept., 1855	"	" .....	"	"	...	...	"
125	McCullagh, Sarah ...	91	5	0	15th May, 1856	"	Mr. Champ ... ..	"	"	...	...	"
126	McHenry, Thomas ...	182	10	0	20th July, 1855	"	Mr. J. Price... ..	"	"	...	...	"
127	McDonnell, Michael ...	182	10	0	1st Sept., 1856	"	" .....	"	"	...	...	"
128	McIlrath, John ...	182	10	0	4th Jan., 1857	"	" .....	"	"	...	...	"
129	Neal, Robert ...	300	0	0	27th July, 1853	"	His Excellency Sir Chas. Hotham	"	"	5 a.m.	6 p.m.	England.		
130	Nixon, Alexander... ..	182	10	0	1st Feb., 1856	"	Mr. J. Price... ..	"	"	...	...	Scotland.		
131	Nial, Daniel ...	182	10	0	1st April, 1857	"	Mr. Duncan... ..	"	"	...	...	Ireland.		
132	Norcott, Henry ...	182	10	0	14th Oct., 1857	"	Mr. Champ ... ..	"	"	...	...	England.		
133	O'Connell, Michael ...	191	12	6	31st Jan., 1855	"	Mr. Duncan... ..	"	"	...	...	Ireland.		
134	Owen, Evan ...	182	10	0	13th Oct., 1854	"	Mr. J. Price... ..	"	"	...	...	Wales.		
135	O'Brien, Daniel ...	182	10	0	3rd June, 1856	"	" .....	"	"	...	...	Ireland.		
136	O'Halloran, Michael ...	182	10	0	9th Aug., 1856	"	" .....	"	"	...	...	"
137	O'Connell, James ...	182	10	0	15th Feb., 1857	"	" .....	"	"	...	...	"
138	Pearce, Thomas ...	250	0	0	1st May, 1852	"	His Excellency Sir H. Barkly ...	"	"	...	...	"
139	Pearce, Mary A. ...	150	12	6	1st Jan., 1858	"	" .....	"	"	...	...	America.		
140	Pearce, John ...	191	10	0	18th Feb., 1856	"	Mr. J. Price... ..	"	"	...	...	Ireland.		
141	Phelan, Daniel ...	182	10	0	17th Dec., 1856	"	" .....	"	"	...	...	"
142	Richardson, William ...	182	10	0	1st May, 1853	"	Mr. Barrow ... ..	"	"	...	...	England.		
143	Robertson, John ...	182	10	0	18th Oct., 1855	"	Mr. J. Price... ..	"	"	...	...	Scotland.		
144	Roulston, Robert ...	182	10	0	13th Aug., 1856	"	" .....	"	"	...	...	Ireland.		
145	Redden, Alfred ...	300	0	0	3rd Jan., 1854	"	His Excellency Sir Chas. Hotham	"	"	...	...	England.		
146	Rushworth, Henry ...	275	0	0	1st Aug., 1853	"	His Excellency Mr. La Trobe ...	"	"	...	...	"
147	Randall, James ...	270	0	0	11th Aug., 1855	"	His Excellency Maj.-Gen. Macarthur	"	"	5 a.m.	6 p.m.	"		

148	Snelling, William ...	600	0	0	1st May, 1852	Nil	His Excellency Mr. La Trobe ...	Nil	Nil	9 a.m.	4 p.m.	England.
149	Stone, Joseph ...	300	0	0	19th Jan., 1855	"	His Excellency Sir H. Barkly ...	"	"	9 a.m.	4 p.m.	"
150	Smith, John ...	350	0	0	1st Feb., 1853	"	His Excellency Sir Chas. Hotham	"	"	7 a.m.	6 p.m.	Ireland.
151	Stack, Rev. Maurice ...	180	0	0	1st Jan., 1858	"	His Excellency Sir H. Barkly ...	"	"	...	...	"
152	Smith, Ronald C. F. ...	300	0	0	12th Oct., 1854	"	"	"	"	...	...	Ceylon.
153	Smith, Malcolm H. ...	400	0	0	21st Sept., 1852	"	His Excellency Mr. La Trobe ...	"	"	...	...	At sea.
154	Squire, Tresham G. P. ...	270	0	0	1st Jan., 1853	"	His Excellency Major-Gen. Macarthur	"	"	...	...	England.
155	Smith, John F. ...	270	0	0	13th Sept., 1855	"	His Excellency Sir Chas. Hotham	"	"	...	...	"
156	Steele, Charlotte ...	91	5	0	23rd Jan., 1858	"	Mr. Champ ...	"	"	...	...	"
157	Sherlock, Henrietta ...	91	5	0	21st April, 1854	"	"	"	"	...	...	Ireland.
158	Smith, James ...	182	10	0	14th Mar., 1853	"	Mr. Barrow ...	"	"	...	...	"
159	Stuart, David ...	182	10	0	15th Aug., 1856	"	Mr. J. Price ...	"	"	...	...	Scotland.
160	Stillson, Joseph ...	182	10	0	3rd Nov., 1856	"	"	"	"	...	...	England.
161	Scott, Henry M. ...	182	10	0	22nd Nov., 1856	"	"	"	"	...	...	"
162	Synam, William ...	182	10	0	23rd Nov., 1856	"	"	"	"	...	...	Ireland.
163	Steele, Henry M. ...	182	10	0	12th Dec., 1856	"	"	"	"	...	...	England.
164	Stack, William ...	182	10	0	19th Mar., 1857	"	"	"	"	...	...	Ireland.
165	Smith, William ...	182	10	0	2nd June, 1857	"	Mr. Duncan ...	"	"	...	...	England.
166	Sloan, John ...	182	10	0	4th July, 1857	"	Mr. Champ ...	"	"	...	...	Ireland.
167	Sheppard, William ...	182	10	0	5th July, 1857	"	"	"	"	...	...	England.
168	Turnham, Joseph ...	300	0	0	3rd Dec., 1853	"	His Excellency Sir Chas. Hotham	"	"	...	...	"
169	Taylor, Thomas ...	182	10	0	1st Jan., 1856	"	Mr. J. Price ...	"	"	...	...	Ireland.
170	Terry, William ...	182	10	0	28th Nov., 1855	"	"	"	"	...	...	"
171	Watts, James ...	300	0	0	1st Mar., 1856	"	His Excellency Sir H. Barkly ...	"	"	5 a.m.	6 p.m.	England.
172	Waters, Richard ...	270	0	0	9th Jan., 1855	"	His Excellency Sir Chas. Hotham	"	"	5 a.m.	6 p.m.	"
173	Williams, Henry ...	270	0	0	3rd Sept., 1855	"	Major-General Macarthur ...	"	"	5 a.m.	6 p.m.	Ireland.
174	Williams, David ...	191	12	6	26th Oct., 1855	"	Mr. J. Price ...	"	"	...	...	Wales.
175	Warwick, William ...	191	12	6	22nd May, 1856	"	Mr. Duncan ...	"	"	...	...	Ireland.
176	Walker, William ...	182	10	0	4th Sept., 1855	"	Mr. J. Price ...	"	"	...	...	"
177	Whan, William ...	182	10	0	1st April, 1856	"	"	"	"	...	...	"
178	Wilson, George ...	182	10	0	18th Jan., 1853	"	Mr. Barrow ...	"	"	...	...	England.
179	Wilmot, Robert ...	182	10	0	7th Sept., 1855	"	Mr. J. Price ...	"	"	...	...	"
180	Wightman, Wisdom ...	182	10	0	1st Oct., 1855	"	"	"	"	...	...	Ireland.
181	Walsh, William J. ...	182	10	0	19th Jan., 1857	"	"	"	"	...	...	"
182	Walker, Thomas ...	182	10	0	1st Mar., 1857	"	"	"	"	...	...	"
183	Walsh, William ...	182	10	0	1st Feb., 1854	"	"	"	"	...	...	"
184	White, Henry ...	182	10	0	8th April, 1857	"	Mr. Duncan ...	"	"	...	...	"
185	West, William ...	182	10	0	2nd June, 1857	"	"	"	"	...	...	"
186	Wilson, Charles H. ...	182	10	0	13th June, 1857	"	Mr. Champ ...	"	"	...	...	"
187	Wilson, Edward ...	182	10	0	14th July, 1857	"	"	"	"	...	...	"
188	Walker, Robert ...	182	10	0	3rd Nov., 1857	"	"	"	"	...	...	"
189	White, Charles ...	182	10	0	1st Feb., 1853	"	Mr. Barrow ...	"	"	...	...	"
190	Youl, Richard ...	280	0	0	1st Dec., 1854	"	His Excellency Sir Chas. Hotham	"	"	...	...	Tasmania.

NOTE.—It is impossible to state definitely the *hours of duty* of any of the officers employed in the Penal Department, except the office clerks and overseers of labor; the columns in the Return, except as to those persons, have therefore been left blank. The Visiting Justice and Chaplain visit the establishments only at uncertain times and remain for uncertain periods. The hours of duty of the resident officers vary with the seasons, and some of them are on duty by night and others by day, and these duties are frequently changed. In the summer months some of the warders on day duty are actually on post from 4.30 a.m., to 7.30 p.m., with intervals of half an hour for breakfast and one hour for dinner. Some again are on actual duty, in watches, both night and day, and the whole of the officers are liable to be called upon at any moment; so that they may, in fact, be considered always on duty.

(Signed) W. CHAMP, Inspector-General, P.E.

215

DEPARTMENT OF THE CHIEF MEDICAL OFFICER.

No.	NAME.	Annual Salary.	Date of Entry.	Pension.	By whom appointed.	Amount of Security.		Hours of Duty.		Where born.	If Foreigners.	
						Now.	Formerly.	From	To		What Nation.	When naturalized.
1	McCrea, William, M.B. ...	£1275	13th Mar., 1852	Nil	His Excellency C. J. La Trobe ...	Nil	Nil	All day, and liable to be called at night		Ireland.		
2	Burgess, George ...	8s. per diem	April, 1854	"	Chief Harbor Master ...	"	"	All day, and sometimes at night		England.		
3	Burgess, James ...	10s. "	May, 1853	"	"	"	"	"		"		
4	Forde, Henry ...	8s. "	April, 1854	"	"	"	"	"		"		
5	Gleeson, Saml. ...	£60	1st Aug., 1857	"	Chief Medical Officer ...	"	"	8.30 a.m. | 4.30 p.m.		Ireland.		
6	Hassall, J. N. ...	£300	1st July, 1853	"	His Excellency Sir C. Hotham ...	"	"	All day		England.		
7	Hawse, Edward ...	8s. per diem	April, 1856	"	Health Officer ...	"	"	All day, and sometimes at night		"		
8	Lewis, Joseph ...	£250	19th Feb., 1851	"	His Excellency C. J. La Trobe ...	"	"	Always on duty		"		
9	Lynch, S. S. ...	£500	8th Feb., 1854	"	"	"	"	All day, and liable to be called at night		"		
10	McDonald, Angus ...	£80	January, 1854	"	Immigration Agent ...	"	"	Sunrise to sunset		Scotland.		
11	McDonald, Ewen ...	£80	January, 1858	"	Surgeon Superintendent ...	"	"	"		"		
12	McDonald, Philip ...	£80	January, 1854	"	Immigration Agent ...	"	"	"		"		
13	Pounds, Jas. B. ...	£300	1st Feb., 1857	"	His Excellency Sir Henry Barkly ...	"	"	Always on duty		Ireland.		
14	Reed, James, M.D. ...	£500	9th Aug., 1854	"	His Excellency Sir C. Hotham ...	"	"	"		"		
15	Robertson, A., M.D. ...	£600	13th April, 1854	"	His Excellency C. J. La Trobe ...	"	"	All day, and sometimes at night		Scotland.		
16	Sheehan, William ...	8s. per diem	October, 1855	"	Health Officer ...	"	"	"		England.		
17	Thomas, Fredk. W. ...	£300	12th June, 1854	"	His Excellency Sir C. Hotham ...	"	"	9 a.m. | 4 p.m.		"		
18	Troomey, Jeremiah ...	8s. per diem	March, 1854	"	Chief Harbor Master ...	"	"	All day, and sometimes at night		Ireland.		
19	Walker, James ...	£200	7th Nov., 1854	"	His Excellency Sir C. Hotham ...	"	"	All day		England.		
20	Wilkins, John, M.B. ...	£500	30th Oct., 1852	"	His Excellency C. J. La Trobe ...	"	"	All day, and liable to be called at night		"		
21	Wilson, Thos. R. ...	£400	1st Dec., 1852	"	"	"	"	9 a.m. | 4 p.m.		Ireland.		

(Signed)

W. McCREA,
Chief Medical Officer.

DEPARTMENT OF THE LUNATIC ASYLUM, AT YARRA BEND.

No.	NAME.	Annual Salary.	Date of Entry.	Pension.	By whom appointed.	Amount of Security.		Hours of Duty.		Where born.	If Foreigners.	
						Now.	Formerly.	From	To		What Nation.	When naturalized.
1	Bowie, Robert ...	£ 600	12th Oct., 1852	Nil	His Excellency C. J. La Trobe ...	Nil	Nil	7 a.m.	9 p.m.	Scotland.		
2	Baachar, Fanny ...	40	1st July, 1857	"	R. Bowie, superintendent ...	"	"	(Left	the Es-	tablishment.)		
3	Beckett, William ...	100	1st June, 1856	"	" " ...	"	"	7 a.m.	9 p.m.	England.		
4	Bracken, Eliza ...	38	27th Aug., 1856	"	" " ...	"	"	"	"	Ireland.		
5	Byford, Charles ...	250	23rd Oct., 1852	"	His Excellency C. J. La Trobe ...	"	"	"	"	England.		
6	Carden, Catherine...	36	8th Jan., 1857	"	R. Bowie, superintendent ...	"	"	9 p.m.	7 a.m.	Ireland.		
7	Challacombe, John H. ...	100	1st May, 1857	"	" " ...	"	"	7 a.m.	9 p.m.	England.		
8	Clarke, John ...	85	5th Nov., 1857	"	" " ...	"	"	"	"	Scotland.		
9	Cox, Sarah...	38	11th March, 1856	"	" " ...	"	"	"	"	Mauritius.		
10	Cullen, Mary ...	36	10th Aug., 1857	"	" " ...	"	"	"	"	Ireland.		
11	Dunn, Bridget ...	50	27th Nov., 1854	"	" " ...	"	"	"	"	"		
12	Dunn, Alice ...	42	23rd Oct., 1855	"	" " ...	"	"	"	"	"		
13	Faulkner, Rebecca ...	100	1st May, 1856	"	His Excellency Major-Gen. Macarthur ...	"	"	"	"	"		
14	Fogarty, Mary ...	36	4th Dec., 1857	"	R. Bowie, superintendent ...	"	"	"	"	"		
15	Ford, Peter ...	100	1st Sept., 1857	"	" " ...	"	"	"	"	Scotland.		
16	Gore, Thomas Henry ...	150	1st Jan., 1858	"	His Excellency Sir H. Barkly ...	"	"	"	"	England.		
17	Grant, Alexander...	80	9th Oct., 1857	"	R. Bowie, superintendent ...	"	"	"	"	Scotland.		
18	Grennan, James ...	85	7th Jan., 1858	"	" " ...	"	"	"	"	Ireland.		
19	Hanlay, Mary ...	36	11th Sept., 1857	"	" " ...	"	"	"	"	"		
20	Howie, Adam ...	85	25th Jan., 1858	"	" " ...	"	"	9 p.m.	7 a.m.	Scotland.		
21	Irwin, Morgan ...	105	1st April, 1856	"	" " ...	"	"	7 a.m.	9 p.m.	Ireland.		
22	Johnstone, Joseph ...	100	6th Aug., 1857	"	" " ...	"	"	"	"	Scotland.		
23	Jones, Edmund ...	100	17th Mar., 1857	"	" " ...	"	"	"	"	Ireland.		
24	Kennedy, W. ...	105	1st May, 1856	"	" " ...	"	"	"	"	"		
25	Knott, David ...	100	15th April, 1857	"	" " ...	"	"	"	"	"		
26	Laffin, John ...	100	16th Sept., 1857	"	" " ...	"	"	"	"	"		
27	Luhly, James ...	100	1st May, 1857	"	" " ...	"	"	"	"	"		
28	Mansell, Thomas ...	85	6th Jan., 1858	"	" " ...	"	"	"	"	"		
29	Moore, Ellen ...	36	5th Aug., 1857	"	" " ...	"	"	"	"	"		
30	Mylan, Mary ...	36	10th Aug., 1857	"	" " ...	"	"	"	5 p.m.	"		
31	McCann, Susan ...	36	13th April, 1857	"	" " ...	"	"	"	9 p.m.	"		
32	McKaon, Patrick ...	105	1st June, 1854	"	" " ...	"	"	"	5 p.m.	"		
33	McKinlay, Patrick ...	100	19th Sept., 1857	"	" " ...	"	"	"	9 p.m.	"		
34	McLoughlin, Patrick ...	100	6th April, 1857	"	" " ...	"	"	"	"	"		
35	McWilliams, Wilson ...	80	4th Sept., 1857	"	" " ...	"	"	"	5 p.m.	"		
36	O'Brien, Mary ...	38	17th Dec., 1856	"	" " ...	"	"	(Left	the Es-	tablishment.)		
37	O'Connell, Michael ...	100	17th July, 1857	"	" " ...	"	"	7 a.m.	9 p.m.	Ireland.		
38	Powell, Elizabeth ...	50	5th Dec., 1852	"	" " ...	"	"	"	"	London.		
39	Rae, Henry R. ...	100	14th July, 1857	"	" " ...	"	"	"	"	Ireland.		
40	Reardon, Johanna...	50	1st April, 1857	"	" " ...	"	"	"	"	"		
41	Williams, John ...	100	22nd Aug., 1857	"	" " ...	"	"	9 p.m.	7 a.m.	England.		
42	Young, Andrew ...	100	13th Jan., 1857	"	" " ...	"	"	7 a.m.	9 p.m.	Scotland.		

(Signed)

W. McCREA,
Chief Medical Officer.

DEPARTMENT OF THE PUBLIC LIBRARY.

No.	NAME.	Annual Salary.	Date of Entry.	Pension.	By whom appointed.	Amount of Security.		Hours of Duty.		Where born.	If Foreigners.	
						Now.	Formerly.	From	To		What Nation.	When naturalized.
1	Tulk, Augustus	£ 600	1st May, 1856	Nil	The Trustees... ..	Nil	Nil	9 a.m.	4 p.m.	England.		
2	Cleary, William	250	11th Feb., 1856	"	"	"	"	"	"	Ireland.		
3	Hodges, John	150	1st Jan., 1857	"	"	"	"	"	"	"		
4	Sheffield, Hy.	300	1st Jan., 1858	"	"	"	"	"	"	England.		
5	Washfold, Edward	150	11th Feb., 1856	"	"	"	"	"	"	"		

(Signed) AUGUSTUS TULK,
Librarian.

SHORTHAND WRITER'S DEPARTMENT.

No.	NAME.	Annual Salary.	Date of Entry.	Pension.	By whom appointed.	Amount of Security.		Hours of Duty.		Where born.	If Foreigners.	
						Now.	Formerly.	From	To		What Nation.	When naturalized.
1	Webb, Geo. Hy. F.	£ 800	1st Jan., 1854	Nil	His Excellency C. J. La Trobe ...	£ 500	Nil	The regular office hours are from 9 to 4. During the Session of Parliament the hours of attendance are materially increased, and depend entirely upon the amount of work passing through the department.		England.		
2	Bell, Geo., Jun.	150	1st Aug., 1857	"	His Excellency Sir H. Barkly ...	Nil	"			"		
3	Fletcher, Nathaniel	150	"	"	" "	"	"			"		
4	Leahy, Richard	100	27th Dec., 1856	"	The Hon. the Chief Secretary (W. C. Haines, Esq.)	"	"			Ireland.		
5	Webb, Jas. H.	600	21st Nov., 1856	"	His Excellency the Acting Governor Major-General Macarthur	"	"			England.		

(Signed) GEO. H. F. WEBB,
Government Shorthand Writer.

DEPARTMENT OF THE DENOMINATIONAL SCHOOL BOARD.

No.	NAME.	Annual Salary.	Date of Entry.	Pension.	By whom appointed.	Amount of Security.		Hours of Duty.		Where born.	If Foreigners.	
						Now.	Formerly.	From	To		What Nation.	When naturalized.
1	Campbell, Colin ...	£ 1000	15th June, 1851	Nil	Lieutenant-Governor La Trobe ...	£ 2000	Nil	9½ a.m.	4½ p.m.	Glasgow.		
2	Handfield, W. H. ...	300	1st Nov., 1856	"	Honorable the Chief Secretary, on the recommendation of Denominational School Board	Nil	"	9 a.m.	4 p.m.	Lucan, Co. Dublin.		
3	Keats, James ...	100	28th Sept., 1857	"	C. Campbell, Esq., Secretary ...	"	"	All day		Dorsetshire.		
4	Kelsall, Jno. W. ...	300	15th Sept., 1852	"	W. Lonsdale, Esq., Colonial Secretary	"	"	9 a.m.	4 p.m.	St. Kitts, W. Indies		
5	Leslie, Alexander ...	400	1st Sept., 1856	"	His Excellency the Governor in Council, on the recommendation of Denominational School Board	"	"	"	"	Milnathort, Scotland.		
6	Quin, William ...	200	15th Mar., 1858	"	J. O'Shanassy, Esq., Chief Secretary	"	"	"	"	Dublin.		
7	Testar, Thomas ...	600	March, 1851	"	His Excellency the Governor in Council, on the recommendation of Denominational School Board	"	"	"	"	London.		
8	Timbrell, Andrew...	250	10th June, 1857	"	Denominational School Board ...	"	"	"	"	Swillington, Yorkshire.		
1	(<i>Inspection Branch</i>). Budd, Richard H. ...	1000	December, 1854	"	Major-General Macarthur, at the recommendation of Denominational School Board	"	"	various according to nature of duty		Kensington, Middlesex.		
2	Bonwick, James ...	600	July, 1856	"	Denominational School Board ...	"	"	whole day		London.		
3	Geary, Joseph ...	600	1854	"	The Governor in Council ...	"	"	"		Inverness, Scotland.		
4	Miller, John S. ...	600	15th Aug., 1857	"	Denominational School Board ...	"	"	in office 9 a.m. to 4 p.m.; on inspection indefinitely		Ayr.		
5	Parker, Edward S.	600	18th Aug., 1857	Entitled to a pension of £54 per annum, as assistant Protector of Aborigines for 12 years' service. Pension not claimed since 1st Aug., 1853	The Governor in Council ...	"	"	varying according to requirements of duty		London.		
6	Thomas, John J. ...	600	11th Sep., 1853	Nil	His Excellency the Governor, on recommendation of Denominational School Board	"	"	whole day		Cardiganshire, South Wales.		

(Signed)

COLIN CAMPBELL.

NOTE.—No Return has been made of Teachers in Denominational Schools, as they do not appear to be Public Servants in the meaning of the Address to His Excellency, as they are appointed by Local Managers and are paid in the first place by School Fees.—(Signed) C. CAMPBELL, Secretary.

0225

DEPARTMENT OF THE NATIONAL SCHOOL BOARD.

No.	NAME.	Annual Salary.	Date of Entry.	Pension.	By whom appointed.	Amount of Security.		Hours of Duty.		Where born.	If Foreigners.	
						Now.	Formerly.	From	To		What Nation.	When naturalized.
1	Kane, B. F.	£ 800	March, 1852	Nil	The Board	1000	Nil	9 a.m.	4 p.m.	England.		
2	Bishop, James	400	January, 1853	"	"	250	"	"	"	"		
3	Davitt, Arthur	600	August, 1854	"	"	Nil	"	General superintendence during the day		Ireland.		
4	Davitt, Ellen	400	"	"	"	"	"	9 a.m.	4 p.m.	England.		
5	Farrar, Alfred	200	February, 1856	"	"	"	"	"	"	"		
6	Hopkins, R. T.	550	June, 1856	"	"	"	"	Undefined and regulated by circumstances		Ireland.		
7	Hopper, William	175	November, 1857	"	"	"	"	9 a.m.	4 p.m.	England.		
8	Murray, Robt.	125	September, 1854	"	"	100	"	6 a.m.	10 p.m.	Ireland.		
9	Orlebar, A. B.	900	June, 1854	"	"	Nil	"	12	12	England.		
10	Stuart, Mary	30	November, 1857	"	"	"	"	All day		Scotland.		
11	Venables, Henry	550	March, 1858	"	"	"	"	As required		England.		

50

BOTANIC GARDEN DEPARTMENT.

No.	NAME.	Annual Salary.	Date of Entry.	Pension.	By whom appointed.	Amount of Security.		Hours of Duty.		Where born.	If Foreigners.	
						Now.	Formerly.	From	To		What Nation.	When naturalized.
1	Mueller, F. J. H.	£ 600	27th July, 1853	Nil	Sir Henry Barkly	500	Nil	At all hours.		Rostock, in Mecklenburg Schwerin.	Germany	14th Sept., 1857.
2	Dallachi, John	300	* 1849	"	By the Committee of the Garden ...	250	"	During the day hours		Murrayshire		
3	Wilhelmi, J. F. C.	300	8th April, 1856	"	The Hon. the President of the Board of Land and Works	250	"	9 a.m.	4 p.m.	Leipzig, Saxony	Germany	25th Aug., 1856.

* Mr. Dallachi being absent, the exact date cannot be ascertained.

(Signed)

FERD. MUELLER.

DEPARTMENT OF THE GEOLOGICAL SURVEYOR.

No.	NAME.	Annual Salary.	Date of Entry.	Pension.	By whom appointed.	Amount of Security.		Hours of Duty.		Where born.	If Foreigners.	
						Now.	Formerly.	From	To		What Nation.	When naturalized.
1	Selwyn, Alfred R. C. ...	£ 1000	April, 1852	Nil	Secretary of State for the Colonies	£ 500	Nil	In the office 9 a.m. to 4 p.m.; in the field 8 a.m. to dark		Somersetshire, England.		
2	Aplin, C. D'Oyly H. ...	650	1st March, 1856	„	Hon. Capt. Clarke, Surveyor-General	Nil	„	8 a.m.	6 p.m.	Cawnpore (of British Parents). England.		
3	Edwards, William ...	500	1st Dec., 1857	„	A. R. C. Selwyn, Esq. ...	„	„	„	5 p.m.	„		
4	Pittman, Joseph ...	300	1st Aug., 1856	„	Hon. Capt. Clarke, Surveyor-General	„	„	9 a.m.	4 p.m.	„		
5	Ross, John L. ...	300	18th June, 1856	„	A. R. C. Selwyn, Esq. ...	„	„	„	„	Edinburgh.		
6	Taylor, Norman ...	500	15th April, 1856	„	„	„	„	„	5 p.m.	England.		
7	Ulrich, George ...	450	27th July, 1856	„	„	„	„	8 a.m.	6 p.m.	Zellerfeld, in the Hartz Kingdom, Hanover	Germany	31st July, 1858.
8	Wilkinson, John ...	300	1st Feb., 1855	„	„	„	„	9 a.m.	4 p.m.	Ireland.		

(Signed)

ALFRED R. C. SELWYN,
Government Geologist.

DEPARTMENT OF THE SCIENTIFIC BOARD.

No.	NAME.	Annual Salary.	Date of Entry.	Pension.	By whom appointed.	Amount of Security.		Hours of Duty.		Where born.	If Foreigners.	
						Now.	Formerly.	From	To		What Nation.	When naturalized.
1	Smyth, Robt. B. ...	£ 700	7th Nov., 1853	Nil	His Excellency C. J. La Trobe ...	Nil	Nil	9 a.m. to 4 p.m. at the Observatory office, and at all other hours when necessary.		Carville, Northumberland.		

(Signed)

R. BROUGH SMYTH,
Director of Observatory.

222222

DEPARTMENTS OF MUSEUM OF NATURAL HISTORY, MINING, ECONOMIC GEOLOGY, AND AGRICULTURE.

No.	NAME.	Annual Salary.	Date of Entry.	Pension.	By whom appointed.	Amount of Security.		Hours of Duty.		Where born.	If Foreigners.	
						Now.	Formerly.	From	To		What Nation.	When naturalized.
1	McCoy, Fredk.	£ Nil	December, 1857	Nil	His Excellency in Council	Nil	Nil	Average 5 or 6 hours, varying		Dublin.		
2	Fulker, G.	250	December, 1854	„	Surveyor General	„	„	9 a.m.	4 p.m.	England.		
3	Geoghegun, Wm.	78	1st Jan., 1858	„	Nominated by the Director to Chief Secretary	„	„	8.30 a.m.	5 p.m.	Ireland.		
4	James, John F.	100	1st Oct., 1857	„	„ „	„	„	4 p.m.	6 p.m.	England.		
5	Sowerby, Henry	200	1st July, 1857	„	„ „	„	„	10 a.m.	5 p.m.	„		

(Signed)

FREDERICK McCOY,
Director of Museums of Natural History, &c.

52

DEPARTMENT OF THE EXPERIMENTAL FARM.

No.	NAME.	Annual Salary.	Date of Entry.	Pension.	By whom appointed.	Amount of Security.		Hours of Duty.		Where born.	If Foreigners.	
						Now.	Formerly.	From	To		What Nation.	When naturalized.
1	Skilling, Thos.	£ 500	20th Jan., 1858	Nil	His Excellency the Governor in Council	Nil	Nil	9 a.m.	4 p.m.	Ireland.		

(Signed)

THOMAS SKILLING,
Director, Experimental Farm.

ATTORNEY GENERAL.
SUPREME COURT.
THEIR HONORS THE JUDGES.

No.	NAME.	Annual Salary.	Date of Entry.	Pension.	By whom appointed.	Amount of Security.		Hours of Duty.		Where born.	If Foreigners.	
						Now.	Formerly.	From	To		What Nation.	When naturalized.
1	Stawell, Wm. F. ...	£ 3000	February, 1857	As Attorney-General (not drawn)	His Excellency Sir H. Barkly in Council	£ Nil	Nil	10 a.m. to so long as the Court sits, or a Judge is required		Ireland.		
2	Moore, Wm. A. ...	300	30th March	Nil	His Honor the Chief Justice ...	100	"	10 a.m. to 3 p.m. in chambers, and so long as the Judge is sitting in Court, or requires me		Sydney, N.S.W.		
3	Barry, Redmond ...	2500	February, 1852	"	Her Majesty the Queen	Nil	"	Except during vacation, from 24th Dec. to 1st Feb., morning, night, and frequently during the night applications are made to me to grant writs of <i>habeas corpus</i> , and others of special urgency		Parish of Glanworth, County of Cork, Ireland.		
4	Cumberland, C. B. ...	300	... ..	"	His Honor Mr. Justice Barry ...	100	"	10 a.m. to 3 p.m. in chambers. In Court, at whatsoever hour the Judge pleases		Bermuda.		
5	Williams, E. E. ...	2500	21st July, 1852	"	Her Majesty	Nil	"	According to the state of the business		England.		
6	Jacomb, Henry ...	300	4th May, 1853	"	His Honor Mr. Justice Williams	100	"	10 a.m. till the Court rises, or my attendance is required by His Honor		"		
7	Molesworth, Robert...	2500	23rd June, 1856	Contingent right under Victoria Constitution Act, s. 49	Major-General Macarthur, as Governor, with advice of Executive Council	Nil	"	No fixed hour, varies with public exigency		Ireland.		
8	Rose, A. O'Grady ...	300	"	Nil	His Honor Mr. Justice Molesworth	100	"	According to public exigency, but generally in chambers from 10 a.m. to 3 p.m.		"		

223

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DEPARTMENT OF THE LAW OFFICERS.

No.	NAME.	Annual Salary.	Date of Entry.	Pension.	By whom appointed.	Amount of Security.		Hours of Duty.		Where born.	If Foreigners.	
						Now.	Formerly.	From	To		What Nation.	When naturalized.
1	Archer, H. G. ...	£ 1000	1st Jan., 1858	Nil	His Excellency Sir H. Barkly ...	£ Nil	£ Nil	10 a.m.	4 p.m.	England.		
2	Chomley, A. W. ...	350	1st June, 1853	"	His Excellency C. J. La Trobe ...	"	"	9 a.m.	"	Ireland.		
3	Curran, Thos. ...	150	September, 1853	"	Denominational School Board ...	"	"	"	"	"		
4	Curran, Eliza ...					"	"	"	"	"	"	"
5	Fosbery, J. W. ...	350	18th Jan., 1854	"	Governor in Council ...	1000	600	"	"	"		
6	Monckton, F. O. ...	200	10th April, 1856	"	" " ...	Nil	Nil	"	"	"		

CROWN SOLICITOR.

1	Gurner, H. F. ...	1000	[Absent on leave to England.]									
2	L'Estrange, J. ...	*600	1st June, 1849	Nil	His Excellency C. J. La Trobe ...	Nil	Nil	9 a.m.	4 p.m.	Dublin.		
3	South, S. M. ...	*600	June, 1857	"	His Excellency Sir H. Barkly ...	"	"	"	"	Exeter.		
4	Hogarth, William... ..	400	July, 1851	"	His Excellency C. J. La Trobe ...	500	250	"	"	Edinburgh.		
5	Lavender, C. W. ...	350	May, 1856	"	His Excellency E. Macarthur ...	"	"	"	"	Hertfordshire.		
6	Neeley, Henry ...	250	July, 1852	"	His Excellency C. J. La Trobe ...	Nil	Nil	"	"	Surrey.		
7	Robertson, George ...	40	January, 1856	"	His Excellency E. Macarthur ...	"	"	"	"	Dundee.		

* These gentlemen are each in receipt of £125 per annum, in addition to the £600 placed opposite their names, on account of their respectively holding the appointments of Acting Criminal and Acting Civil Crown Solicitor during Mr. Gurner's absence.

PROTHONOTARY'S OFFICE.

No.	NAME.	Annual Salary.	Date of Entry.	Pension.	By whom appointed.	Amount of Security.		Hours of Duty.		Where born.	If Foreigners.	
						Now.	Formerly.	From	To		What Nation.	When naturalized.
1	Porter, Jno. A. ...	£ 800	1st Jan., 1842	Nil	Her Majesty ...	£ 2000	£ 2000	9 a.m.	4 p.m.	East Indies.		
2	Allen, W. E. ...	150	1st Aug., 1854	"	His Excellency Sir C. Hotham ...	Nil	Nil	"	"	"	"	"
3	Allen, Eliza ...					"	"	"	"	"	"	"
4	Blair, G. G. ...	250	25th Jan., 1858	"	His Excellency the Governor in Council ...	"	"	"	"	England.		
5	Firebrace, W. P. ...	350	1st Feb., 1851	"	His Honor the Superintendent ...	100	100	"	"	British Guiana.		
6	Fremantle, W. ...	400	18th March, 1852	"	" " ...	500	500	"	"	England.		
7	Moody, C. L. ...	300	1st June, 1854	"	J. L. V. F. Foster, Esq., Acting Governor ..	100	100	"	"	"		
8	Turner, D. A. ...	600	8th Feb., 1853	"	His Excellency C. J. La Trobe ...	500	500	"	"	"		
9	Turner, Albert ...	300	25th April, 1854	"	" " ...	100	100	"	"	Tasmania.		

DEPARTMENT OF THE MASTER IN EQUITY AND CHIEF COMMISSIONER OF INSOLVENT ESTATES.

No.	NAME.	Annual Salary.	Date of Entry.	Pension.	By whom appointed.	Amount of Security.		Hours of Duty.		Where born.	If Foreigners.	
						Now.	Formerly.	From	To		What Nation.	When naturalized.
1	Wilkinson, Fredk. ...	£ 1500	April, 1852	Nil	His Excellency C. J. La Trobe; confirmed by letters patent	£ Nil	£ Nil	9.30 a.m.	3.30 p.m.	England.		
2	Agnew, Jas. N. ...	200	January, 1844	"	His Excellency C. J. La Trobe ...	"	"	"	"	Ireland.		
3	Austin, G. B. ...	400	September, 1851	"	"	100	100	"	"	England.		
4	Ford, Henry ...	250	August, 1852	"	His Excellency Sir Henry Barkly...	Nil	Nil	"	"	"		
5	Lawes, Henry ...	300	September, 1853	"	His Excellency C. J. La Trobe ...	100	100	"	"	"		
6	Patterson, Jas. ...	200	August, 1857	"	His Excellency Sir Henry Barkly	Nil	Nil	"	"	Scotland.		
7	Sammon, Wm. ...	120	April, 1856	"	His Excellency Sir C. Hotham ...	"	"	"	"	England.		
8	Seward, Jas. M. ...	600	January, 1844	"	His Excellency C. J. La Trobe ...	200	200	"	"	"		

SHERIFF.

No.	NAME.	Annual Salary.	Date of Entry.	Pension.	By whom appointed.	Amount of Security.		Hours of Duty.		Where born.	If Foreigners.	
						Now.	Formerly.	From	To		What Nation.	When naturalized.
MELBOURNE.												
1	Farie, Claud ...	1500	1st Nov., 1852	Nil	His Excellency C. J. La Trobe; confirmed by Her Majesty	£ Nil	£ Nil	10 a.m.	4 p.m.	Scotland.		
2	Brady, Anthony ...	350	1st Sept., 1853	"	His Excellency C. J. La Trobe ...	1000	1000	Always		Ireland.		
3	Burns, George ...	350	15th July, 1855	"	His Excellency Sir C. Hotham ...	"	"	"	"	Scotland.		
4	Cambie, David ...	140	1st Dec., 1852	"	His Excellency C. J. La Trobe ...	Nil	Nil	8 a.m.	5 p.m.	Ireland.		
5	Edwards, Thos. ...	200	24th Aug., 1854	"	His Excellency Sir C. Hotham ...	"	"	9 a.m.	4 p.m.	England.		
6	Ellis, Louis ...	500	1st Nov., 1852	"	His Excellency C. J. La Trobe ...	"	"	9.30 a.m.	"	N. S. Wales.		
7	Hill, Richard ...	200	1st Jan., 1855	"	His Excellency Sir C. Hotham ...	"	"	9 a.m.	"	England.		
8	Loury, James ...	120	1st Jan., 1858	"	"	"	"	"	"	Ireland.		
9	Lynch, George ...	400	15th July, 1853	"	His Excellency the Governor La Trobe	500	500	9.30 a.m.	"	England.		
10	Macnee, Jas. ...	350	1st March, 1854	"	"	Nil	Nil	"	"	Scotland.		
11	MacDonald, E. ...	120	14th Aug., 1855	"	His Excellency Sir C. Hotham ...	"	"	8 a.m.	"	Ireland.		

225

22626

SHERIFF—continued.

No.	NAME.	Annual Salary.	Date of Entry.	Pension.	By whom appointed.	Amount of Security.		Hours of Duty.		Where born.	If Foreigners.	
						Now.	Formerly.	From	To		What Nation.	When naturalized.
		£				£	£					
12	McMillan, W. H. ...	350	12th May, 1854	Nil	His Excellency C. J. La Trobe ...	1000	1000	Always		England.		
13	Moseley, Alfred ...	120	10th Dec., 1855	"	Sir William a'Beckett ...	Nil	Nil	8 a.m.	4 p.m.	"		
14	Stuart, Chas. Wm. ...	350	1st July, 1854	"	His Excellency Sir C. Hotham ...	1000	1000	Always		"		
15	Walford, W. F. ...	300	9th Sept., 1853	"	His Excellency C. J. La Trobe ...	Nil	Nil	9.30 a.m.	4 p.m.	"		
GEEELONG.												
1	Rede, Robert ...	800	9th Oct., 1852	Nil	His Excellency the Governor ...	2000	Nil	9 a.m.	4 p.m.	England.		
2	Bunnett, T. ...	350	6th March, 1855	"	" "	1000	1000	"	"	"		
3	Izod, Joseph ...	300	1st May, 1856	"	" "	"	"	"Resident"		"		
4	Part, Samuel ...	150	October, 1852	"	" "	Nil	Nil			"		
CASTLEMAINE.												
1	Colles, Richard ...	700	1st Jan., 1855	Nil	His Excellency the Governor ...	1000	Nil	9 a.m.	4 p.m.	Ireland.		
2	Morton, George ...	250	1st Jan., 1854	"	" "	Nil	"	"	"	England.		
SANDHURST.												
1	Colles, Richard ...	See Castlemaine	1st Jan., 1855	Nil	His Excellency the Governor ...	1000	Nil	9 a.m.	4 p.m.	Ireland.		
2	Lupton, John E. ...	350	15th Oct., 1853	"	" "	500	500	Always		England.		
BALLAARAT.												
1	Wallace, Robert ...	500	26th April, 1857	Half-pay from E.I.C.S.	His Excellency the Governor ...	1000	Nil	9 a.m.	4 p.m.	England.		
2	Dawson, W. J. ...	250	1st Jan., 1857	Nil	" "	Nil	"	"Always"		Isle of Man.		
3	Kelham, C. W. ...	350	26th Mar., 1857	"	" "	1000	"			Scotland.		
BEECHWORTH.												
1	Brett, Wm. G. ...	500	January, 1854	Nil	His Excellency the Governor, C. J. La Trobe	Nil	Nil	9 a.m.	4 p.m.	Ireland.		
2	Nethercott, E. G. ...	350	October, 1854	"	His Excellency Sir Henry Barkly...	1500	"	Always		"		

(Signed)

CLAUD FARIE,
Sheriff.

COUNTY COURTS, Etc.

A 2.—0.

No.	NAME.	Annual Salary.	Date of Entry.	Pension.	By whom appointed.	Amount of Security.		Hours of Duty.		Where born.	If Foreigners.	
						Now.	Formerly.	From	To		What Nation.	When naturalized.
ARARAT.												
1	Clarke, Jas. L. ...	£ 1500	1st Jan., 1858	Nil	His Excellency the Governor ...	£ Nil	£ Nil	...	...	Trinidad, West Indies.		
BALLAARAT.												
1	Rogers, John W. ...	1500	January, 1858	Nil	The Governor ...	Nil	Nil	10 a.m. to 4 p.m. nominally, but varying according to necessity		Westminster, London.		
2	Green, Francis ...	500	January, 1853	"	"	£600: two sureties in £300 each	£300; two sureties in £150 each	10 a.m.	4 p.m.	Dublin, Ireland.		
BEECHWORTH.												
1	Cope, Thos. S. ...	1500	January, 1858	Nil	The Governor in Council ...	Nil	Nil	...	...	London.		
• CASTLEMAINE.												
1	Forbes, John Geo...	1500	January, 1853	Nil	His Excellency C. J. La Trobe ...	Nil	Nil	10 a.m.	4 p.m.	Egham, Surrey, England.		
2	Landon, A. J. ...	450	"	"	"	500	400	"	"	Essex, England.		
GEELONG.												
1	Wrixon, Arthur N.	1500	January, 1853	Nil	His Excellency C. J. La Trobe ...	Nil	Nil	Indefinite		Dublin.		
2	Atkins, John ...	600	January, 1858	"	His Excellency Sir H. Barkly ...	"	"	"		Ireland.		
3	Harper, William ...	paid by fees	March, 1851	"	His Excellency C. J. La Trobe ...	500	"	...	...	Warwickshire, England.		
4	Stephen, S. J. ...	600	June, 1846	"	"	"	"	9.30 a.m.	4 p.m.	West Indies.		
MARYBOROUGH.												
1	Macoboy, M. F. ...	1500	... ..	Nil	His Excellency Sir H. Barkly with advice of the Executive Council	Nil	Nil	10 a.m. to 4 p.m. when holding courts, and whenever required on other occasions		City of Cork, in Ireland.		
MELBOURNE.												
1	Pohlman, R. W. ...	1500	April, 1846	Nil	The Governor of New South Wales	Nil	Nil	9.30 a.m.	4 p.m. or later	London.		
2	Cotton, Edwd. ...	600	17th July, 1851	"	His Excellency C. J. La Trobe ...	500	500	9 a.m.	4 p.m.	Surrey, England.		
3	Ingram, Thos. ...	400	1st Feb., 1852	"	"	200	200	"	"	Essex, England.		
4	McCarthy, John ...	paid by fees	February, 1853	"	"	1000	Nil	"	"	Kerry, Ireland.		
5	Smith, Robt.	"	June, 1853	"	"	"	"	"	"	Leicester, England.		
6	Walden, Daniel ...	100	May, 1857	"	His Excellency Sir H. Barkly ...	Nil	"	"	"	Middlesex, England.		

1697

COUNTY COURTS, ETC.—continued.

No.	NAME.	Annual Salary.	Date of Entry.	Pension.	By whom appointed.	Amount of Security.		Hours of Duty.		Where born.	If Foreigners.	
						Now.	Formerly.	From	To		What Nation.	When naturalized.
						SANDHURST.						
		£				£	£					
1	Skinner, C. B. G. ...	1500	1st Jan., 1858	Nil	His Excellency Sir Henry Barkly...	Nil	Nil	9 a.m.	4 p.m.	Madras.		
2	Cruikshank, C. E. ...	300	20th Mar., 1857	"	" "	150	"	"	"	Glass, Aberdeenshire, Scotland.		
3	Peters, H. C. ...	500	25th Feb., 1857	"	" "	500	300	"	"	St. John's, New Brunswick, British North America.		

POLICE MAGISTRATES, CLERKS OF PETTY SESSIONS, ETC.

No.	NAME.	Annual Salary.	Date of Entry.	Pension.	By whom appointed.	Amount of Security.		Hours of Duty.		Where born.	If Foreigners.	
						Now.	Formerly.	From	To		What Nation.	When naturalized.
						ALBERTON.						
		£				£	£					
1	Carey, Jno. L. M. ...	800	1852	Nil	His Excellency C. J. La Trobe ...	Nil	Nil	10 a.m.	4 p.m.	Chatham.		
2	Kelsall, Edwd. ...	400	16th Sept., 1852	"	" "	500	"	"	"	Hilsea, County Hants, England.		
						ARARAT.						
1	Weston, C. C. ...	800	1st Jan., 1854	Nil	His Excellency C. J. La Trobe ...	Nil	Nil	10 a.m.	4 p.m.	Chanar, 500 miles from Calcutta.		
2	Barry, Edwd. ...	300	13th Aug., 1857	"	His Excellency Sir Henry Barkly...	500	300	"	"	London, England.		
						AVENEL.						
1	Drury, Joseph ...	200	27th Sept., 1855	Nil	The Governor in Council ...	150	Nil	10 a.m.	4 p.m.	Ireland.		

AVOCA.											
1	Orme, F. K. ...	800	28th July, 1854	Nil	His Excellency C. J. La Trobe ...	Nil	Nil	10 a.m.	4 p.m.	Ireland.	
2	Lempriere, F. R. ...	350	20th June, 1853	"	" " " ...	450	"	"	"	Tasmania.	
BACCHUS MARSH.											
1	Shuter, Charles ...	800	1853	Nil	His Excellency C. J. La Trobe ...	Nil	Nil	Having to visit three Benches, it is difficult to name any specific hours.		England.	
2	Cooper, John S. ...	350	1854	"	" " " ...	500	150	Nominal hours, 10 a.m. to 4 p.m.		Ireland.	
BALLAARAT.											
1	Clissold, S. T. ...	800	7th Jan., 1858	Nil	His Excellency ...	Nil	Nil	9 a.m.	4 p.m.	England.	
2	Bell, Edward C. ...	300	May, 1853	"	" " " ...	250	250	"	"	Ireland.	
3	Drury, Arthur ...	350	13th Dec., 1853	"	" " " ...	"	"	"	"	Guernsey.	
BEECHWORTH.											
1	Price, M.—[See Resident Warden, Beechworth, ante.]										
2	Forbes, J. A. G. ...	300	14th Feb., 1854	Nil	His Excellency Sir Henry Barkly ...	500	100	"	"	Scotland.	
3	Walden, J. W. ...	500	May, 1853	"	His Excellency C. J. La Trobe ...	"	250	"	5 p.m.	Ireland.	
BELFAST.											
1	Stewart, George.—[See Receivers and Paymasters, under the Honorable the Treasurer].										
2	Wheeler, W. E. ...	400	1st Nov., 1852	Nil	Colonial Secretary (Capt. Lonsdale)	500	300	"	"	England.	
BENALLA.											
1	Piper, William ...	800	26th May, 1853	Nil	His Excellency C. J. La Trobe, approved by Her Majesty the Queen	Nil	Nil	"	4 p.m.	Breedon Lodge, Leicestershire, England.	
2	Hinsby, F. G. ...	300	14th Oct., 1853	"	His Excellency C. J. La Trobe ...	500	100	"	"	Halesworth, Suffolk, England.	
BLACKWOOD.											
1	Shuter, Charles.—[See Bacchus Marsh].										
2	Stobie, D. G. ...	300	1st Sept., 1853	Nil	" " " ...	1000	100	"	"	Edinburgh, Scotland.	
BOURKE.											
1	Cadden, Robert ...	600	1st May, 1843	Nil	Governor ...	400	100	"	"	Dunbar, Scotland.	
2	Bartrop, George ...	350	1st Jan., 1854	"	" " " ...	500	150	"	"	Surrey, England.	
3	Butler, Villiers ...	250	1st March, 1854	"	" " " ...	Nil	Nil	"	"	Shrewsbury, England.	
BUCKLAND.											
1	Dowling, C. C.—[See Department of the Resident Warden, Beechworth, ante.]										
2	Martin, A. L. ...	300	1st June, 1852	Nil	J. F. L. Foster, Esq. ...	500	500	"	"	Ireland.	
BUNINYONG.											
1	Cogdon, John.—[See Department of the Resident Warden, Ballaarat, ante.]										
2	Farrer, J. S. ...	300	14th Feb., 1850	Nil	His Honor C. J. La Trobe ...	250	150	"	"	Cumberland, England.	
CAMPERDOWN.											
1	Fergusson, William ...	70	13th Jan., 1858	Nil	A. Michie, Esq. (late Attorney-General) ...	150	150	10 a.m.	3 p.m.	Scotland.	

POLICE MAGISTRATES, CLERKS OF PETTY SESSIONS, ETC.—*continued.*

No.	NAME.	Annual Salary.	Date of Entry.	Pension.	By whom appointed.	Amount of Security.		Hours of Duty.		Where born.	If Foreigners.	
						Now.	Formerly.	From	To		What Nation.	When naturalized.
CARAMUT.												
1	Ewing, Robert ...	£ 300	1st July, 1849	Nil	Honorable Attorney General ...	£ 500	£ Nil	9 a.m.	4 p.m.	Plymouth, England.		
CARISBROOK.												
1	Call, Frederick ...	800	10th Jan., 1858	Nil	His Excellency Sir H. Barkly in Council ..	Nil	Nil	10 a.m.	4 p.m.	Clifton.		
2	Roe, W. F. ...	400	1st May, 1851	„	His Honor C. J. La Trobe ...	300	„	„	„	Dublin, Ireland.		
CASTLEMAINE.												
1	Harrison, George, R.N.	800	1st Dec., 1849	Half - pay, Royal Navy, 5s. per diem; not drawn, salary being too high	His Excellency Sir Charles A. Fitzroy	Nil	Nil	10 a.m.	4 p.m.	Cork, Ireland.		
2	Kentish, H. N. L. ...	350	17th Oct., 1853	Nil	His Excellency C. J. La Trobe ...	500	200	„	„	Sydney.		
3	Townsend, Edward ...	250	11th Aug., 1852	„	„	„	100	„	„	Clapham, Surrey, England.		
CASTERTON.												
1	Featherstonhaugh, Cuthbert.—[See Hamilton.]											
2	Cue, George ...	300	February, 1853	Nil	The Governor ...	300	Nil	9 a.m.	4 p.m.	Rossfort, Ireland.		
COLLINGWOOD AND RICHMOND.												
1	Duigan, Henry V. ...	300	February, 1853	Nil	His Excellency the Governor in Council ..	300	Nil	9 a.m.	4 p.m.	Ireland.		
COLAC.												
1	Dunderdale, Geo. ...	300	May, 1857	Nil	His Excellency the Governor ...	Self and two sureties £150 each	Nil	10 a.m.	3 p.m.	Lancashire, England.		
CRESWICK.												
1	Amos, G. A.—[See Department of the Resident Warden, Ballaarat.]											
2	Hutchinson, G. L. ...	300	August, 1852	Nil	His Excellency the Governor in Council ..	500	150	9 a.m.	4 p.m.	England.		
CROWLANDS.												
1	Mackay, James ...	300	1st Jan., 1851	Nil	His Excellency C. J. La Trobe ...	500	150	10 a.m.	4 p.m.	Scotland.		

DUNOLLY.												
1	Cuthrey, W. ...	...	300	March, 1857	Nil	The Governor in Council ...	...	300	Nil	10 a.m.	4 p.m.	Demerara, West Indies.
ECHUCA.												
1	Strutt, Chas. E.	...	800	October, 1848	Nil	His Excellency the Governor in Council ..	...	Nil	Nil	...	...	Colchester, England.
2	Maitland, G. C.	...	300	23rd May, 1853	"	"	"	300	"	10 a.m.	4 p.m.	New Galloway, in Scotland.
EMERALD HILL.												
1	Crofton, H. ...	...	300	March, 1853	Nil	Governor in Council ...	...	Two sureties in £150 each	Ditto	9 a.m.	4 p.m.	County Mayo, Ireland.
GEELONG.												
1	Bousey, Wm. Hy. ...	...	800	January, 1853	Nil	His Excellency C. J. La Trobe ...	...	Nil	Nil	"	"	Buckinghamshire, England.
2	Akehurst, A. P. ...	...	450	October, 1852	"	"	"	500	400	"	"	London.
3	Dawson, C. H. ...	...	300	Nov., 1852	"	"	"	500	150	"	"	Dublin.
GISBORNE.												
1	Thomson, Jno. C. ...	...	800	7th Feb., 1853	Nil	His Excellency C. J. La Trobe ...	...	Nil	Nil	9.30 a.m.	4 p.m.	St. Andrews, Scotland
2	Carroll, Hy. ...	...	300	"	"	"	"	500	450	"	"	Dublin.
HARROW.												
1	Creagh, Benj. B. ...	...	300	1st July, 1854	Nil	The Officer administering the Government..	...	500	250	10 a.m.	5 p.m.	Cork, Ireland.
HAMILTON.												
1	Featherstonhaugh, Cuthbert	...	800	1st Jan., 1854	Nil	His Excellency C. J. La Trobe ...	...	Nil	Nil	10 a.m.	4 p.m.	County of Westmeath, Ireland.
3	Garton, Richd. ...	...	300	1st Sept., 1852	"	"	"	150	150	"	"	Bath, England.
HEATHCOTE.												
1	Arnold, T. G. ...	...	800	Sept., 1852	Nil	Sir C. Hotham ...	...	Nil	Nil	9 a.m.	4 p.m.	England.
2	Crawford, W. N. ...	...	350	1st July, 1853	"	His Excellency C. J. La Trobe ...	...	500	"	"	"	Canada.
HEIDELBERG.												
1	Morton, G. P. ...	...	350	19th July, 1853	Nil	His Excellency C. J. La Trobe ...	...	150	500	9 a.m.	3 p.m.	Ireland.
HEPBURN.												
1	Doveton, F. C.—[See Department of the Resident Warden, Castlemaine.]	...										
2	Coffin, James ...	...	300	15th Jan., 1854	Nil	His Excellency C. J. La Trobe ...	...	500	150	9 a.m.	4 p.m.	London.
KEILOR.												
1	Thomson, Jno. C.—[See Gisborne.]	...										
2	Somerville, T....	...	300	7th Jan., 1858	Nil	The Governor in Council ...	...	150	Nil	Daily as required		Cork, Ireland.

2822

POLICE MAGISTRATES, CLERKS OF PETTY SESSIONS, ETC.—*continued.*

No.	NAME.	Annual Salary.	Date of Entry.	Pension.	By whom appointed.	Amount of Security.		Hours of Duty.		Where born.	If Foreigners.	
						Now.	Formerly.	From	To		What Nation.	When naturalized.
KILMORE.												
1	McCrae, Andrew ...	£ 800	1850	Nil	His Excellency C. J. La Trobe ...	£ Nil	£ Nil	As much time to the business of each office held as possible		Parish of North Leith, county of Edinburgh.		
2	Lapham, Samuel ...	400	1852	"	" "	Names of two sureties for £500 submitted		10 a.m.	4 p.m.	Dublin.		
KYNETON.												
1	Lavender, William ...	800	March, 1852	Nil	Lieutenant-Governor C. J. La Trobe	Nil	Nil	10 a.m. to 4 p.m., but at all hours when required		Ridge, Hertfordshire, England.		
2	Weigall, Henry ...	400	April, 1857	"	Sir Henry Barkly ...	200	200	10 a.m. to 4 p.m., but usually occupied from daylight to dark		London, England.		
THE LEIGH.												
1	Jardine, Thomas ...	300	17th Oct., 1854	Nil	His Excellency Sir C. Hotham ...	500	150	10 a.m.	4 p.m.	Woodbridge, in Suffolk.		
MALDON.												
1	Nott, John ...	300	27th Oct., 1854	"	The Governor in Council ...	500	250 and 150	9 a.m.	"	City of Cork, Ireland.		
MARYBOROUGH.												
1	Call, Frederick—[See Carisbrook, <i>ante.</i>]											
2	Montgomery, R. A. ...	350	18th Jan., 1858	Nil	Governor Sir H. Barkly ...	500	300	10 a.m.	"	Windsor, England.		
MELBOURNE.												
1	Hackett, C. P. ...	800	Dec., 1853	Nil	His Excellency C. J. La Trobe ...	Nil	Nil	9 a.m.	"	London.		
2	Belcher, W. R. ...	600	Nov., 1842	"	" "	600	300	"	"	Dublin.		
3	Mackie, A. ...	300	Oct., 1852	"	" "	175	Nil	"	"	Wigtown, North Briton.		
4	Whelan, W. H. ...	400	"	"	" "	400	"	"	"	County Carlow, Ireland.		
PLEASANT CREEK.												
1	Maclure, John ...	300	Oct., 1853	Nil	His Excellency C. J. La Trobe ...	500	300	"	"	Scotland.		

PORTLAND.

1	Blair, James	...	800	Aug., 1836	Nil	His Excellency Sir Richard Bourke, confirmed by Her Majesty	Nil	Nil	9 a.m.	4 p.m.	Ireland.
2	Castle, Andrew	...	400	Dec., 1852	"	His Excellency C. J. La Trobe	Two sureties in £500	"	"	"	"

QUEENSCLIFF.

1	Lane, Edward	...	12	11th Jan., 1858	Nil	The Hon. the Attorney General	100	Nil	"	"	England.
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RAGLAN.

1	Willoby, W.—[See Department of the Warden in Charge, Ararat.]	...									
2	Minchin, C. W....	...	300	October, 1854	Nil	His Excellency C. J. La Trobe	150	Nil	"	"	Tipperary, Ireland.

SALE.

1	Tyers, Chas. J. ...	...	800	...	Nil	His Excellency C. J. La Trobe	Nil	Nil	10 a.m.	"	Westminster, England.
2	Lightfoot, Jno. G. R. ...	...	300	1st July, 1856	"	His Excellency the Acting Governor Macarthur	500	300	"	4 p.m., or later	

STEIGLITZ.

1	Clow, Jas. M. ...	...	800	17th Feb., 1852	Nil	Sir W. Stawell	£1000 and two sureties in the same	£500 and two sureties in the same	"	4 p.m.	Bombay, East Indies.
2	Quinan, Richd. ...	...	300	28th June, 1853	"	His Excellency Sir Henry Barkly in Council	Two sureties and self in £500	Two sureties and self in £200	9 a.m.	"	Ireland.

SWAN HILL.

1	Pasco, C. A. D....	...	800	1st Oct., 1852	Nil	His Excellency C. J. La Trobe	Nil	Nil	"	"	Stoke, Devon, England.
2	McPherson, Robt. ...	...	300	22nd Dec., 1853	"	"	500	150	"	"	London, England.

TARADALE.

1	Heron, Thos. D. S.—[See Department of the Resident Warden, Castlemaine.]	...									
2	Rigbye, N. J. B. P. ...	...	300	11th Feb., 1853	Nil	His Excellency the Governor in Council	500	300	"	"	Lancashire, England.

WANGARATTA.

1	Shadforth, R. W. ...	...	800	1843	Nil	His Excellency the Governor	Nil	Nil	10 a.m.	"	Valenciennes.
2	Ely, A. L. ...	...	300	1852	"	His Excellency the Acting Governor	500	250	"	"	Cwon Dur, S. Wales.



POLICE MAGISTRATES, CLERKS OF PETTY SESSIONS, ETC.—*continued.*

No.	NAME.	Annual Salary.	Date of Entry.	Pension.	By whom appointed.	Amount of Security.		Hours of Duty.		Where born.	If Foreigners.	
						Now.	Formerly.	From	To		What Nation.	When naturalized.
WARRNAMBOOL.												
1	Gilles, Lewis	£ 800	Sept., 1852	Nil	His Excellency C. J. La Trobe ...	£ 1000	£ 500	10 a.m. to 3 p.m., and as much longer as the duties may require		London.		
2	Ardlie, J. M.	400	January, 1850	"	" " " ...	500	300	"		Essex.		
WARANGA.												
1	Barnard, E. T.—[See Department of the Resident Warden, Sandhurst.]											
2	Anderson, W. H. ...	400	26th Aug., 1857	Nil	His Excellency the Governor and Executive Council	1500	200	9 a.m.	4 p.m.	Coleraine, Co. Londonderry, Ireland.		
WEDDERBURNE.												
1	Morgan, R. C. ...	300	1852	Nil	His Excellency the Governor ...	50	500	10 a.m.	4 p.m.	Lewisham, Kent, England.		
WILLIAMSTOWN.												
1	Crawford, William ...	800	4th March, 1853	Nil	His Excellency C. J. La Trobe ...	Nil	Nil	9 a.m.	4 p.m.	Ireland.		
2	Burke, Edmund ...	400	6th Nov., 1853	"	" " " ...	500	250	"	"	West Indies.		
3	Dobbin, C. L. ...	300	1st Jan., 1854	"	" " " ...	100	100	"	"	England.		
YACKANDANDAH.												
1	Lane, H. B.—[See Department of the Resident Warden, Beechworth.]											
2	Wood, John U. ...	300	1855	Nil	His Excellency the Governor with advice of the Executive Council	500	Nil	9 a.m.	5 p.m.	Middewich, Cheshire, England.		

DEPARTMENTS UNDER THE HONORABLE THE TREASURER.

TREASURER'S OFFICE.

No.	NAME.	Annual Salary.	Date of Entry.	Pension.	By whom appointed.	Amount of Security.		Hours of Duty.		Where born.	If Foreigners.	
						Now.	Formerly.	From	To		What Nation.	When naturalized.
1	Symonds, E. S.	£ 1000	23rd Jan., 1852	Nil	The Governor in Council	£ 4000	Nil	9 a.m.	4 p.m.	England.		
2	Barnard, W. H.	500	2nd March, 1853	"	" "	2000	200	"	"	"		
3	Barrow, S. C.	400	1st March, 1854	"	" "	Nil	Nil	"	"	"		
4	Constable, A. H.	300	2nd Jan., 1851	"	" "	"	"	"	"	"		
5	Cummins, A. C.	450	1st June, 1853	"	" "	"	"	"	"	Ireland.		
6	Elliot, G. C.	300	21st Dec., 1853	"	" "	"	"	"	"	Janbria, E. I.		
7	Gaunt, J. M.	400	2nd March, 1854	"	His Excellency C. J. La Trobe	"	"	"	"	England.		
8	Graburn, W.	200	17th April, 1856	"	C. H. Ebden, Esq.	"	"	"	"	"		
9	Gudemann, R.	700	4th March, 1853	"	The Governor in Council	2500	"	"	"	Germany.		
10	Manton, C. A.	350	2nd Jan., 1852	"	" "	Nil	"	"	"	England.		
11	Megson, C.	450	30th Nov., 1852	"	" "	"	"	"	"	"		
12	O'Gorman, C.	120	4th April, 1854	"	" "	"	"	"	"	Ireland.		
13	Plaisted, Thomas	400	13th Sept., 1853	"	" "	"	"	"	"	England.		
14	Sewell, William	350	18th June, 1854	"	" "	"	"	"	"	"		
15	Stephen, W. R.	600	17th Oct., 1847	"	" "	"	"	"	"	"		
16	Staveley, H. C.	250	21st April, 1857	"	" "	"	"	"	"	Ireland.		
17	Tabbicour, John	300	15th Aug., 1853	"	" "	"	"	"	"	England.		
18	Thomas, J.	200	November, 1857	"	Mr. Ebden	"	"	"	"	Wales.		
19	Tucker, J.	80	3rd Jan., 1854	"	The Governor in Council	"	"	"	"	England.		
20	Walter, J. C.	400	1st May, 1854	"	W. Lonsdale	2000	"	"	"	"		
21	Weigall, Theyre	450	1st Aug., 1854	"	The Governor in Council	Nil	"	"	"	"		
22	Williams, H. J.	250	March, 1853	"	" "	"	"	"	"	Jamaica, West Indies.		
23	Williamson, H.	250	September, 1853	"	" "	"	"	"	"	"		

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65

235

2336

RECEIVERS AND PAYMASTERS.

No.	NAME.	Annual Salary.	Date of Entry.	Pension.	By whom appointed.	Amount of Security.		Hours of Duty.		Where born.	If Foreigners.	
						Now.	Formerly.	From	To		What Nation.	When naturalized.
MELBOURNE.												
		£				£	£					
1	Hull, William ...	800	1846	Nil	Lieutenant-Governor C. J. La Trobe	4000	Nil	9 a.m.	4 p.m.	England.		
2	Moody, L. A. ...	400	1845	"	Hon. C. H. Ebdon ...	"	"	"	"	North of Ireland.		
3	Edwards, S. L. ...	500	1852	"	Lieutenant-Governor C. J. La Trobe	2000	1000	"	"	England.		
4	Owens, J. H. ...	200	1st Jan., 1858	"	Hon. C. H. Ebdon ...	Nil	Nil	"	"	New South Wales.		
5	Smith, R. J. ...	300	1853	"	"	1000	"	"	"	Ireland.		
6	Thompson, Alexander	600	1850	"	Lieutenant-Governor La Trobe ...	2000	1000	"	"	Scotland.		
						(Signed)	LESLEY A. MOODY, Acting Receiver and Paymaster.					
GEEELONG.												
1	Belcher, George F. ...	700	9th July, 1846	"	His Excellency C. J. La Trobe ...	2500	2000	9 a.m.	4 p.m.	Ireland.		
2	Budd, J. W. ...	80	1st Jan., 1854	"	W. Lonsdale, Esq., Colonial Treasurer	Nil	Nil	8 a.m.	"	England.		
3	Fisher, John ...	350	7th March, 1853	"	His Excellency C. J. La Trobe ...	£1000 myself, and two sureties of £500 each	£500 self, and two sureties of £250 each	9 a.m.	"	Scotland.		
						(Signed)	G. F. BELCHER, Receiver and Paymaster.					
PORTLAND.												
1	Blair, James ...	* (See note)	August, 1836	"	C. Sladen, Esq. ...	Has been called upon to £2000.	Nil	Uncertain. Depending upon the amount of duty to be discharged in the police and other offices.		Ireland.		
2	Jones, Edwyn ...	350	May, 1854	"	W. Lonsdale, Esq. ...	1000	"	9 a.m.	4 p.m.	Suffolk, England.		
						(Signed)	J. BLAIR, Receiver and Paymaster.					
BELFAST.												
1	Stewart, George ...	* (See note)	January, 1835	"	His Excellency the Governor ...	2000	Nil	9 a.m.	4 p.m.	Scotland.		
2	Allsop, P. A. ...	350	14th Sept., 1853	"	"	1000	"	"	"	Madras, India		
						(Signed)	GEO. STEWART, Receiver and Paymaster.					
BALLAARAT.												
1	Haywood, R. ...	650	1st May, 1852	"	Mr. Sladen ...	2500	£500, £1000, £2000	9 a.m.	4 p.m.	Liverpool.		
2	Hart, Alexander H. ...	350	18th June, 1857	"	Mr. Ebdon ...	1000	Nil	"	"	Wisbeach.		
						(Signed)	R. HAYWOOD.					

2 (...)
 3 (...)
 4 (...)
 5 (...)
 6 (...)

CASTLEMAINE.

1	Naylor, Thos. B. ...	650	February, 1853	Nil	Treasurer	Self and two sureties in £2500 each	Self and two sureties in £500 each	9 a.m.	4 p.m.	England.
2	Fitzsimons, G. W. ...	350	June, 1852	"	"	Self and two sureties in £1000	"	"	Ireland.	
3	Wardlaw, R. R. ...	350	December, 1853	"	"	"	300 (Signed)	"	"	Scotland.

T. BEAGLY NAYLOR, Receiver and Paymaster.

SANDHURST.

1	Langston, Augustus...	650	10th Oct., 1849	Nil	C. H. Ebden, Esq., Treasurer ...	2500	Self £100, and two sureties £50 each	9 a.m.	4 p.m.	England.
2	Bennett, H. O. ...	350	1st Nov., 1852	"	" " ...	Two sureties jointly and severally in £1000	Two sureties in £250 each, self £500	"	"	Ireland.
3	Squire, Edwd. S. F. ...	350	24th Nov., 1853	"	" " ...	1000	Nil (Signed)	"	"	Canada.

A. LANGSTON, Receiver and Paymaster.

MARYBOROUGH.

1	†Reynell, Alfred ...	650	June, 1852	Nil	His Excellency C. J. La Trobe ...	In two bonds; one for £2000, one for £1000	1000	9 a.m.	4 p.m.	England.
2	Minzies, A. R. ...	350	1st Aug., 1856	"	Sir C. Hotham	2000	Nil (Signed)	"	"	Scotland.

ALFRED REYNELL, Receiver and Paymaster.

BEECHWORTH.

1	Hall, John	650	15th May, 1852	Nil	C. Sladen, Esq., and J. V. F. L. Foster, Esq.	2500	4000	9 a.m.	4 p.m.	Newcastle-under-Line, Staffordshire.
2	Locke, John	350	1st Aug., 1853	"	C. Sladen, Esq.	1000	1000	9 a.m.	4 p.m.	Clediton, Devon. resident

(Signed) JNO. HALL, Receiver of Revenue.

MOUNT ARARAT.

1	Berry, George ...	650	28th Jan., 1853	Nil	His Excellency Sir Henry Barkly, Governor	2500	2000	9 a.m.	4 p.m.	Glasgow, Scotland.
2	Aston, A. H. ...	350	8th Oct., 1853	"	" " ...	2000	2000	"	"	Staffordshire, England.

(Signed) GEO. BERRY.

PORT ALBERT.

1	Carey, Jno. Le M. ...	*(See note)	24th Oct., 1852	Nil	C. H. Ebden, Esq.	Nil	Nil	When I can attend—in addition to my other duties		England.
2	Meyrick, Alfred ...	300	12th Oct., 1857	"	"	1000	500	9 a.m.	4 p.m.	"

(Signed) JOHN LE M. CAREY.

* The gentlemen marked thus * are also Police Magistrates at a salary of £800 per annum.

† This gentleman is also Gold Receiver.

237

230238

GOLD RECEIVERS.

No.	NAME.	Annual Salary.	Date of Entry.	Pension.	By whom appointed.	Amount of Security.		Hours of Duty.		Where born.	If Foreigners.	
						Now.	Formerly.	From	To		What Nation.	When naturalized.
MELBOURNE.												
		£				£	£					
1	Wilkinson, John ...	800	February, 1849	Nil	Honorable C. H. Ebdon ...	4000	2500	9 a.m.	4 p.m.	Leeds, England.		
2	Bilton, Charles ...	400	August, 1852	"	His Excellency C. J. LaTrobe	1000	500	"	"	London.		
3	Bruce, J. D. ...	350	January, 1853	"	" "	"	"	"	"	Assam, India.		
4	Eades, John C. ...	400	July, 1853	"	" "	"	"	"	"	Dublin.		
5	Peugelley, Hy. E.	500	February, 1854	"	" "	2000	1000	"	"	Stoke, near Devonport, England.		
6	Rumley, Geo. J. ...	400	March, 1853	"	" "	1000	500	"	"	Cork.		
							(Signed)	JOHN WILKINSON, Gold Receiver.				
CRESWICK.												
1	Wyman, S. ...	450	23rd Nov., 1852	"	His Excellency the Governor, or the Chief Secretary	2000	Self £1000, two sureties £500 each	9 a.m.	4 p.m.	London.		
RAGLAN.												
1	Fowler, Henry ...	450	14th Aug., 1857	"	C.H. Ebdon, Esq., late Treasurer	"	—	"	"	England.		
MOUNT BLACKWOOD.												
1	*Stobie, D. G. ...	100	1st Sept., 1853	"	His Excellency Sir Hy. Barkly	1000	250 (Signed)	"	"	Edinburgh, Scotland		
								DAVID GRIEVE STOBIE, Acting Gold Receiver, &c.				
HEATHCOTE.												
1	*Crawford, Wm. N.	100	July, 1853	"	Late Treasurer ...	Fixed at £2000	Nil	9 a.m.	4 p.m.	Quebec, B. N. America.		
AMHERST.												
1	Chapman, George	450	8th Aug., 1853	"	The Honorable the Treasurer	"	1000 (Signed)	9 a.m. to 4 p.m., and often much later		Ireland.		
								GEORGE CHAPMAN, Gold Receiver, Amherst.				
DUNOLLY.												
1	Butt, J. W. S. ...	450	August, 1852	"	Governor in Council ...	"	1000 (Signed)	9 a.m.	4 p.m.	England.		
								J. W. S. BUTT, A.G.R., Dunolly.				

MALDON.

1 | Wrixon, Edwd. ... | 450 | October, 1853 | Nil | His Excellency in Council ... | £2000, with two sureties jointly and severally | £2000: myself in £1000, and two sureties in £500 each | 9 a.m. | 4 p.m. | Ireland. | | |
 (Signed) EDW. WRIXON, Gold Receiver, Maldon.

PLEASANT CREEK.

1 | Jenkins, Hy. E. ... | 450 | 7th April, 1853 | „ | Sir Henry Barkly | £2000 | Nil | 9 a.m. | 4 p.m. | Essex, England. | | |
 (Signed) H. E. JENKINS, Gold Receiver.

NOTE.—* These gentlemen also receive a salary as Clerks of Petty Sessions, &c.—(See List of Clerks of the Bench, under the Honorable the Attorney General.)

STORES AND TRANSPORT.

No.	NAME.	Annual Salary.	Date of Entry.	Pension.	By whom appointed.	Amount of Security.		Hours of Duty.		Where born.	If Foreigners.	
						Now.	Formerly.	From	To		What Nation.	When naturalized
1	Nash, Richard ...	£ 800	1st Oct., 1852	Nil	Sir Henry Barkly	£ 2500	Nil	9 a.m.	4 p.m.	England.		
2	Brook, Henry ...	350	5th June, 1857	„	„	Nil	„	„	„	„		
3	Eaton, H. F. ...	500	24th Jan., 1853	„	Sir Charles Hotham... ..	2000	„	„	„	„		
4	Lane, George... ..	450	23rd Sept., 1853	„	„	Nil	„	„	„	Ireland.		
5	McCann, F. J. ...	300	29th Nov., 1853	„	„	„	„	„	„	„		
6	McMurray, James ...	350	6th July, 1854	„	„	„	„	„	„	„		
7	Peirce, Joseph ...	400	1st March, 1853	„	Sir Henry Barkly	1000	„	„	„	Wales.		
8	Sellick, Austin ...	375	18th Jan., 1853	„	Sir Charles Hotham... ..	„	„	„	„	England.		
9	Thomas, E. J. ...	200	17th May, 1852	„	„	Nil	„	„	„	„		
10	Valentine, John ...	100	October, 1853	„	His Excellency C. J. La Trobe ...	„	„	7 a.m.	6 p.m.	Scotland.		
11	Valentine, Mrs. ...	50	„	„	„	„	„	„	„	„		
12	Walker, Wm. H. ...	300	1st Oct., 1853	„	Sir C. Hotham	„	„	9 a.m.	4 p.m.	England.		
13	Wettenhall, Wm. ...	200	1st Feb., 1856	„	Sir Henry Barkly	„	„	„	„	„		
14	Wright, George ...	425	21st March, 1853	„	Sir C. Hotham	1000	„	„	„	Ireland.		

(Signed) R. NASH,
 Government Storekeeper.

230

GOVERNMENT PRINTER.

No.	NAME.	Annual Salary.	Date of Entry.	Pension.	By whom appointed.	Amount of Security.		Hours of Duty.		Where born.	If Foreigners.	
						Now.	Formerly.	From	To		What Nation.	When naturalized.
1	Ferres, John	£ 800	8th Nov., 1851	Nil	The Lieutenant-Governor, and subsequently by the Queen	£ 1000	£ 1000	All hours, as required		England.		
2	Baker, Chas.	550	1st Jan., 1854	,,	The Governor	Nil	Nil	8 a.m. to 5 p.m., and every alternate night, as required		,,		
3	Boom, Hy. M.	200	20th Jan., 1856	,,	,,	,,	,,	9 a.m. | 4 p.m.		France.		
4	Guy, Wm. Hy.	400	1st Jan., 1857	,,	,,	,,	,,	8 a.m. to 6 p.m., and later when required		England.		
5	Leeds, G.	450	11th Apr., 1856	,,	,,	,,	,,	8 a.m. to 5 p.m., and every alternate night, as required		,,		
6	Moon, A. G.	350	7th June, 1854	,,	,,	600	600	9 a.m. | 4 p.m.		,,		
7	Penson, Robt.	450	12th June, 1854	,,	The Lieutenant-Governor ...	Nil	Nil	8 a.m. | 6 p.m.		,,		
8	Walker, Samuel Jas. ...	500	1st Nov., 1852	,,	The Governor	1000	1000	9 a.m. | 4 p.m.		,,		

(Signed) J. FERRES, Government Printer.

ARTILLERY CORPS.

No.	NAME.	Annual Salary.	Date of Entry.	Pension.	By whom appointed.	Amount of Security.		Hours of Duty.		Where born.	If Foreigners.	
						Now.	Formerly.	From	To		What Nation.	When naturalized.
1	Holland, F. H.	£ s. d. 475 0 0	14th June, 1853	Nil	Lieut.-Colonel Anderson ...	Nil	Nil	Depends upon circumstances	Available at all times	Tours, France		
2	Abrey, T.	273 15 0	27th Jan., 1857	2s. 6d. per diem from Imp. Government	,,	,,	,,			England.		
3	Cameron, R.	348 15 0	March, 1852	Nil	,,	,,	,,			Scotland.		
4	Fitzsimmons, T.	73 0 0	1st Dec., 1855	1s. per diem from Imp. Government	,,	,,	,,			Ireland.		
5	Goodall, T.	200 15 0	1st Feb., 1858	1s. 10d. per diem from Imp. Gov.	,,	,,	,,			England.		
6	Juniper, W.	36 10 0	1st Jan., 1858	10d. per diem from Imp. Government	,,	,,	,,			,,		

(Signed) F. H. HOLLAND, Captain and Adjutant.
Pro Lieut.-Col. Com. V. V. A. R.

GEELONG RIFLE CORPS.

No.	NAME.	Annual Salary.	Date of Entry.	Pension.	By whom appointed.	Amount of Security.		Hours of Duty.		Where born.	If Foreigners.	
						Now.	Formerly.	From	To		What Nation.	When naturalized.
1	Rede, Robert	£ s. d. * Nil	9th Oct., 1852	Nil	Sir C. Hotham	Nil	Nil	When required		Suffolk, in England.		
2	Carter, C. J.	400 0 0	1st May, 1853	"	"	"	"	"	"	Ireland.		
3	Swan, W.	73 0 0	1st Jan., 1858	"	Sir H. Barkly	"	"	"	"	Kidderminster, in England.		
4	Vercoe, John	273 15 0	November, 1853	"	"	"	"	"	"	Woolwich, in England.		

* This gentleman is in receipt of £800 per annum as Sheriff of Geelong and Commissioner of Crown Lands. [See under Attorney-General, ante.]

(Signed)

ROBT. REDE, Major,
Commanding G. V. R. C.

YEOMANRY CORPS.

No.	NAME.	Annual Salary.	Date of Entry.	Pension.	By whom appointed.	Amount of Security.		Hours of Duty.		Where born.	If Foreigners.	
						Now.	Formerly.	From	To		What Nation.	When naturalized.
1	Burton, O. S.	£475 including forage allow- ance	1st Jan., 1857	Nil	The Governor	Nil	Nil	Undefined		Ireland.		
2	McLean, Alexander	£348 15s. in- cluding for- age allowance	1st Aug., 1857	"	Lieutenant-Colonel Ross	"	"	"	"	Edinburgh, N.B.		
3	McCann, Thomas	£73	15th Oct., 1855	"	"	"	"	"	"	Ireland.		

(Signed)

JAS. H. ROSS,
Lieutenant-Colonel Commanding Victoria Yeomanry Corps.

2411

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COMMISSIONERS OF AUDIT.

AUDIT OFFICE.

No.	NAME.	Annual Salary.	Date of Entry.	Pension.	By whom appointed.	Amount of Security.		Hours of Duty.		Where born.	If Foreigners.		
						Now.	Formerly.	From	To		What Nation.	When naturalized.	
		£		£		£	£						
1	Agg, Alfred J. ...	1000	1st April, 1852	Nil	} His Excellency Sir Henry Barkly, with the advice of the Execu- tive Council	4000	4000	9 a.m.	4 p.m.	England.			
2	Jones, Francis ...	1000	7th June, 1852	"		"	"	1500	"	"	Ireland.		
3	Symonds, Chas. H. ...	1000	11th April, 1839	"		"	"	Nil	"	"	England.		
4	Bible, Arthur ...	700	19th Feb., 1846	"		"	Nil	"	"	"	Ireland.		
5	Brooks, Wm. A. ...	450	25th March, 1852	"	His Excellency C. J. La Trobe ...	"	"	"	"	England.			
6	Carter, A. J. ...	350	27th Feb., 1854	"	"	"	"	"	"	"			
7	Dick, A. M. ...	250	22nd Dec., 1846	"	"	"	"	"	"	Scotland.			
8	Dunn, John ...	400	2nd June, 1853	"	"	"	"	"	"	England.			
9	Evans, R. P. ...	400	6th June, 1853	"	"	"	"	"	"	Ireland.			
10	Guillaume, Geo. ...	400	14th Feb., 1853	"	"	"	"	"	"	England.			
11	Shaw, Walter S. ...	400	2nd March, 1853	"	"	"	"	"	"	Ireland.			
12	Symonds, Edwd. C. ...	250	1st Feb., 1852	"	"	"	"	"	"	N. S. Wales.			
13	Thomas, S. H. ...	450	15th March, 1852	"	"	"	"	"	"	Wales.			
14	Wilkinson, Henry ...	200	1st Nov., 1853	"	"	"	"	"	"	England.			

BOARD OF LAND AND WORKS.

SURVEY, SALE, AND MANAGEMENT OF PUBLIC LANDS.

No.	NAME.	Annual Salary.	Date of Entry.	Pension.	By whom appointed.	Amount of Security.		Hours of Duty.		Where born.	If Foreigners.	
						Now.	Formerly.	From	To		What Nation.	When naturalized.
1	Hodgkinson, Cl.	£ 1000	12th Jan., 1852	Nil	His Excellency C. J. La Trobe ...	Nil	Nil	9 a.m.	4 p.m.	England.		
2	Adair, Thomas	550	10th Nov., 1853	"	"	"	"	"	"	Scotland.		
3	Acheson, F.	400	26th May, 1854	"	His Excellency Sir C. Hotham ...	"	"	"	"	Ireland.		
4	Agg, E. J.	450	1st May, 1854	"	"	"	"	"	"	England.		
5	Ainsworth, A. B.	500	14th Nov., 1854	"	"	"	"	"	"	"		
6	Allan, A. C.	500	29th May, 1855	"	"	"	"	"	"	Scotland.		
7	Allen, A. C.	180	29th May, 1855	"	"	"	"	"	"	England.		
8	Byerley, F. J.	600	28th Sept., 1852	"	"	"	"	"	"	France.		
9	Bage, Edward	600	1st Nov., 1853	"	"	"	"	"	"	England.		
10	Bone, Charles	500	16th Jan., 1854	"	"	"	"	"	"	"		
11	Breen, J. J.	500	12th Sept., 1854	"	"	"	"	"	"	Ireland.		
12	Black, A.	500	1st Aug., 1854	"	"	"	"	"	"	Scotland.		
13	Bromfield, P. F.	500	January, 1854	"	"	"	"	"	"	England.		
14	Bibbs, Thomas	500	1st Nov., 1853	"	"	"	"	"	"	"		
15	Bagley, J. C.	400	1st April, 1853	"	His Excellency C. J. La Trobe ...	"	"	"	"	"		
16	Beasley, Charles	300	11th Oct., 1853	"	"	"	"	"	"	"		
17	Bird, C. J.	300	1st Dec., 1857	"	His Excellency Sir Henry Barkly ...	"	"	"	"	Wales.		
18	Bickford, N. M.	280	1st Dec., 1857	"	"	"	"	"	"	England.		
19	Booth, Thomas	280	1st Feb., 1857	"	"	"	"	"	"	"		
20	Beckett, Bart., Corpl. R.E., daily military pay 4s. 11d. ; allowance for trigonometrical survey 5s.					"	"	"	"	Gibraltar.		
21	Bloxam, W.	120	1st March, 1856	ls. per diem. Nil	His Excellency Major Gen. Macarthur	"	"	"	"	England		
22	Bloxam, M.	50	"	"	"	"	"	"	"	Ireland.		
23	Clarke, Lindsay	800	24th Aug., 1852	"	His Excellency C. J. La Trobe ...	"	"	"	"	"		
24	Chauncy P.	700	16th Dec., 1852	"	"	"	"	"	"	England.		
25	Cooper, T. W.	500	13th Jan., 1857	"	His Excellency Sir H. Barkly ...	"	"	"	"	"		
26	Corbett, J. A.	500	1st Oct., 1855	"	His Excellency Sir Chas. Hotham ...	"	"	"	"	"		
27	Couchman, Thos.	500	1st May, 1854	"	"	"	"	"	"	"		
28	Carruthers, Jhn.	500	1st Sept., 1857	"	His Excellency Sir H. Barkly ...	"	"	"	"	Scotland.		
29	Colbert, Ed.	300	17th Mar., 1857	"	"	"	"	"	"	Ireland.		
30	Christie, Jn.	450	1st Aug., 1853	"	His Excellency Sir Chas. J. La Trobe	"	"	"	"	Scotland.		
31	Counsel, Laugh.	400	8th Dec., 1854	"	His Excellency Sir Chas. Hotham ...	"	"	"	"	Ireland.		
32	Collis, W.	350	3rd Oct., 1855	"	"	"	"	"	"	England.		
33	Counsel, Dan.	350	26th June, 1854	"	"	"	"	"	"	Ireland.		
34	Cumberland, A. C.	280	1st Mar., 1854	"	"	"	"	"	"	England.		
35	Collis, C.	250	1st Jan., 1858	"	His Excellency Sir H. Barkly ...	"	"	"	"	"		

2433

1724

SURVEY, SALE, AND MANAGEMENT OF PUBLIC LANDS—continued.

No.	NAME.	Annual Salary.	Date of Entry.	Pension.	By whom appointed.	Amount of Security.		Hours of Duty.		Where born.	If Foreigners.	
						Now.	Formerly.	From	To		What Nation.	When naturalized.
36	Charles, W. T. ...	£ 250	22nd Aug., 1854	Nil	His Excellency Sir Chas. Hotham ...	Nil	Nil	9 a.m.	4 p.m.	British India.		
37	Dawson, W. T. ...	700	9th Oct., 1850	"	His Honor the Superintendent ...	"	"	"	"	Ireland.		
38	Davidson, Henry ...	600	1st July, 1850	"	"	"	"	"	"	Scotland.		
39	Darbyshire, John ...	500	22nd Dec., 1856	"	His Excellency Major-Gen. Macarthur ...	"	"	"	"	England.		
40	D'Elboux, L. W. ...	500	1st April, 1856	"	"	"	"	"	"	"		
41	Drummond, J. B. ...	350	13th Sept., 1853	"	His Excellency C. J. La Trobe ...	"	"	"	"	"		
42	Earle, Josh. ...	300	"	"	"	"	"	"	"	"		
43	Ekins, John ...	280	"	"	"	"	"	"	"	"		
44	Egan, Owen, P.R.E., daily allowance military pay 2s. 11d.; for trigonometrical survey 5s. ...									Scotland.		
45	Frazer, Hugh ...	550	10th Nov., 1853	Nil	His Excellency Chas. J. La Trobe ...	"	"	"	"	"		
46	Fynmore, James A. ...	500	21st Aug., 1855	"	"	"	"	"	"	England.		
47	Fletcher, Chas. Henry ...	450	11th Oct., 1852	"	"	"	"	"	"	"		
48	Forbes, Thos. Joh. ...	500	4th Mar., 1852	"	"	"	"	"	"	"		
49	Forbes, Thos., Sergt. R.E., daily allowance military pay 5s. 9d.; allowance for trigonometrical survey 7s. 6d. ...									"		
50	Ferguson G. ...	280	1st April, 1856	Nil	His Excellency Chas. J. La Trobe ...	"	"	"	"	"		
51	Freeman, W. ...	250	11th Aug., 1853	"	"	"	"	"	"	"		
52	Green, Joh. ...	200	6th Jan., 1857	"	His Excellency Sir H. Barkly ...	"	"	"	"	"		
53	Gilbert, F. E. ...	500	1st Sept., 1855	"	His Excellency Chas. J. La Trobe ...	"	"	"	"	"		
54	Gilks, Ed. ...	300	20th April, 1855	"	"	"	"	"	"	"		
55	Gammon, Pat. ...	450	1st Feb., 1858	"	His Excellency Sir H. Barkly ...	"	"	"	"	Ireland.		
56	Horrell, C. C. ...	600	28th Mar., 1849	"	His Excellency Sir Chas. Fitz Roy ...	"	"	"	"	England.		
57	Hastings, Geo. ...	500	18th Oct., 1855	"	His Excellency Sir Chas. Hotham ...	"	"	"	"	"		
58	Henderson, J. B. ...	500	4th April, 1855	"	"	"	"	"	"	"		
59	Harding, F. ...	450	21st June, 1853	"	His Excellency Chas. J. La Trobe ...	"	"	"	"	"		
60	Harvey, A. ...	300	20th June, 1854	"	His Excellency Sir Chas. Hotham ...	"	"	"	"	"		
61	Ham, T. ...	300	1st Jan., 1858	"	His Excellency Sir H. Barkly ...	"	"	"	"	"		
62	Heady, Joh., private Royal Engineers, daily military pay 2s. 9d.; allowance for trigonometrical survey 5s. ...									"		
63	Hamilton, Joh. ...	300	2nd Feb., 1855	Nil	Surveyor General... ..	"	"	"	"	"		
64	Hyland, Peter ...	120	"	"	"	"	"	"	"	"		
65	Haley, Peter ...	60	6th Feb., 1850	"	His Excellency C. J. La Trobe ...	"	"	"	"	Ireland.		
66	Jones, F. J. ...	220	1st Nov., 1853	"	"	"	"	"	"	England.		
67	Jones, W. C. ...	280	1st Jan., 1858	"	His Excellency Sir H. Barkly ...	"	"	"	"	"		
68	Jackson, Robt. H. ...	450	27th Nov., 1852	"	His Excellency C. J. La Trobe ...	"	"	"	"	"		
69	Johnson, J. ...	400	20th Mar., 1854	"	"	"	"	"	"	"		
70	Johnson, Fred. ...	350	18th June, 1852	"	"	"	"	"	"	"		
71	Judkins, C. ...	120	1st Nov., 1849	"	"	"	"	"	"	"		
72	Judkins, Margaret ...	30	"	"	"	"	"	"	"	"		
73	Kearney, J. ...	500	1st April, 1853	"	"	"	"	"	"	Ireland.		
74	Larritt, R. W. ...	700	12th July, 1853	"	"	"	"	"	"	England.		
75	Langford, Geo. ...	500	18th May, 1856	"	His Excellency Major-Gen. Macarthur ...	"	"	"	"	"		

76	Lowe, Ralph ...	400	12th Nov., 1853	"	His Excellency C. J. La Trobe ...	"	"	"	"	England.
77	Leith, Alex. ...	180	31st Nov., 1857	"	"	"	"	"	"	Scotland.
78	Martin, A. L. ...	600	1st April, 1854	"	"	"	"	"	"	"
79	Morres, Hy. ...	500	1st April, 1854	"	"	"	"	"	"	England.
80	Martin, Wm. ...	500	1st Nov., 1855	"	"	"	"	"	"	"
81	Morraha, A. ...	500	28th Nov., 1853	"	"	"	"	"	"	"
82	Mackintosh, Wm. ...	500	1st Dec., 1854	"	His Excellency Sir Charles Hotham ...	"	"	"	"	Scotland.
83	Moore, Hy. Byron ...	200	15th Dec., 1853	"	His Excellency C. J. La Trobe ...	"	"	"	"	"
84	McDermott, Jos. ...	700	16th April, 1852	"	"	"	"	"	"	Ireland.
85	McLaughlin, Thos. ...	250	7th Dec., 1855	"	His Excellency Sir Charles Hotham ...	"	"	"	"	"
86	McKay, Jas. ...	200	1st Jan., 1857	"	His Excellency Sir Henry Barkly ...	"	"	"	"	"
87	McHutchinson, D. ...	300	1st April, 1854	"	His Excellency C. J. La Trobe ...	"	"	"	"	Scotland.
88	McEmmery, Jo., private, Royal Engineers; daily allowance:—				Military pay, 2s. 11d.; for trigonometrical survey, 5s.	"	"	"	"	Ireland.
89	Macon, C. A. ...	280	...	Nil.	...	Nil	"	"	"	"
90	Nixon, Thos. ...	550	1st Aug., 1854	"	His Excellency Sir Charles Hotham ...	"	"	"	"	"
91	Nevins, Pen. ...	500	12th Sept., 1856	"	His Excellency Major-Gen. Macarthur...	"	"	"	"	England.
92	Netherwood, Chris. ...	200	1st Jan., 1857	"	His Excellency Sir Henry Barkly ...	"	"	"	"	"
93	Ord, W. B. ...	350	30th March, 1854	"	His Excellency C. J. La Trobe ...	"	"	"	"	"
94	Powlett, F. A. ...	800	1840	"	"	"	"	"	"	"
95	Puckle, F. H. ...	750	1st Jan., 1853	"	"	"	"	"	"	"
96	Pinniger, Thos. ...	600	1st April, 1853	"	"	"	"	"	"	"
97	Pettitt, T. H. W. ...	500	1st Dec., 1856	"	His Excellency Major-Gen. Macarthur...	"	"	"	"	"
98	Phillips, Jhn. ...	500	12th April, 1856	"	"	"	"	"	"	"
99	Philp, T. B. ...	400	14th Nov., 1853	"	His Excellency C. J. La Trobe ...	"	"	"	"	"
100	Pinniger, Chas. ...	500	1st April, 1858	"	His Excellency Sir Henry Barkly ...	"	"	"	"	"
101	Powell, H. W. ...	350	9th May, 1854	"	His Excellency C. J. La Trobe ...	"	"	"	"	"
102	Parry, C. ...	300	17th March, 1854	"	"	"	"	"	"	"
103	Russell, Chas. W. ...	500	27th Feb., 1854	"	"	"	"	"	"	"
104	Robertson, And. ...	400	22nd May, 1854	"	"	"	"	"	"	Scotland.
105	Ryan, Jas. ...	250	1st May, 1854	"	"	"	"	"	"	Ireland.
106	Reid, Jas. ...	500	15th Sept., 1854	"	"	"	"	"	"	Scotland.
107	Raymond, F. B. ...	300	1st Sept., 1855	"	His Excellency Sir Charles Hotham ...	"	"	"	"	Ireland.
108	Ritchie, W. ...	280	16th Oct., 1856	"	His Excellency Major-Gen. Macarthur...	"	"	"	"	Scotland.
109	Skene, A. T. ...	800	11th Oct., 1848	"	His Honor the Superintendent ...	"	"	"	"	"
110	Smythe, G. D. ...	800	7th Oct., 1852	"	His Excellency C. J. La Trobe ...	"	"	"	"	England.
111	Scott, R. D. ...	700	1st Aug., 1851	"	"	"	"	"	"	Scotland.
112	Shaw, Js. R. ...	550	15th Nov., 1853	"	"	"	"	"	"	Ireland.
113	Surplice, W. Hy. ...	500	6th Oct., 1854	"	His Excellency Sir Charles Hotham ...	"	"	"	"	England.
114	Smith, Jhp. ...	500	1st Sept., 1857	"	His Excellency Sir Henry Barkly ...	"	"	"	"	"
115	Snee, W. H. ...	450	1st March, 1853	"	His Excellency C. J. La Trobe ...	"	"	"	"	"
116	Samson, Horace ...	450	30th Oct., 1854	"	His Excellency Sir Charles Hotham ...	"	"	"	"	"
117	Smith, Jos. ...	280	1st Sept., 1857	"	His Excellency Sir Henry Barkly ...	"	"	"	"	"
118	Taylor, Jhn. Hamlet ...	700	17th Sept., 1853	"	"	"	"	"	"	Ireland.
119	Templeton, Jhn. ...	550	"	"	His Excellency C. J. La Trobe ...	"	"	"	"	Scotland.
120	Taylor, W. A. ...	550	18th Sept., 1854	"	His Excellency Sir Charles Hotham ...	"	"	"	"	"
121	Turner, Jn. ...	600	6th June, 1853	"	His Excellency C. J. La Trobe ...	"	"	"	"	"
122	Thornhill, Wm. ...	500	1st Nov., 1855	"	His Excellency Sir Charles Hotham ...	"	"	"	"	Ireland.
123	Townshend, W. ...	500	29th Oct., 1857	"	His Excellency Sir Henry Barkly ...	"	"	"	"	England.
124	Thomas, W. ...	600	"	"	"	"	"	"	"	"

215

SURVEY, SALE, AND MANAGEMENT OF PUBLIC LANDS—*continued.*

No.	NAME.	Annual Salary.	Date of Entry.	Pension.	By whom appointed.	Amount of Security.		Hours of Duty.		Where born.	If Foreigners.	
						Now.	Formerly.	From	To		What Nation.	When naturalized.
		£										
125	Turner, Dd.	250	14th Aug., 1855	Nil	His Excellency Sir Chas. Hotham	Nil	Nil	9 a.m.	4 p.m.	Scotland.		
126	Urquhart, W.	800	1st Dec., 1845	"	His Honor the Superintendent	"	"	"	"	"		
127	Vance, Jas.	450	25th July, 1853	"	His Excellency C. J. La Trobe	"	"	"	"	Ireland.		
128	Wright, W. H.	750	...	"	"	"	"	"	"	England.		
129	Watson, Thos.	700	8th Oct., 1850	"	His Honor the Superintendent	"	"	"	"	Ireland.		
130	Weston, Mce.	600	1st Feb., 1853	"	His Excellency C. J. La Trobe	"	"	"	"	Tasmania.		
131	Willmott, J. G. W.	550	20th April, 1854	"	"	"	"	"	"	England.		
132	Webster, Cape	500	23rd Sept., 1853	"	"	"	"	"	"	"		
133	Wrigglesworth, J.	500	18th July, 1855	"	"	"	"	"	"	"		
134	Willis, G.	450	17th Aug., 1853	"	"	"	"	"	"	"		
135	Windsor, G. A.	450	1st March, 1852	"	"	"	"	"	"	"		
136	Wimble, N.	400	25th July, 1853	"	"	"	"	"	"	"		
137	Wacherow, Herman	300	6th Aug., 1855	"	His Excellency Sir Chas. Hotham	"	"	"	"	Germany.		
138	Wordsworth, Hy.	280	1st April, 1857	"	His Excellency Sir H. Barkly	"	"	"	"	England.		
139	Walker, A. C.	200	1st Sept., 1857	"	"	"	"	"	"	"		
140	Yates, C.	200	1st Aug., 1857	"	"	"	"	"	"	"		

CHS. W. LIGAR,
Surveyor-General.

ROADS AND BRIDGES.

No.	NAME.	Annual Salary.	Date of Entry.	Pension.	By whom appointed.	Amount of Security.		Hours of Duty.		Where born.	If Foreigners.	
						Now.	Formerly.	From	To		What Nation.	When naturalized.
		£										
					SECRETARY'S BRANCH.	£	£					
1	Steavenson, John	700	26th July, 1852	Nil	Central Road Board	Nil	Nil	9 a.m.	4 p.m.	Scotland.		
2	Carr, Robert C.	650	18th April, 1853	"	"	2000	2000	"	"	Ireland.		
3	Graham, Philpot C.	350	1st Sept., 1853	"	"	Nil	Nil	"	"	"		
4	Labertouche, Peter P.	350	1st Aug., 1853	"	"	"	"	"	"	"		
5	Mathison, Anthony	400	20th June, 1853	"	"	"	"	"	"	England.		
6	O'Grady, Peter Michael	250	30th March, 1857	"	President of the Board of Land and Works	"	"	"	"	Ireland.		
7	Pulleng, Alfred	140	30th June, 1853	"	Central Road Board	"	"	"	"	England.		

ENGINEERING BRANCH.

1	Higinbotham, Thos. ...	1100	19th Jan., 1858	Nil	President of the Board of Land and Works	Nil	Nil	...	...	Ireland.
2	Crawley, John Wm. ...	740	25th Oct., 1852	"	Central Road Board	2000	2000	...	...	"
3	Farrel, Frederick ...	590	27th Oct., 1857	"	President of the Board of Land and Works	Nil	Nil	...	...	"
4	Gibson, Richd. B. ...	640	1st April, 1854	"	Central Road Board	2000	2000	...	...	"
5	Harrison, A. R. C. ...	640	1st June, 1854	"	"	Nil	Nil	...	...	England.
6	Pennell, George B. ...	640	1st March, 1856	"	"	"	"	...	...	"
7	Perrott, William Z. ...	640	13th June, 1853	"	"	2000	2000	...	...	Ireland.
8	Rowand, Charles ...	840	21st June, 1852	"	"	"	"	...	...	England.
9	Ryley, Francis ...	540	11th Jan., 1853	"	"	"	"	...	...	"
10	Twiner, Edward ...	590	1st June, 1853	"	"	Nil	Nil	...	...	"
11	Wilks, Clement ...	640	1st Dec., 1852	"	"	2000	2000	...	...	"

PUBLIC WORKS DEPARTMENT.

No.	NAME.	Annual Salary.	Date of Entry.	Pension.	By whom appointed.	Amount of Security.		Hours of Duty.		Where born.	If Foreigners.	
						Now.	Formerly.	From	To		What Nation.	When naturalized.
1	Pasley, Charles ...	£ 1200	September, 1853	Nil	Her Majesty the Queen ...	2000	Nil	...	...	Chatham, Kent.		
2	Allen, W. ...	15s. per diem	July, 1856	"	Governor in Council ...	Nil	"	6 a.m.	6 p.m.	Tasmania.		
3	Aunel, Jas. ...	14s. "	September, 1856	"	Commissioner of Public Works...	"	"	"	"	Scotland.		
4	Ashworth, D. ...	10s. "	August, 1857	"	President of Board of Land and Works...	"	"	"	"	England.		
5	Bain, C. ...	10s. "	February, 1857	"	"	"	"	"	"	Scotland.		
6	Balmain, Thos. C. ...	700	August, 1847	"	Sir Charles A. Fitz Roy ...	1000	"	9 a.m.	4 p.m.	London.		
7	Balmain, Jas. ...	450	August, 1846	"	"	Nil	"	"	"	"		
8	Baldwin, Hy. ...	300	September, 1857	"	Governor in Council ...	"	"	"	"	Bandon.		
9	Barrett, Chas. ...	400	March, 1856	"	"	"	"	"	"	Dublin.		
10	Birnie, George ...	500	April, 1856	"	"	"	"	"	"	London.		
11	Bremner, F. ...	9s. per diem	December, 1857	"	President of the Board of Land and Works	"	"	6 a.m.	6 p.m.	England.		
12	Britten, J. ...	10s. "	February, 1857	"	Governor in Council ...	"	"	"	"	Gloucestershire.		
13	Brown, E. R. ...	400	January, 1854	"	Lieut.-Governor C. J. La Trobe	"	"	9 a.m.	4 p.m.	London.		
14	Brotherton, H. ...	"	April, 1853	"	"	"	"	"	"	Lancashire.		
15	Buck, A. ...	25s. per diem	August, 1854	"	"	"	"	6 a.m.	6 p.m.	Cork.		
16	Buchanan, D. ...	10s. "	September, 1856	"	Commissioner of Public Works...	"	"	"	"	Scotland.		
17	Budge, John ...	300	December, 1853	"	"	"	"	"	"	"		
18	Campbell, A. ...	9s. per diem	April, 1856	"	"	"	"	"	"	"		
19	Caithness, D. ...	9s. "	January, 1856	"	"	"	"	"	"	"		

77

2177

PUBLIC WORKS DEPARTMENT—continued.

No.	NAME.	Annual Salary.	Date of Entry.	Pension.	By whom appointed.	Amount of Security.		Hours of Duty		Where born.	If Foreigners.	
						Now.	Formerly.	From	To		What Natlon.	When naturalized.
20	Carrol, J. ...	£ 9s. per diem	August, 1856	Nil	Commissioner of Public Works ...	Nil	Nil	6 a.m.	6 p.m.	Ireland.		
21	Clarke, J. J. ...	...	...	"	Lieutenant-Governor C. J. La Trobe	"	"	...	...	England.		
22	Crook, T. ...	9s. per diem	December, 1856	"	Commissioner of Public Works ...	"	"	6 a.m.	6 p.m.	"		
23	Davidson, W. E. ...	450	January, 1850	"	Lieutenant-Governor C. J. La Trobe ...	"	"	9 a.m.	4 p.m.	Inverness.		
24	Davey, E. ...	15s. per diem	December, 1857	"	Governor in Council ...	"	"	6 a.m.	6 p.m.	England.		
25	Davies, J. ...	9s. "	December, 1856	"	Commissioner of Public Works...	"	"	"	"	Malta.		
26	Davies, E. ...	"	"	"	"	"	"	"	"	England.		
27	Eades, W. G. ...	350	September, 1852	"	Lieutenant-Governor, C. J. La Trobe ...	"	"	9 a.m.	4 p.m.	Dublin.		
28	Eaton, T. A. ...	312	November, 1852	"	"	"	"	7 a.m.	5 p.m.	Ireland.		
29	Ellerker, W. H. ...	250	July, 1857	"	Governor in Council ...	"	"	9 a.m.	4 p.m.	Birmingham.		
30	Farrell, Patk. ...	8s. per diem	April, 1857	"	President of the Board of Land and Works	"	"	on the premises		Roscommon.		
31	Findley, John ...	300	January, 1853	"	Commissioner of Public Works ...	"	"	6 a.m.	6 p.m.	Scotland.		
32	Foulds, J. ...	9s. per diem	September, 1853	"	Lieutenant-Governor C. J. La Trobe ...	"	"	"	"	England.		
33	Furlong, G. H. ...	300	March, 1853	"	"	"	"	9 a.m.	4 p.m.	Harwich.		
34	Furnival, J. ...	500	February, 1853	"	"	500	"	"	"	England.		
35	Galt, Alex. ...	600	"	"	"	1000	"	"	"	Clackmanan.		
36	Graham, L. ...	12s. per diem	December, 1856	"	Commissioner of Public Works ...	Nil	"	6 a.m.	6 p.m.	Scotland.		
37	Grant, J. ...	9s. "	January, 1855	"	"	"	"	"	"	England.		
38	Harding, E. W. ...	475	August, 1853	"	Lieutenant-Governor C. J. La Trobe ...	"	"	9 a.m.	4 p.m.	Cambridgeshire.		
39	Harris, T. L. ...	500	November, 1856	"	Governor in Council ...	"	"	"	"	Essex.		
40	Harbottle, J. ...	125	January, 1856	"	"	"	"	7 a.m.	5 p.m.	Yorkshire.		
41	Hislop, John P. ...	300	January, 1852	"	Lieutenant-Governor C. J. La Trobe ...	"	"	6 a.m.	6 p.m.	Scotland.		
42	Hynes, T. W. ...	"	April, 1857	"	Governor in Council ...	"	"	9 a.m.	4 p.m.	Dublin.		
43	Hubbard, S. ...	9s. per diem	June, 1857	"	President of the Board of Land and Works	"	"	6 a.m.	6 p.m.	Scotland.		
44	Jamieson, Robt. ...	450	April, 1853	"	Lieutenant-Governor C. J. La Trobe ...	"	"	9 a.m.	4 p.m.	Renfrewshire		
45	Jones, W....	75	June, 1856	"	Governor in Council ...	"	"	8½ a.m.	4½ p.m.	London.		
46	Joachimi, G. ...	300	September, 1857	"	"	"	"	9 a.m.	4 p.m.	Germany.		
47	Jordan, R. ...	9s. per diem	January, 1856	"	Commissioner of Public Works ...	"	"	6 a.m.	6 p.m.	England.		
48	Kaweran, F. F. ...	620	May, 1856	"	Governor in Council ...	"	"	9 a.m.	4 p.m.	Bunzlau	Germany.	
49	Keefe, J. ...	9s. per diem	December, 1856	"	Commissioner of Public Works ...	"	"	6 a.m.	6 p.m.	Ireland.		
50	Kelley, R. S. ...	300	August, 1855	"	Governor in Council ...	"	"	9 a.m.	4 p.m.	Hythe.		
51	King, Nathl. ...	14s. per diem	August, 1854	"	Commissioner of Public Works ...	"	"	6 a.m.	6 p.m.	England.		
52	Kirkland, Geo. ...	150	February, 1854	"	Lieutenant-Governor C. J. La Trobe ...	"	"	"	"	Armagh.		
53	Knight, J. G. ...	1200	November, 1855	"	Governor in Council ...	"	"	9 a.m.	4 p.m.	England.		
54	Lane, Thos. ...	10s. per diem	December, 1853	"	"	"	"	7 a.m.	5 p.m.	Cornwall.		
55	Lennox, D. ...	"	March, 1856	"	"	"	"	"	"	Forfarshire.		
56	Lister, J. H. ...	450	April, 1852	"	Lieutenant-Governor C. J. La Trobe ...	"	"	9 a.m.	4 p.m.	Yorkshire.		
57	Lulman, Augt. ...	"	November, 1852	"	"	"	"	"	"	Norfolk.		
58	Maplestone, C. ...	"	June, 1853	"	"	"	"	"	"	Suffolk.		
59	McCormick, R. ...	9s. per diem	April, 1857	"	President of the Board of Land and Works	"	"	6 a.m.	6 p.m.	Scotland.		

60	McLean, D.	...	12s. per diem	January, 1853	Nil	Lieutenant-Governor C. J. La Trobe ...	Nil	Nil	6 a.m.	6 p.m.	Scotland.
61	Merrett, S. H.	...	500	February, 1856	"	Governor in Council ...	"	"	9 a.m.	4 p.m.	London.
62	Miller, L.	...	9s. per diem	November, 1857	"	President of the Board of Land and Works	"	"	6 a.m.	6 p.m.	Scotland.
63	Moseley, Henry	...	300	"	"	"	"	"	9 a.m.	4 p.m.	Wales.
64	Moses, J.	...	9s. per diem	April, 1856	"	Commissioner of Public Works ...	"	"	6 a.m.	6 p.m.	England.
65	Moore, J.	...	"	December, 1856	"	"	"	"	"	"	Scotland.
66	Paton, John	...	200	June, 1856	"	Governor in Council ...	"	"	9 a.m.	4 p.m.	"
67	Parker, G.	...	9s. per diem	December, 1856	"	Commissioner of Public Works ...	"	"	6 a.m.	6 p.m.	England.
68	Patterson, G.	...	12s. "	October, 1857	"	"	"	"	"	"	"
69	Phegan, Andrew...	...	15s. "	December, 1857	"	Governor in Council ...	"	"	"	"	Ireland.
70	Price, A.	...	9s. "	February, 1857	"	President of the Board of Land and Works	"	"	"	"	Scotland.
71	Rankin, J.	...	12s. "	April, 1856	"	"	"	"	"	"	"
72	Rogers, F.	...	9s. "	July, 1856	"	Commissioner of Public Works ...	"	"	"	"	At Sea.
73	Ross, C. G.	...	300	September, 1857	"	Governor in Council ...	"	"	9 a.m.	4 p.m.	Aberdeenshire.
74	Scurry, Frederick	...	"	April, 1853	"	Lieutenant-Governor C. J. La Trobe ...	"	"	"	"	London.
75	Scurry, A.	...	675	September, 1853	"	"	"	"	"	"	"
76	Scott, William	...	14s. per diem	December, 1856	"	Commissioner of Public Works ...	"	"	6 a.m.	6 p.m.	Scotland.
77	Sims, George	...	300	January, 1853	"	Lieutenant Governor C. J. La Trobe ...	"	"	9 a.m.	4 p.m.	Canterbury, Kent.
78	Sims, G. W.	...	120	April, 1856	"	Governor in Council ...	"	"	"	"	London.
79	Simpson, J. L.	...	400	May, 1857	"	President of the Board of Land and Works	"	"	6 a.m.	6 p.m.	England.
80	Slater, G.	...	9s. per diem	December, 1856	"	Commissioner of Public Works...	"	"	"	"	Scotland.
81	Snow, A. T.	...	450	February, 1856	"	Governor in Council ...	"	"	9 a.m.	4 p.m.	England.
82	Steel, W. H.	...	300	August, 1857	"	"	"	"	"	"	Glasgow.
83	Stewart, G.	...	9s. per diem	December, 1856	"	Commissioner of Public Works...	"	"	6 a.m.	6 p.m.	Scotland.
84	Stokes, Wm.	...	450	January, 1853	"	Lieutenant Governor C. J. La Trobe ...	"	"	9 a.m.	4 p.m.	Kent.
85	Stone, R.	...	9s. per diem	November, 1854	"	Commissioner of Public Works ...	"	"	6 a.m.	6 p.m.	England.
86	Swanston, B.	...	9s. "	February, 1856	"	"	"	"	"	"	Scotland.
87	Thompson, F.	...	15s. "	May, 1856	"	Governor in Council ...	"	"	"	"	London.
88	Tredwin, C.	...	9s. "	June, 1857	"	President of the Board of Land and Works	"	"	"	"	England.
89	Turner, Alfred	...	400	October, 1857	"	"	"	"	"	"	"
90	Usher, Jas. Wm.	...	300	January, 1853	"	Commissioner of Public Works...	"	"	"	"	"
91	Vickers, C.	...	350	May, 1856	"	Governor in Council ...	"	"	9 a.m.	4 p.m.	London.
92	Vivian, G. W.	...	675	November, 1852	"	Lieutenant-Governor C. J. La Trobe ...	"	"	"	"	England.
93	Wall, James	...	£150 13s.	November, 1857	"	President of the Board of Land and Works	"	"	"	"	Cloyne.
94	Wales, E. S.	...	15s. per diem	April, 1856	"	Governor in Council ...	"	"	7 a.m.	5 p.m.	London.
95	Walker, D.	...	400	June, 1854	"	Commissioner of Public Works...	"	"	6 a.m.	6 p.m.	Scotland.
96	Walker, James	...	400	October, 1854	"	"	"	"	"	"	"
97	Warden, John	...	14s. per diem	November, 1853	"	"	"	"	"	"	"
98	Webster, D.	...	15s. 6d. "	May, 1854	"	"	"	"	"	"	"
99	White, S.	...	300	July, 1857	"	Governor in Council ...	"	"	9 a.m.	4 p.m.	Durham.
100	White, A.	...	250	September, 1857	"	"	"	"	"	"	Scotland.
101	Williams, H. A.	...	400	August, 1857	"	"	"	"	"	"	Henley.
102	Woods, J. B.	...	650	January, 1853	"	Lieutenant Governor C. J. La Trobe ...	"	"	"	"	Dublin.

(Signed) C. PASLEY.

2197

DEPARTMENTS UNDER THE HONORABLE THE COMMISSIONER OF TRADE AND CUSTOMS.

CUSTOMS.

No.	NAME.	Annual Salary.	Date of Entry.	Pension.	By whom appointed.	Amount of Security.		Hours of Duty.		Where born.	If Foreigners.	
						Now.	Formerly.	From	To		What Nation.	When naturalized.
COMMISSIONER'S OFFICE.												
1	Tyler, J. C.	£ 700	1st July, 1853	Nil	His Excellency C. J. La Trobe ...	£ 300	£ 300	9 a.m.	4 p.m.	England.		
2	Baker, John	£150 and quarters	Dec., 1853	"	" "	Nil	Nil	resident on the premises		Ireland.		
3	Dunn, R. C.	600	11th Oct., 1848	"	" "	500	250	9 a.m.	4 p.m.	Scotland.		
4	Greville, C.	400	14th March, 1853	"	" "	300	300	"	"	"		
5	Gunn, A.	300	1st July, 1853	"	" "	300	200	"	"	"		
6	Jones, F. J.	325	1st May, 1854	"	" "	Nil	Nil	"	"	Ireland.		
7	Lepastrier, H. J.	350	7th March, 1852	"	" "	"	"	"	"	England.		
8	Payne, C. B.	450	March, 1854	"	" "	"	"	continuous		"		
9	Rennie, S. S.	500	1st April, 1853	"	" "	300	300	9 a.m.	4 p.m.	"		
10	Shillinglaw, J. J.	500	1st Nov. 1852	"	" "	500	Nil	"	"	"		
11	Spain, H. W.	700	1st Feb. 1852	"	" "	1000	500	"	"	"		
12	Trapp, H. S.	300	1st Jan., 1853	"	" "	200	200	"	"	"		
13	Wilson, Alexr.	400	1st Dec., 1857	"	His Excellency Sir Henry Barkly...	Nil	Nil	continuous		Scotland.		
PORT OF MELBOURNE.												
1	Dryburgh, Thomas	1000	* 1st Nov., 1853	Nil	His Excellency C. J. La Trobe ...	2000	2000	9 a.m.	4 p.m.	Scotland.		
2	Alexander, T. B.	450	23rd Sept., 1847	"	" "	500	500	summer—8 a.m. to 4 p.m.; winter—9 a.m. to 4 p.m.		England.		
3	Amos, W.	275	Oct., 1851	"	" "	200	200	"	"	England.		
4	Anderson, J. J.	450	1st July, 1853	"	" "	500	500	"	"	Scotland.		
5	Baeyertz, Charles... ..	700	† June, 1850	"	Lords of H. M. Treasury	1000	1000	9 a.m.	4 p.m.	England.		
6	Ballingall, J.	325	1st Nov., 1852	"	His Excellency C. J. La Trobe ...	500	300	"	"	Scotland.		
7	Baldwin, W.	275	Sept., 1852	"	" "	200	200	summer—8 a.m. to 4 p.m.; winter—9 a.m. to 4 p.m.		England.		
8	Bayley, T. T.	275	3rd Oct., 1851	"	" "	200	200	"	"	England.		
9	Bone, Adam	325	1st July, 1853	"	" "	500	300	9 a.m.	4 p.m.	Scotland.		

10	Brain, E. F.	...	250	5th Oct., 1852	Nil	His Excellency C. J. La Trobe	...	200	200	summer, 8 a.m. to 4 p.m.; winter, 9 a.m. to 4 p.m.	England.
11	Brock, W.	...	225	2nd Nov., 1853	"	"	...	"	"	"	Scotland.
12	Brooks, Yates	...	50	March, 1857	"	Hon. J. McCulloch	...	Nil	Nil	8 a.m. to 5.50 p.m.	England.
13	Cumberland, P. B.	...	400	1st Jan., 1854	"	His Excellency C. J. La Trobe	...	500	500	summer, 8 a.m. to 4 p.m.; winter, 9 a.m. to 4 p.m.	Nova Scotia.
14	Daniell, J.	...	250	15th Aug., 1853	"	"	...	200	200	"	Wales.
15	Davies, E.	...	300	1st Sept., 1853	"	"	...	500	300	9 a.m. | 4 p.m.	England.
16	Davies, J.	...	275	May, 1852	"	"	...	200	200	summer, 8 a.m. to 4 p.m.; winter, 9 a.m. to 4 p.m.	Wales.
17	Dewey, C.	...	225	14th Dec., 1853	"	"	...	"	"	"	Prussia
18	Dewar, A. S.	...	250	1st July, 1853	"	"	...	"	"	"	Scotland.
19	Doolan, P.	...	200	1st Mar., 1854	"	"	...	"	"	"	Ireland.
20	Down, Richard	...	850	† 3rd May, 1853	"	Lords of Her Majesty's Treasury	...	1000	1000	9 a.m. | 4 p.m.	England.
21	Down, Octavius	...	400	1st Jan., 1854	"	His Excellency C. J. La Trobe	...	300	300	"	"
22	Downing, S.	...	375	"	"	"	...	"	"	"	"
23	Ellis, George	...	250	1st June, 1853	"	"	...	200	200	"	"
24	Emery, W.	...	250	10th Nov., 1852	"	"	...	"	"	summer, 8 a.m. to 4 p.m.; winter, 9 a.m. to 4 p.m.	"
25	Ewing, S.	...	200	1st May, 1854	"	"	...	"	"	"	Ireland.
26	Farquhar, D. R.	...	650	12th Mar., 1845	"	"	...	500	500	"	Scotland.
27	Fraser, S. L.	...	250	1st Jan., 1854	"	"	...	Nil	Nil	9 a.m. | 4 p.m.	Ireland.
28	Gair, James	...	350	19th March, 1853	"	"	...	500	300	"	Scotland.
29	Gedge, W. E.	...	400	1st Jan., 1854	"	"	...	"	500	summer, 8 a.m. to 4 p.m.; winter, 9 a.m. to 4 p.m.	England.
30	Giles, W.	...	325	1st July, 1853	"	"	...	"	300	9 a.m. | 4 p.m.	"
31	Gilfillan, J. A.	...	350	17th May, 1852	"	"	...	"	500	"	Jersey.
32	Gosset, D. W.	...	600	6th Jan., 1852	"	"	...	"	"	summer, 8 a.m. to 4 p.m.; winter, 9 a.m. to 4 p.m.	England.
33	Grigg, R. N.	...	375	1st May, 1854	"	"	...	300	300	9 a.m. | 4 p.m.	"
34	Gunning, C. E.	...	375	1st Jan., 1854	"	"	...	"	"	"	"
35	Guthrie, H. M.	...	750	§ 19th Mar., 1849	"	Lords of Her Majesty's Treasury	...	1000	1000	summer, 8 a.m. to 4 p.m.; winter, 9 a.m. to 4 p.m.	Scotland.
36	Hammond, H. J.	...	400	29th July, 1854	"	His Excellency Sir C. Hotham	...	300	300	9 a.m. | 4 p.m.	England.
37	Hemming, R.	...	300	March, 1854	"	His Excellency C. J. La Trobe	...	"	"	"	"
38	Hobbs, Jas.	...	350	January, 1854	"	"	...	500	500	"	"
39	Howden, F. W.	...	600	1st Jan., 1853	"	"	...	"	"	"	Scotland.
40	Hubbard, Hy.	...	350	1st Jan., 1854	"	"	...	"	"	summer, 8 a.m. to 4 p.m.; winter, 9 a.m. to 4 p.m.	England.
41	Judd, Thomas	...	300	19th May, 1852	"	"	...	"	"	9 a.m. | 4 p.m.	"

* Customs, Tasmania, April, 1837.

† Customs, Tobago, 1846.

‡ Landing Waiter at Liverpool, 23rd June, 1845.

§ Appointed at Sydney, December, 1848.

251

252252

CUSTOMS—continued.

No.	NAME.	Annual Salary.	Date of Entry.	Pension.	By whom appointed.	Amount of Security.		Hours of Duty.		Where born.	If Foreigners.	
						Now.	Formerly.	From	To		What Nation.	When naturalized.
42	Kelly, P	£ 250	November, 1852	Nil	His Excellency C. J. La Trobe ...	£ 200	£ 200	summer, 8 a.m. to 4 p.m.; winter, 9 a.m. to 4 p.m.		Ireland.		
43	Letherby, J.	275	1st July, 1853	"	" " "	500	500	"		Wales.		
44	Macfarlane, James	600	18th Nov., 1850	"	" " "	"	"	"		Scotland.		
45	Macpherson, F. A.	550	February, 1853	"	" " "	"	"	"		West Indies.		
46	Mackenzie, A. K.	200	20th Sept., 1853	"	" " "	200	200	"		Demerara.		
47	McAlpin, A.	300	1st May, 1854	"	" " "	300	300	9 a.m. | 4 p.m.		Scotland.		
48	McHugh, J.	250	July, 1853	"	" " "	200	200	summer, 8 a.m. to 4 p.m.; winter, 9 a.m. to 4 p.m.		Ireland.		
49	McNee, J.	225	19th Nov., 1850	"	" " "	"	"	"		Scotland.		
50	McDonnell, R. W.	200	6th April, 1854	"	" " "	"	"	"		Ireland.		
51	Morice, W. W.	500	14th May, 1853	"	" " "	300	300	9 a.m. | 4 p.m.		England.		
52	Mortimer, J. T.	350	1st Jan., 1852	"	" " "	500	"	"		Scotland.		
53	Moriarty, P.	225	1st Jan., 1854	"	" " "	200	200	summer, 8 a.m. to 4 p.m.; winter, 9 a.m. to 4 p.m.		Ireland.		
54	Munro, Donald	600	8th Oct., 1849	"	" " "	1000	1000	9 a.m. | 4 p.m.		Scotland.		
55	Oxenbould, F. W.	350	1st Jan., 1854	"	" " "	300	300	"		England.		
56	Page, J.	75	June, 1856	"	Hon. H. C. E. Childers ...	Nil	Nil	9 a.m. | 5 p.m.		"		
57	Powell, C.	275	January, 1853	"	His Excellency C. J. La Trobe ...	500	"	summer, 8 a.m. to 4 p.m.; winter, 9 a.m. to 4 p.m.		"		
58	Richardson, A.	325	1st Aug., 1852	"	" " "	"	300	9 a.m. | 4 p.m.		Scotland.		
59	Ross, J.	225	12th Aug., 1853	"	" " "	200	200	summer, 8 a.m. to 4 p.m.; winter, 9 a.m. to 4 p.m.		England.		
60	Saddler, J.	200	7th April, 1854	"	" " "	"	"	"		"		
61	Shaw, Joseph	425	April, 1854	"	" " "	500	500	"		"		
62	Smith, John	300	1st Jan., 1853	"	" " "	"	300	9 a.m. | 4 p.m.		Scotland.		
63	Sparrow, W. C.	350	21st June, 1842	"	Lords of the Treasury ...	"	"	"		Ireland.		
64	Sprent, J. S.	600	1st Jan., 1853	"	His Excellency C. J. La Trobe ...	"	500	summer, 8 a.m. to 4 p.m.; winter, 9 a.m. to 4 p.m.		England.		
65	Stephen, E.	450	1st Jan., 1854	"	" " "	300	300	9 a.m. | 4 p.m.		"		
66	Summers, Robert	£200 and quarters	30th Aug., 1853	"	" " "	500	500	Resident on the premises		"		
67	Summers, J.	275	December, 1853	"	" " "	200	200	summer, 8 a.m. to 4 p.m.; winter, 9 a.m. to 4 p.m.		"		

68	Sutherland, D.	...	550	12th April, 1852	"	"	"	"	"	9 a.m. | 4 p.m.	Scotland.
69	Sutherland, G.	...	225	1st Jan., 1854	"	"	"	"	"	summer, 8 a.m. to 4 p.m.; winter, 9 a.m. to 4 p.m.	"
70	Swanson, T.	...	200	1st March, 1854	"	"	"	Hon. H. C. E. Childers	"	"	"
71	Webber, B. L.	...	200	7th April, 1854	"	"	"	200	200	"	England.
72	Wilson, J. L.	...	450	1st Jan., 1854	"	"	"	500	500	"	"
73	Willis, F.	...	325	10th Nov., 1852	"	"	"	"	300	9 a.m. | 4 p.m.	"
74	Wilkinson, G. B.	...	425	1st June, 1854	"	"	"	"	500	summer, 8 a.m. to 4 p.m.; winter, 9 a.m. to 4 p.m.	"
75	Wilson, G. F. A.	...	250	1st June, 1853	"	"	"	200	200	"	Scotland.
76	Wright, Walter	...	£350 and quarters	1st May, 1854	"	"	"	500	500	constantly	England.

WILLIAMSTOWN.

1	*McKay, Robt.	...	£600 and quarters	22nd June, 1850	Nil	His Honor C. J. La Trobe	...	500	500	8 a.m. | 4 p.m.	Scotland.
2	Anderson, J. J.	...	250	31st May, 1853	"	His Excellency C. J. La Trobe	...	200	200	summer, 8 a.m. to 4 p.m.; winter, 9 a.m. to 4 p.m.	"
3	Battersby, J.	...	146	1st Feb., 1855	"	Tide Inspector	...	Nil	Nil	summer, 7 a.m. to 5 p.m.; winter, 8 a.m. to 5 p.m.	England.
4	Branford, A. G.	...	400	February, 1851	"	His Excellency C. J. La Trobe	...	500	300	summer, 8 a.m. to 4 p.m.; winter, 9 a.m. to 4 p.m.	"
5	Brewster, G. F.	...	250	31st May, 1853	"	"	...	200	200	"	"
6	Clark, T. L.	...	£182 10s.	1st March, 1853	"	Tide Inspector	...	Nil	Nil	summer, 7 a.m. to 5 p.m.; winter, 8 a.m. to 5 p.m.	"
7	Corcoran, J.	...	146	20th Oct., 1855	"	"	...	"	"	"	Ireland.
8	Crawford, G.	...	"	24th July, 1857	"	"	...	"	"	"	Scotland.
9	Davis, J.	...	£182 10s.	1st June, 1852	"	Collector	...	"	"	"	Wales.
10	Dunn, J.	...	146	1st March, 1854	"	Tide Inspector	...	"	"	"	England.
11	Edmunds, T.	...	"	2nd March, 1857	"	Collector	...	"	"	"	Wales.
12	Freeth, T.	...	£182 10s.	1st June, 1853	"	Tide Inspector	...	"	"	"	England.
13	Goodsir, D. J.	...	375	17th March, 1852	"	His Excellency C. J. La Trobe	...	500	300	summer, 8 a.m. to 4 p.m.; winter, 9 a.m. to 4 p.m.	N. S. Wales.
14	Harrison, H. C. A.	...	225	1st June, 1853	"	"	...	200	200	"	"
15	Hughes, E....	...	146	1st March, 1855	"	Tide Inspector	...	Nil	Nil	summer, 7 a.m. to 5 p.m.; winter, 8 a.m. to 5 p.m.	England.
16	Hutchinson, W.	...	"	1st Feb., 1856	"	Collector	...	"	"	"	Scotland.
17	Jacobson, J.	...	"	14th Sep., 1857	"	Tide Inspector	...	"	"	"	Norway
18	Johnson, F.	...	"	1st May, 1854	"	"	...	"	"	"	Denmark
19	Joyce, E.	...	"	1st Sep., 1853	"	"	...	"	"	"	Ireland.
20	Keays, J. R.	...	250	27th May, 1853	"	His Excellency C. J. La Trobe	...	200	200	summer, 8 a.m. to 4 p.m.; winter, 9 a.m. to 4 p.m.	England.

* Since deceased. Formerly in Customs, Tasmania.

253

CUSTOMS—continued.

No.	NAME.	Annual Salary.	Date of Entry.	Pension.	By whom appointed.	Amount of Security.		Hours of Duty.		Where born.	If Foreigners.	
						Now.	Formerly.	From	To		What Nation.	When naturalized.
21	Kean, G.	£ 146	3rd Jan., 1854	Nil	Tide Inspector	£ Nil	£ Nil	summer, 7 a.m. to 5 p.m.; winter, 8 a.m. to 5 p.m.		Scotland.		
22	Mackenzie, M. J. S. ...	350	December, 1852	„	His Excellency C. J. La Trobe ...	500	300	summer, 8 a.m. to 4 p.m.; winter, 9 a.m. to 4 p.m.		„		
23	Mackenzie, H. M. ...	275	16th Dec., 1852	„	„	200	200	„		„		
24	Martin, W.	146	1st Nov., 1853	„	Tide Inspector	Nil	Nil	summer, 7 a.m. to 5 p.m.; winter, 8 a.m. to 5 p.m.		England.		
25	McNiven, Jas.	350	1st June, 1853	„	His Excellency C. J. La Trobe ...	300	300	summer, 7·15 a.m. to 5·15 p.m.; winter, 8·15 a.m. to 5·15 p.m.		Scotland.		
26	McLean, D.	146	1st Jan., 1854	„	Tide Inspector	Nil	Nil	summer, 7 a.m. to 5 p.m.; winter, 8 a.m. to 5 p.m.		„		
27	Mowat, T.	„	2nd March, 1857	„	Collector	„	„	„		„		
28	Parlane, J.	„	2nd Feb., 1857	„	„	„	„	„		„		
29	Radcliffe, J.	„	1st May, 1856	„	„	„	„	„		England.		
30	Roch, Thos.	375	August, 1852	„	His Excellency C. J. La Trobe ...	500	300	summer, 8 a.m. to 4 p.m.; winter, 9 a.m. to 4 p.m.		Wales.		
31	Rose, Alexander	350	1st Nov., 1852	„	„	„	„	„		Nova Scotia.		
32	Rosie, T.	146	12th Nov., 1855	„	Tide Inspector	Nil	Nil	summer, 7 a.m. to 5 p.m.; winter, 8 a.m. to 5 p.m.		Scotland.		
33	Smith, J.	„	1st May, 1857	„	„	„	„	„		England.		
34	Thomson, W.	„	1st Aug., 1853	„	„	„	„	„		Norway	Norwegian	Not naturalized.
35	White, Jas.	275	1st Jan., 1853	„	His Excellency C. J. La Trobe ...	200	200	summer, 8 a.m. to 4 p.m.; winter, 9 a.m. to 4 p.m.		Scotland.		
36	Willock, W. H.	„	1st June, 1853	„	„	„	„	„		England.		
37	Williams, F.	£182 10s.	1st Jan., 1854	„	Tide Inspector	Nil	Nil	summer, 7 a.m. to 5 p.m.; winter, 8 a.m. to 5 p.m.		„		
38	Wilhelm, D.	„	2nd October, 1852	„	„	„	„	„		Bremen	Germany	Sept., 1845.
39	Wooldridge, J.	146	1st March, 1854	„	„	„	„	„		England.		

PORT OF GEELONG.

1	Guthrie, John	...	1000	Nov., 1848	Nil	Lords of Her Majesty's Treasury ...	1000	1000	9 a.m. | 4 p.m.	Scotland.
2	Anderson, G.	...	225	18th May, 1854	"	His Excellency C. J. La Trobe ...	200	200	summer, 8 a.m. to 4 p.m.; winter, 9 a.m. to 4 p.m.	"
3	Birch, H.	...	£187 10s.	4th Jan., 1853	"	Collector ...	Nil	Nil	"	England.
4	Dalrymple, W.	...	225	1st Jan., 1854	"	His Excellency C. J. La Trobe ...	200	200	"	"
5	Docherty, J.	...	250	14th Oct., 1852	"	"	100	100	"	Scotland.
6	Emery, W. K.	...	225	1st Sept., 1853	"	"	200	200	"	Tasmania.
7	Fielder, T.	...	"	14th Sept., 1853	"	"	"	"	"	England.
8	Foulkes, G.	...	£140 and quarters	1st Oct., 1853	"	Collector ...	Nil	Nil	"	"
9	Fraser, G.	...	146	4th Jan., 1853	"	"	"	"	"	Scotland.
10	Gates, J.	...	700	6th Oct., 1848	"	His Excellency C. J. La Trobe ...	500	500	"	England.
11	Gordon, M. F.	...	500	1st July, 1853	"	"	"	"	"	Canada.
12	Hutchinson, A. M.	...	525	15th Apr., 1852	"	"	250	250	9 a.m. | 4 p.m.	Arabia.
13	Hurring, J.	...	146	8th Apr., 1854	"	Collector ...	Nil	Nil	summer, 8 a.m. to 4 p.m.; winter, 9 a.m. to 4 p.m.	England.
14	Jaffray, W. R.	...	400	17th Dec., 1852	"	His Excellency C. J. La Trobe ...	500	500	"	Scotland.
15	Johnson, J. H.	...	200	1st Jan., 1854	"	"	200	200	"	Germany
16	Jones, J.	...	225	23rd Mar., 1854	"	"	"	"	"	England.
17	Kilgour, J.	...	300	1st June, 1853	"	"	250	250	9 a.m. | 4 p.m.	Scotland.
18	Lane, H. B.	...	600	1st July, 1853	"	"	"	"	summer, 8 a.m. to 4 p.m.; winter, 9 a.m. to 4 p.m.	England.
19	Logan, J.	...	146	1st May, 1854	"	Collector ...	Nil	Nil	"	"
20	McLeod, C.	...	300	5th Jan., 1854	"	His Excellency C. J. La Trobe ...	250	250	9 a.m. | 4 p.m.	Scotland.
21	Musgrove, A. W.	...	600	1st Jan., 1852	"	"	500	500	"	England.
22	Shade, A.	...	146	4th Jan., 1853	"	Collector ...	Nil	Nil	summer, 8 a.m. to 4 p.m.; winter, 9 a.m. to 4 p.m.	Scotland.
23	Stamp, E. S.	...	500	26th Apr., 1852	"	His Excellency C. J. La Trobe ...	250	250	9 a.m. | 4 p.m.	England.
24	Stafford, C. S.	...	400	22nd Mar., 1852	"	"	"	"	"	N. S. Wales.
25	Treacy, R. M.	...	350	1st July, 1853	"	"	"	"	"	Ireland.
26	Waugh, R.	...	146	16th Mar., 1853	"	Collector ...	Nil	Nil	summer, 8 a.m. to 4 p.m.; winter, 9 a.m. to 4 p.m.	"

POINT HENRY.

1	Marryatt, W.	...	£225 and quarters	Nov., 1852	"	His Excellency C. J. La Trobe ...	200	250	8 a.m. 4 p.m.	England.
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QUEENSLIFF.

1	Brown, H. E.	...	450	15th Dec., 1846	"	His Excellency C. J. La Trobe ...	400	400	From sunrise to sunset; also Sundays, and during the night when required	England.
2	Baillien, Jas.	...	146	1st Mar., 1855	"	Collector ...	Nil	Nil		Wales.
3	Clark, Jas.	...	146	"	"	"	"	"		England.
4	Macdonald, J.	...	146	1st Jan., 1856	"	"	"	"		Scotland.
5	Nelsen, Henry	...	146	1st Mar., 1855	"	"	"	"		Denmark
6	Salt, W. H.	...	182 10s.	"	"	"	"	"		England.
7	Walpole, J. J.	...	146	1st Jan., 1854	"	"	"	"		Ireland.

German Not naturalized.

Danish May, 1853.

255

25256

CUSTOMS—continued.

No.	NAME.	Annual Salary.	Date of Entry.	Pension.	By whom appointed.	Amount of Security.		Hours of Duty.		Where born.	If Foreigners.	
						Now.	Formerly.	From	To		What nation.	When naturalized.
PORT OF PORTLAND.												
		£				£	£					
1	Moore, W. A.	600	1st Jan., 1844	Nil	His Excellency Sir Geo. Gipps	500	500	9 a.m.	4 p.m.	England.		
2	Ahill, W. H.	300	1st Jan., 1854	"	His Excellency C. J. La Trobe	"	"	"	"	Antigua.		
3	Brown, John	£182 10s.	18th Sept., 1850	"	Sub-collector	Nil	Nil	summer, 8 a.m. to	"	Scotland.		
								4 p.m.; winter,				
								9 a.m. to 4 p.m.				
4	Burns, Andrew	146	1st Sept., 1852	"	"	"	"	"	"	Zante.		
5	Ross, W. B.	250	23rd Jan., 1854	"	His Excellency C. J. La Trobe	500	"	"	"	Scotland.		
6	Stevens, Willm.	146	1st May, 1855	"	Sub-collector	Nil	"	"	"	England.		
7	Woodruff, John	450	1st Jan., 1854	"	His Excellency C. J. La Trobe	500	500	"	"	"		
PORT OF PORT FAIRY.												
1	Nicholson, Peter	600	7th Dec., 1846	Nil	His Honor C. J. La Trobe	500	500	9 a.m.	4 p.m.	Scotland.		
2	Birmingham, P.	£182 10s.	16th Jan., 1849	"	Coastwaiter	Nil	Nil	6 a.m.	6 p.m.	Ireland.		
3	Burgess, John	300	6th Oct., 1854	"	His Excellency Sir C. Hotham	250	250	9 a.m.	4 p.m.	Scotland.		
4	Edwards, John	146	1st April, 1853	"	Sub-collector	Nil	Nil	6 a.m.	6 p.m.	England.		
5	Phillpin, T. C.	450	1st June, 1848	"	His Excellency C. J. La Trobe	250	250	summer, 8 a.m. to	"	"		
								4 p.m.; winter,				
								9 a.m. to 4 p.m.				
PORT OF WARRNAMBOOL.												
1	Howard, J. B.	600	12th Oct., 1836	Nil	Lords of H.M. Treasury	500	500	9 a.m.	4 p.m.	England.		
2	Fawkner, W.	350	Jan., 1853	"	His Excellency C. J. La Trobe	"	"	summer, 8 a.m. to	"	Ireland.		
								4 p.m.; winter,				
								9 a.m. to 4 p.m.				
3	Ferrier, J.	£182 10s.	Nov., 1854	"	Sub-collector	Nil	Nil	8 a.m.	4 p.m.	Scotland.		
4	McDonnell, G. M.	250	Oct., 1853	"	His Excellency C. J. La Trobe	250	300	9 a.m.	"	Ireland.		
5	Oakley, T.	146	July, 1854	"	Sub-collector	Nil	Nil	8 a.m.	"	England.		
PORT OF PORT ALBERT.												
1	Stevens, P. R.	600	12th Apr., 1852	Nil	His Excellency C. J. La Trobe	1000	1000	9 a.m.	4 p.m.	England.		
2	Anderson, J.	146	1st July, 1857	"	Collector	Nil	Nil	8 a.m.	6 p.m.	Scotland.		
3	Callum, R.	"	7th Apr., 1857	"	"	"	"	"	"	England.		
4	Robinson, S.	"	March, 1855	"	Sub-collector	"	"	"	"	Malta.		
5	Stone, J.	"	April, 1855	"	"	"	"	"	"	Scotland.		
6	Turner, J.	£182 10s.	28th June, 1854	"	"	"	"	"	"	Calcutta.		
7	Williams, J. R.	350	14th Feb., 1854	"	His Excellency C. J. La Trobe	500	500	9 a.m.	4 p.m.	England.		
RIVER MURRAY (BELVOIR).												
1	Hanify, M. J. P.	£400 and qrs.	26th May, 1853	Nil	His Excellency C. J. La Trobe	500	250	8 a.m.	6 p.m.	Ireland.		

PORTS AND HARBORS.

HARBOR MASTER.

No.	NAME.	Annual Salary.	Date of Entry.	Pension.	By whom appointed.	Amount of Security.		Hours of Duty.		Where born.	If Foreigners.	
						Now.	Formerly.	From	To		What Nation.	When naturalized.
HOBSON'S BAY.												
1	Ferguson, Charles ...	£ 1000	1st April, 1851	Nil	His Excellency C. J. La Trobe ...	Nil	Nil	9 a.m.	4 p.m.	Scotland.		
2	Adams, John ...	73	1st May, 1855	"	Chief Harbor Master ...	"	"	summer, 6 a.m. to 6 p.m. ; winter, 7 a.m. to 5 p.m.		England.		
3	Berching, T. ...	255	1st July, 1854	"	" ...	"	"	"	"	Mauritius.		
4	Bowie, Robert ...	400	1st March, 1852	"	His Excellency C. J. La Trobe ...	"	"	"	"	Scotland.		
5	Brownrigg, George ...	146	1st Jan., 1855	"	Chief Harbor Master ...	"	"	sunset	sunrise	England.		
6	Evans, Frederick ...	255	4th Aug., 1857	"	" ...	"	"	summer, 6 a.m. to 6 p.m. ; winter, 7 a.m. to 5 p.m.		"		
7	Farmer, Charles ...	255	4th July, 1857	"	" ...	"	"	"	"	"		
8	Fullarton, R. ...	400	3rd May, 1851	"	His Honor C. J. La Trobe ...	"	"	6 a.m.	6 p.m.	Scotland.		
9	Gilbert, James ...	73	4th May, 1857	"	Chief Harbor Master ...	"	"	summer, 6 a.m. to 6 p.m. ; winter, 7 a.m. to 5 p.m.		Malta.		
10	Hambling, William ...	£182 10s.	1st April, 1855	"	" ...	"	"	"	"	England.		
11	Hill, Thomas ...	146	February, 1854	"	" ...	"	"	"	"	"		
12	Hunter, Joseph ...	255	11th Dec., 1854	"	" ...	"	"	"	"	Scotland.		
13	Jones, John ...	"	1st Aug., 1852	"	" ...	"	"	"	"	England.		
14	Jones, Joseph ...	"	10th Sept., 1857	"	" ...	"	"	7 a.m.	5 p.m.	"		
15	Morwick, George ...	146	November, 1857	"	" ...	"	"	summer, 6 a.m. to 6 p.m. ; winter, 7 a.m. to 5 p.m.		Scotland.		
16	Orr, John ...	"	3rd Dec., 1856	"	" ...	"	"	"	"	England.		
17	Pearson, William ...	"	1st Sept., 1857	"	" ...	"	"	"	"	"		
18	Phillips, William ...	"	December, 1856	"	" ...	"	"	"	"	"		
19	Rees, W. C. ...	325	25th Jan., 1853	"	His Excellency C. J. La Trobe ...	"	"	9 a.m.	4 p.m.	Wales.		
20	Smibert, Alexander ...	255	25th July, 1856	"	Chief Harbor Master ...	"	"	summer, 6 a.m. to 6 p.m. ; winter, 7 a.m. to 5 p.m.		Scotland.		
21	Thomson, John ...	146	January, 1856	"	" ...	"	"	"	"	England.		
22	Warnes, William ...	50	12th Sept., 1857	"	" ...	"	"	9 a.m.	4 p.m.	"		
23	Watt, Alexander ...	£164 5s.	December, 1856	"	" ...	"	"	summer, 6 a.m. to 6 p.m. ; winter, 7 a.m. to 5 p.m.		Scotland.		
24	Withy, Henry A. ...	400	15th April, 1853	"	His Excellency C. J. La Trobe ...	"	"	9 a.m.	4 p.m.	England.		

257

25258

PORTS AND HARBORS—continued.

No.	NAME.	Annual Salary.	Date of Entry.	Pension.	By whom appointed.	Amount of Security.		Hours of Duty.		Where born.	If Foreigners.	
						Now.	Formerly.	From	To		What Nation.	When naturalized.
MELBOURNE.												
1	Campbell, Alexr. ...	£ 600	3rd May, 1851	Nil	His Excellency C. J. La Trobe ...	Nil	Nil	summer, 8 a.m. to 4 p.m.; winter, 9 a.m. to 4 p.m.		Scotland.		
2	Bruce, Hy. A. ...	250	22nd Dec., 1853	"	" " " ...	"	200	9 a.m. | 4 p.m.		"		
3	Campbell, Thos. ...	300	1st Jan., 1854	"	" " " ...	"	Nil	summer, 6 a.m. to 6 p.m.; winter, sunrise to sunset		"		
4	Cragie, Andrew ...	146	23rd Feb., 1856	"	Harbor Master ...	"	"	" "		"		
5	Laidlaw, John ...	"	1st Aug., 1854	"	" " " ...	"	"	" "		"		
GEEELONG.												
1	McPherson, D. J. ...	600	Aug. 1840	Nil	His Honor C. J. La Trobe ...	Nil	Nil	9 a.m. | 4 p.m.		England.		
2	Bews, John ...	£164 5s.	1st July, 1853	"	Harbor Master ...	"	"	summer, 6 a.m. to 6 p.m.; winter, 7 a.m. to 5 p.m.		Scotland.		
3	Brodie, James ...	255	1st Oct., 1856	"	" " " ...	"	"	summer, 6 a.m. to 6 p.m.; winter, 7 a.m. to 5 p.m.		Scotland.		
4	Christie, Robt. ...	250	13th Feb., 1857	"	His Excellency Sir H. Barkly ...	"	"	9 a.m. | 4 p.m.		Ireland.		
5	Matthews, Jas. ...	146	1st Sept., 1854	"	Harbor Master ...	"	"	summer, 6 a.m. to 6 p.m.; winter, 7 a.m. to 5 p.m.		England.		
6	Sinclair, Jas. ...	"	1st April, 1854	"	" " " ...	"	"	"		Scotland.		
7	Walker, Henry ...	"	1st March, 1854	"	" " " ...	"	"	"		England.		
8	Warren, Chas. ...	"	14th Dec., 1853	"	" " " ...	"	"	"		Scotland.		
PORTLAND.												
1	Fawthrop, Jas. ...	400	19th April, 1853	Nil	His Excellency C. J. La Trobe ...	Nil	Nil	Whenever required		Scotland.		
2	Burton, George ...	146	11th Oct., 1853	"	Harbor Master ...	"	"	"		United States	American	14th Sept., 1857.
3	Paterson, Chas. ...	"	1st March, 1856	"	" " " ...	"	"	"		Sweden	Swedish	Not naturalized.
4	Pile, William ...	"	1st May, 1857	"	" " " ...	"	"	"		England.		
5	Rosevear, William ...	£182 10s.	1st Sept., 1853	"	" " " ...	"	"	"		"		
6	Ward, Thos. ...	146	1st Jan., 1854	"	" " " ...	"	"	"		Tasmania.		

PORT FAIRY.

1	Mills, J. B.	400	4th Feb., 1853	Nil	His Excellency C. J. La Trobe	Nil	Nil	Whenever required	Tasmania.		
2	Anderson, George...	£182 10s.	1st Sept., 1857	"	Harbor Master	"	"	"	England.		
3	Farncombe, A.	146	22nd July, 1855	"	"	"	"	"	"		
4	Griffith, John	146	21st March, 1856	"	"	"	"	"	"		
5	Pearson, Thomas ...	146	1st Oct., 1855	"	"	"	"	"	"		
6	Swanston, George...	146	19th Dec., 1854	"	"	"	"	"	"		

PORT ALBERT.

1	Fermaner, D.	400	January, 1851	"	His Excellency C. J. La Trobe	"	"	"	England.		
2	Brown, William ...	146	August, 1854	"	Harbor Master	"	"	"	Scotland.		
3	Connell, William ...	146	September, 1854	"	"	"	"	"	England.		
4	Job, Thomas	146	March, 1857	"	"	"	"	"	"		
5	Luttrell, E.	£182 10s.	July, 1853	"	"	"	"	"	Tasmania.		
6	Penns, William ...	146	May, 1857	"	"	"	"	"	Germany	German	Not natu- ralized.
7	Ritchie, William ...	146	July, 1856	"	"	"	"	"	Scotland.		
8	Thomas, John ...	146	August, 1853	"	"	"	"	"	Wales.		

WARRNAMBOOL.

1	Walkin, C. G.	400	1st Jan., 1858	"	His Excellency Sir Henry Barkly...	"	"	"	England.		
2	Cerey, John	146	"	"	Harbor Master	"	"	"	Ireland.		
3	Davis, John	146	"	"	"	"	"	"	Wales.		

EMPIRE BUOY BOAT.

1	Nicholson, W.	350	1st March, 1848	"	His Honor C. J. La Trobe ...	"	"	"	England.		
2	Anderson, J.	146	1st Jan., 1857	"	Master of <i>Empire</i> ...	"	"	"	Denmark	Danish	Not natu- ralized
3	Atkins, John	219	1st Jan., 1856	"	"	"	"	"	England.		
4	Brown, Archibald...	146	1st Jan., 1857	"	"	"	"	"	Scotland.		
5	Harris, H.	146	"	"	"	"	"	"	England.		
6	King, Charles ...	73	1st Jan., 1858	"	"	"	"	"	"		
7	McKenzie, S.	146	1st Jan., 1857	"	"	"	"	"	Scotland.		
8	Reed, James ...	146	"	"	"	"	"	"	"		
9	Roberts, William ...	73	1st Jan., 1858	"	"	"	"	"	England.		
10	Thatcher, S.	146	1st Jan., 1857	"	"	"	"	"	"		

SIGNAL STATIONS.

No.	NAME.	Annual Salary.	Date of Entry.	Pension.	By whom appointed.	Amount of Security.		Hours of Duty.		Where born.	If Foreigners.	
						Now.	Formerly.	From	To		What Nation.	When naturalized.
WILLIAMSTOWN.												
1	Caldwell, Jas.	£ 250	18th Oct., 1852	Nil	His Excellency C. J. La Trobe ...	Nil	Nil	Sunrise	Sunset	Scotland.		
2	Duff, Jas.	50	16th Mar., 1857	"	Signal Master	"	"	"	"	Victoria.		
POINT LONSDALE.												
1	Preston, John	250	1st Aug., 1852	"	His Excellency C. J. La Trobe ...	Nil	Nil	Sunrise	Sunset	England.		
2	Foggo, Chas.	73	1st Oct., 1857	"	Signal Master	"	"	"	"	"		

LIGHTHOUSES, Etc.

No.	NAME.	Annual Salary.	Date of Entry.	Pension.	By whom appointed.	Amount of Security.		Hours of Duty.		Where born.	If Foreigners.	
						Now.	Formerly.	From	To		What Nation.	When naturalized.
CAPE OTWAY.												
1	Ford, H. B.	£350 and quarters	1st April, 1852	Nil	His Excellency C. J. La Trobe ...	Nil	Nil	Sunset	10 p.m.	England.		
2	Ford, G. W.	£182 10s.	"	"	Lighthouse Keeper	"	"	2 a.m.	Daylight	"		
3	Smith, Jas.	"	1st Jan., 1857	"	"	"	"	10 p.m.	2 a.m.	"		
SHORTLAND'S BLUFF.												
1	Foy, William	£300 and quarters	4th May, 1850	Nil	His Excellency C. J. La Trobe ...	Nil	Nil	Sunset	2 p.m.	Ireland.		
2	Jamieson, J.	146	September, 1856	"	Lighthouse Keeper	"	"	"	"	Scotland.		
3	Kermode, H.	"	July, 1854	"	"	"	"	"	"	Isle of Man.		
4	Stewartson, H.	"	September, 1856	"	"	"	"	"	"	Scotland.		
GELLIBRAND'S POINT.												
1	Barber, George	£250 and quarters	1st May, 1852	Nil	His Excellency C. J. La Trobe ...	Nil	Nil	5 p.m.	12 a.m.	England.		
2	Rivett, James	146	10th Sept., 1856	"	Lighthouse Keeper	"	"	12 "	10 "	"		

LIGHT VESSELS.

No.	NAME.	Annual Salary.	Date of Entry.	Pension.	By whom appointed.	Amount of Security.		Hours of Duty.		Where born.	If Foreigners.	
						Now.	Formerly.	From	To		What Nation.	When naturalized.
WEST CHANNEL.												
		£										
1	Whitwell, J.	250	1st July, 1853	Nil	His Excellency C. J. La Trobe	Nil	Nil	Night	Day	England.		
2	Brown, Robert	146	3rd Feb., 1855	"	Master of Light Ship	"	"	"	"	"		
3	Cowen, Thomas	219	1st March, 1856	"	"	"	"	"	"	"		
4	Downes, David	146	1st Jan., 1857	"	"	"	"	"	"	"		
5	Marshallsea, George	146	19th March, 1857	"	"	"	"	"	"	"		
6	Scott, W. H.	146	1st Jan., 1857	"	"	"	"	"	"	"		
SWAN SPIT.												
1	Tapp, George	250	8th Jan., 1853	Nil	His Excellency C. J. La Trobe	Nil	Nil.	All employed from 9 a.m. to 1 p.m.	From 2 p.m. to 8 a.m. watch and watch	England.		
2	Deverell, R.	219	1st Jan., 1858	"	Chief Harbor Master	"	"			Ireland.		
3	Fish, William	146	7th March, 1857	"	Master of Light Ship	"	"			Scotland.		
4	Goff, Alfred	146	13th Jan., 1858	"	"	"	"			England.		
5	Gordan, James	146	6th Jan., 1858	"	"	"	"			Scotland.		
6	Taylor, James	146	1st Jan., 1858	"	"	"	"			England.		
GEEELONG SHIP CHANNEL.												
1	Richards, W.	250	Nov., 1852	Nil	His Excellency C. J. La Trobe	Nil	Nil	8 a.m. | 12 p.m. watch and watch, 4 hours each		Wales.		
2	Penny, S.	146	June, 1857	"	Master of Light Ship	"	"		England.			
3	Ward, John	146	Nov., 1857	"	"	"	"		Scotland.			

261

2/10/52

IMMIGRATION.

No.	NAME.	Annual Salary.	Date of Entry.	Pension.	By whom appointed.	Amount of Security.		Hours of Duty.		Where born.	If Foreigners.	
						Now.	Formerly.	From	To		What Nation.	When naturalized.
MELBOURNE.												
1	*Pinnock, J. D. ...	£ 1000	* 1st July, 1838	Nil	Secretary of State ...	Nil	Nil	9 a.m.	4 p.m.	England.		
2	Bates, Lydia ...	£100 and quarters	June, 1849	"	His Honor C. J. La Trobe ...	"	"	6 a.m.	8 p.m.	"		
3	Black, Edward ...	300	5th Feb., 1853	"	His Excellency C. J. La Trobe ...	"	"	9 a.m.	4 p.m.	Ireland.		
4	Bunning, R. ...	£150 and quarters	1st Aug., 1857	"	Immigration Agent ...	"	"	"	"	England.		
5	Caldecott, Alfred ...	500	16th July, 1851	"	His Excellency C. J. La Trobe ...	"	"	"	"	"		
6	Carter, William ...	£100 and quarters	7th Dec., 1857	"	Immigration Agent ...	"	"	6 a.m.	8 p.m.	"		
7	Delany, W. H. ...	250	20th Sept., 1853	"	His Excellency C. J. La Trobe ...	"	"	9 a.m.	4 p.m.	Ireland.		
8	Jones, J. E. ...	£50 and quarters	15th Dec., 1856	"	Acting Immigration Agent ...	"	"	6 a.m.	8 p.m.	Wales.		
9	Lamb, John ...	400	17th July, 1852	"	His Excellency C. J. La Trobe ...	"	"	9 a.m.	4 p.m.	India.		
10	Morgan, Jas. ...	300	19th Nov., 1852	"	"	"	£500	"	"	Ireland.		
11	Seath, George ...	600	10th Mar., 1852	"	"	"	Nil	"	"	England.		
12	Tapley, John ...	£200 and quarters	7th Sept., 1852	"	"	"	"	6 a.m.	8 p.m.	"		
WILLIAMSTOWN.												
1	Broad, Chas. ...	450	1st Nov., 1852	Nil	His Excellency C. J. La Trobe ...	Nil	Nil	6 a.m.	6 p.m.	England.		
2	Ashton, George ...	300	3rd Feb., 1854	"	"	"	"	"	"	"		
3	Colville, Jas. ...	146	1st Oct., 1852	"	Health Officer ...	"	"	"	"	Scotland.		
4	Dickson, Thos. ...	"	20th May, 1854	"	Immigration Agent ...	"	"	"	"	"		
5	Hernan, Chas. ...	"	10th Oct., 1852	"	Chief Commissioner of Police ...	"	"	"	"	Ireland.		
6	Joyce, John ...	"	14th Jan., 1855	"	"	"	"	"	"	England.		
7	Roberts, Thos. ...	"	1st Jan., 1853	"	Chief Harbor Master ...	"	"	"	"	Wales.		
8	Wilson, Thos. ...	£182 10s.	19th Jan., 1852	"	Chief Commissioner of Police ...	"	"	"	"	England.		
GEEELONG.												
1	Heath, George ...	350	14th July, 1852	Nil	His Excellency C. J. La Trobe ...	Nil	Nil	9 a.m.	4 p.m.	Ireland.		
2	Blade, Henry ...	£80 and quarters	22nd Jan., 1854	"	Immigration Agent ...	"	"	8 a.m.	6 p.m.	England.		
3	Hall, Chas. ...	175 "	23rd July, 1856	"	His Excellency Major Gen. Macarthur	"	"	"	"	"		
4	Hall, Rosina ...											
PORTLAND.												
1	Aran, John ...	£150 and quarters	18th Feb., 1852	2s. per diem, retired soldier	Immigration Agent ...	Nil	Nil	6 a.m.	8 p.m.	England.		
BELFAST.												
1	Laidlaw, James ...	£150 and quarters	3rd Oct., 1855	Nil	Immigration Agent ...	Nil	Nil	6 a.m.	6 p.m.	Scotland.		
2	Laidlaw, Mary ...											

* Colonial Office, London, 1st July, 1831,

POWDER MAGAZINES.

No.	NAME.	Annual Salary.	Date of Entry.	Pension.	By whom appointed.	Amount of Security.		Hours of Duty.		Where born.	If Foreigners.	
						Now.	Formerly.	From	To		What Nation.	When naturalized.
MELBOURNE.												
1	Muspratt, Thomas ...	£300 and quarters	1st Jan., 1850	Nil	His Excellency Sir C. FitzRoy ...	£ 350	£ 500	7 a.m.	4 p.m.	England.		
2	Smith, J. A. ...	£45 12s. 6d.	11th Jan., 1858	"	General Macarthur ...	Nil	Nil	"	"	"		
GEELONG.												
1	Heathcote, R. W....	£300 and quarters	1st Nov., 1853	Nil	His Excellency C. J. La Trobe ...	250	250	7 a.m.	5 p.m.	England.		

(Signed) HENRY MILLER.

203

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2664

POSTMASTER GENERAL.

POST OFFICES.

No.	NAME.	Annual Salary.	Date of Entry.	Pension.	By whom appointed.	Amount of Security.		Hours of Duty.		Where born.	If Foreigners.	
						Now.	Formerly.	From	To		What Nation.	When naturalized.
MELBOURNE.						£	£					
1	Turner, William ...	1000	1st Oct., 1852	Nil	The Government of Victoria ...	2000	Nil	...	...	London.		
2	Alexander, W. ...	350	13th Aug., 1853	"	Lieutenant-Governor La Trobe ...	500	200	9 a.m.	6 p.m.	England.		
3	Alsop, John ...	600	28th July, 1854	"	His Excellency Sir C. Hotham ...	2000	1000	"	4 p.m.	"		
4	Ambler, George ...	10s. per diem	27th July, 1857	"	His Excellency Sir H. Barkly ...	100	200	8 a.m.	6 p.m.	"		
5	Baker, Charles ...	11s. "	September, 1852	"	Lieutenant-Governor La Trobe ...	"	"	"	5 p.m.	"		
6	Bance Hy. P. ...	900	1st Sept., 1857	"	His Excellency Sir H. Barkly ...	500	"	uncertain		Cape of Good Hope.		
7	Baron, William ...	11s. per diem	1st March, 1852	"	Lieutenant-Governor La Trobe ...	100	"	8 a.m.	5 p.m.	London.		
8	Baxter, Thos. ...	350	21st Jan., 1850	"	" " ...	500	"	9 a.m.	6 p.m.	England.		
9	Beatty, John ...	10s. per diem	4th June, 1853	"	" " ...	100	"	8 a.m.	"	"		
10	Blunn, Thos. ...	350	26th May, 1853	"	" " ...	500	"	9 a.m.	4 p.m.	"		
11	Brew, William ...	10s. per diem	1st July, 1857	"	His Excellency Sir H. Barkly ...	100	"	"	6 p.m.	Ireland.		
12	Brown, R. L. ...	12s. "	1st Aug., 1856	"	His Excellency the Officer administering the Government	"	"	"	"	Scotland.		
13	Casey, Jno. B. ...	325	20th May, 1856	"	" " " ...	500	"	"	"	England.		
14	Clerke, Thos. F. ...	400	1st Oct., 1852	"	Lieutenant-Governor La Trobe ...	"	"	"	"	London.		
15	Clements, Hy. Wm. ...	10s. per diem	1st July, 1857	"	His Excellency Sir H. Barkly ...	100	"	8 a.m.	"	England.		
16	Coleman, Benjn. ...	8s. "	11th Jan., 1858	"	" " " ...	"	"	"	"	"		
17	Colls, Benjn. ...	10s. "	Jan., 1854	"	His Excellency Sir C. Hotham ...	"	"	"	"	"		
18	Cork, Wm....	10s. "	May, 1854	"	" " " ...	"	"	"	"	East Indies.		
19	Crofts, Wm. F. ...	325	1st Oct., 1853	"	His Excellency C. J. La Trobe ...	500	"	9 a.m.	"	Ireland		
20	Fagan, Thos. ...	350	16th Sept., 1853	"	" " " ...	"	"	"	"	"		
21	Fielden, Samuel ...	10s. per diem	1st June, 1853	"	" " " ...	100	"	8 a.m.	"	England.		
22	Fitzgerald, L. ...	"	20th Oct., 1857	"	His Excellency Sir H. Barkly ...	"	"	"	"	"		
23	Galbraith, Wm. ...	350	1st June, 1853	"	His Excellency C. J. La Trobe ...	500	"	9 a.m.	4 p.m.	Edinburgh.		
24	Gibbs, Jas. H. ...	400	November, 1852	"	" " " ...	"	"	"	6 p.m.	Kent.		
25	Gibbs, John ...	10s. per diem	22nd Feb., 1853	"	" " " ...	100	"	8 a.m.	"	Ireland.		
26	Gibbs, Joseph ...	"	29th May, 1856	"	His Excellency the Officer administering the Government	"	"	"	"	"		
27	Hamilton, Joseph ...	"	1st July, 1857	"	His Excellency Sir H. Barkly ...	100	"	"	"	"		
28	Harrison, John C. ...	400	1st July, 1852	"	His Excellency C. J. La Trobe ...	500	"	9 a.m.	"	London.		
29	Harrison, Joseph ...	8s. per diem	1st Jan., 1858	"	His Excellency Sir H. Barkly ...	100	"	8 a.m.	"	England.		
30	Hale, Jno. R. ...	10s. "	7th April, 1853	"	His Excellency C. J. La Trobe ...	"	"	"	"	"		

31	Hayward, George...	10s. per diem	April, 1854	Nil	His Excellency Sir C. Hotham ...	100	200	8 a.m.	6 p.m.	England.
32	Hemmy, Chriss. ...	350	16th Sept., 1853	"	His Excellency C. J. La Trobe ...	500	"	9 a.m.	"	"
33	Impett, Wm. ...	10s. per diem	16th Dec., 1852	"	"	100	"	8 a.m.	"	"
34	Jackson, Thos. Wm. ...	400	1st June, 1853	"	"	500	"	9 a.m.	4 p.m.	"
35	Jarman, Thos. ...	10s. per diem	31st Oct., 1853	"	"	100	"	8 a.m.	6 p.m.	"
36	Johnston, John ...	"	28th July, 1857	"	His Excellency Sir Henry Barkly...	"	"	"	5 p.m.	Scotland.
37	Jones, Hugh L. ...	"	9th Jan., 1856	"	His Excellency the Officer adminis- tering the Government	"	"	"	6 p.m.	England.
38	Kennedy, Robt. ...	12s. per diem	16th April, 1857	"	"	"	"	9 a.m.	"	Scotland.
39	King, Hy. N. J. ...	400	March, 1853	"	His Excellency C. J. La Trobe ...	500	"	"	"	St. Helier's, Jersey.
40	King, Joseph ...	10s. per diem	4th Jan., 1854	"	His Excellency Sir C. Hotham ...	100	"	8 a.m.	"	England.
41	Lawrence, Frank ...	"	5th Aug., 1857	"	His Excellency Sir Henry Barkly...	"	"	9 a.m.	"	"
42	Lewis, John L. ...	325	19th June, 1854	"	His Excellency the Officer adminis- tering the Government	500	"	"	4 p.m.	"
43	Longcroft, James ...	"	8th May, 1854	"	"	"	"	"	6 p.m.	London.
44	Mabbott, Joseph P. ...	"	3rd May, 1854	"	"	"	"	"	4 p.m.	England.
45	Martin, George ...	8s. per diem	22nd Nov., 1857	"	His Excellency Sir Henry Barkly...	100	"	8 a.m.	6 p.m.	"
46	McLachlan, Hugh...	325	9th Jan., 1854	"	His Excellency C. J. La Trobe ...	500	"	9 a.m.	"	Scotland.
47	Mounter, John ...	10s. per diem	1st April, 1853	"	"	100	"	8 a.m.	"	England.
48	Murray, Thos. ...	325	1st June, 1853	"	"	500	"	9 a.m.	"	"
49	Neele, Saml. J. ...	10s. per diem	7th Oct., 1857	"	His Excellency Sir Henry Barkly...	100	"	8 a.m.	"	London.
50	Newton, Wm. P. ...	11s. "	22nd June, 1857	"	His Excellency the Officer adminis- tering the Government	"	"	9 a.m.	"	N. America.
51	Nicholls, A. H. ...	12s. "	1st Dec., 1854	"	"	"	"	"	"	Ireland.
52	Parker, William ...	8s. "	1st July, 1857	"	His Excellency Sir Henry Barkly...	"	"	8 a.m.	"	England.
53	Peck, Wm. Hy. ...	10s. "	1st May, 1854	"	His Excellency Sir C. Hotham ...	"	"	"	"	"
54	Pellatt, Thos. ...	500	1st Sept., 1852	"	His Excellency C. J. La Trobe ...	1000	"	9 a.m.	4 p.m.	"
55	Pitman, Edwd. D....	400	20th Sept., 1852	"	"	500	"	"	6 p.m.	London.
56	Readshaw, R. C. ...	10s. per diem	27th Jan., 1853	"	"	100	"	8 a.m.	"	Ireland.
57	Rose, John O. ...	350	1st Oct., 1853	"	"	500	"	9 a.m.	"	London.
58	Sampson, Thos. C. ...	10s. per diem	December, 1852	"	"	100	"	8 a.m.	"	"
59	Sanderson, Wm. ...	"	12th Jan., 1855	"	His Excellency Sir C. Hotham ...	"	"	"	"	England.
60	Sharvell, Wm. ...	"	25th Feb., 1856	"	His Excellency the Officer adminis- tering the Government	"	"	"	"	"
61	Sievwright, Adolp. ...	450	1st Jan., 1850	"	His Excellency C. J. La Trobe ...	500	"	9 a.m.	"	Malta.
62	Slack, Edwd. ...	350	19th May, 1853	"	"	"	"	"	"	England.
63	Smith, John ...	450	1st Jan., 1850	"	"	"	"	"	"	"
64	Snow, Richd. ...	400	20th Feb., 1852	"	"	"	"	"	"	Ireland.
65	Stokes, Hy. ...	10s. per diem	October, 1856	"	His Excellency the Officer adminis- tering the Government	100	"	8 a.m.	"	England.
66	Sutton, John ...	"	21st Nov., 1853	"	His Excellency C. J. La Trobe ...	"	"	"	"	London.
67	Watts, Chas. H. ...	1000	1st Feb., 1853	"	"	500	"	Uncertain		Dublin.
68	Watt, John ...	325	7th April, 1853	"	"	"	"	9 a.m.	6 p.m.	Scotland.
69	Waymouth, B. ...	600	1st April, 1854	"	His Excellency Sir C. Hotham ...	1000	"	"	4 p.m.	London.
70	Weir, William ...	10s. per diem	9th Jan., 1856	"	His Excellency the Officer adminis- tering the Government	100	"	8 a.m.	6 p.m.	Ireland.
71	Whitehead, John ...	"	October, 1854	"	His Excellency Sir C. Hotham ...	"	"	"	"	England.
72	Willes, James ...	350	9th May, 1853	"	His Excellency C. J. La Trobe ...	500	"	9 a.m.	4 p.m.	"

265

2566

POST OFFICES—continued.

No.	NAME.	Annual Salary.	Date of Entry.	Pension.	By whom appointed.	Amount of Security.		Hours of Duty.		Where born.	If Foreigners.	
						Now.	Formerly.	From	To		What Nation.	When naturalized.
73	Williams, John	£ 14s. per diem	9th June, 1856	Nil	His Excellency the Officer administering the Government	£ 100	£ 200	9 a.m.	4 p.m.	London.		
74	Wright, William Henry	5s. „	26th Jan., 1858	„	His Excellency Sir Henry Barkly	„	„	8 a.m.	6 p.m.	Ireland.		
75	Wyse, Arthur J.	14s. „	1st Feb., 1854	„	His Excellency the Officer administering the Government	„	„	9 a.m.	„	„		
GEELONG.												
1	Thacker, William	600	6th June, 1846	Nil	Lieutenant-Governor C. J. La Trobe	500	200	8 a.m.	6 p.m.	England.		
2	Alexander, Mark	10s. per diem	1st Oct., 1852	„	His Excellency C. J. La Trobe ...	100	„	„	„	„		
3	Banks, Richard	300	3rd Feb., 1854	„	His Excellency the Officer administering the Government	500	„	„	„	„		
4	Chandler, Hy. Wm.	10s. per diem	15th Aug., 1853	„	His Excellency C. J. La Trobe ...	100	„	„	„	„		
5	Chettle, Hy. William	300	13th Feb., 1854	„	His Excellency the Officer administering the Government	500	„	„	„	„		
6	Gaylard, George	10s. per diem	12th Jan., 1855	„	His Excellency Sir C. Hotham ...	100	„	„	„	„		
7	Harrison, Thos.	„	13th Feb., 1854	„	His Excellency C. J. La Trobe ...	„	„	„	„	„		
8	Hill, Alexander	„	28th Feb., 1853	„	„	„	„	„	„	„		
9	*McSweeney, Joseph	„	8th July, 1857	„	His Excellency Sir H. Barkly ...	„	„	11 a.m.	„	„		
10	Morrison, William	300	14th Sept., 1853	„	His Excellency C. J. La Trobe ...	„	„	8 a.m.	„	Ireland.		
11	Newland, Thos.	10s. per diem	7th June, 1853	„	„	„	„	„	„	England.		
12	Rogers, Chas.	400	21st Sep., 1852	„	„	500	„	„	„	London.		
13	Short, John	8s. per diem	7th Nov., 1857	„	His Excellency Sir H. Barkly ...	100	„	„	„	„		
CASTLEMAINE.												
1	Fryer, Francis	450	September, 1850	Nil	His Excellency C. J. La Trobe ...	500	200	9 a.m.	6 p.m.	England.		
2	Bryant, Jas. E.	10s. per diem	1st Jan., 1858	„	His Excellency Sir H. Barkly ...	100	„	9 a.m. to 6 p.m., and extra morning duty		„		
3	Stodart, E. H.	300	June, 1854	„	His Excellency Sir C. Hotham ...	500	„	9 a.m.	6 p.m.	„		
4	Yandell, E. U.	10s. per diem	July, 1857	„	His Excellency Sir H. Barkly ...	100	„	9 a.m. to 6 p.m. and extra night duty		Tasmania.		
5	Yates, Thos.	350	September, 1853	„	His Excellency, C. J. La Trobe ...	500	„	9 a.m. to 6 p.m., and extra morning duty		England.		
SANDHURST.												
1	Stuart, David	450	10th July, 1853	Nil	His Excellency C. J. La Trobe ...	500	200	7 a.m.	5 p.m.	Scotland.		
2	Blake, Chas.	10s. per diem	9th July, 1857	„	His Excellency Sir H. Barkly ...	100	„	„	„	England.		
3	Johnson, Edmd.	300	24th June, 1854	„	His Excellency Sir C. Hotham ...	500	„	8.30 a.m.	5.15 p.m.	„		
4	Petrie, Chas.	10s. per diem	24th July, 1857	„	His Excellency Sir H. Barkly ...	100	„	7 a.m.	5 p.m.	Scotland.		
5	Vibert, Geo. W. B.	350	10th June, 1854	„	His Excellency the Officer administering the Government	500	„	8.30 a.m.	5.15 p.m.	England.		

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BALLAARAT.											
1	Pain, Chas. H.	...	450	March, 1852	Nil	His Excellency C. J. La Trobe	500	200	9 a.m.	6 p.m.	London.
2	Aldwell, Jno. A.	...	10s. per diem	11th July, 1857	"	His Excellency Sir Henry Barkly	100	"	"	"	Ireland.
3	Croke, Jno. P.	...	300	February, 1856	"	His Excellency the Officer administering the Government	500	"	"	"	"
4	Grant, Thos.	...	350	September, 1854	"	His Excellency Sir C. Hotham	"	"	"	"	London.
5	Livingston, Danl.	...	10s. per diem.	7th July, 1857	"	His Excellency Sir Henry Barkly	100	"	"	"	England.
6	Lyon, William	...	"	July, 1857	"	"	"	"	"	"	London.
BEECHWORTH.											
1	Elliott, E. R.	...	450	9th May, 1853	"	His Excellency C. J. La Trobe	500	"	8 a.m.	6 p.m.	"
2	Byrchall, S. B.	...	300	1st April, 1853	"	"	"	"	8.30 a.m.	5.30 p.m.	England.
3	Wilson, Chas.	...	10s. per diem.	May, 1854	"	His Excellency the Officer administering the Government	100	"	"	"	Scotland.
ARARAT.											
1	Young, P. C.	...	450	20th April, 1854	"	His Excellency the Officer administering the Government	500	"	"	6 p.m.	"
2	Colles, James	...	250	19th Nov., 1854	"	His Excellency Sir H. Barkly	"	"	"	"	London.
MARYBOROUGH.											
1	Collett, George	...	350	14th Sept., 1853	"	His Excellency C. J. La Trobe	"	"	7.30 a.m.	5 p.m.	"
KILMORE.											
1	Bristow, Hy. B.	...	"	12th June, 1854	"	His Excellency the Officer administering the Government	"	"	9 a.m.	6 p.m.	India.
WILLIAMSTOWN.											
1	Piper, R. R.	...	300	4th Jan., 1854	"	His Excellency the Officer administering the Government	"	"	8 a.m.	6 p.m.	England.
2	Tomkins, James	...	10s. per diem	1st Mar., 1854	"	"	100	"	"	"	Ireland.
PORTLAND.											
1	Braim, Edwin	...	300	1st Jan., 1854	"	His Excellency the Officer administering the Government	500	"	9 a.m.	"	England.
BELFAST.											
1	Dobinson, Jas. H.	...	"	9th Jan., 1854	"	His Excellency the Officer administering the Government	"	"	"	7 p.m.	London.
WARRNAMBOOL.											
1	Margetts, Edmd.	...	"	3rd Mar., 1854	"	His Excellency the Officer administering the Government	"	"	"	6 p.m.	England.
CRESWICK.											
1	Collier, Jas. L.	...	250	1st July, 1857	"	His Excellency Sir H. Barkly	"	"	8 a.m.	5 p.m.	"
PLEASANT CREEK.											
1	Hallifax, A. W.	...	325	1st Nov., 1853	"	His Excellency C. J. La Trobe	"	"	9 a.m.	6 p.m.	London.

* Dispatches Mails during the night.

(Signed) WILLIAM TURNER,
Secretary.

267

26268

ELECTRIC TELEGRAPH.

No.	NAME.	Annual Salary.	Date of Entry.	Pension.	By whom appointed.	Amount of Security.		Hours of Duty.		Where born.	If Foreigners.	
						Now.	Formerly.	From	To		What Nation.	When naturalized.
MELBOURNE.												
		£				£						
1	McGowan, S. W. ...	1100	1st March, 1854	Nil	His Excellency Sir C. Hotham; under Her Majesty's warrant	1000	Nil	8-30 a.m.	8 p.m.	Ireland.		
2	Buchanan, W. R. ...	350	1st Dec., 1856	"	Commissioner of Trade and Customs	Nil	"	"	"	Canada.		
3	Caldwell, G. S. ...	150	1st Dec., 1854	"	Acting Governor ...	"	"	"	"	Newfoundland.		
4	Croft, William ...	104	1st Dec., 1857	"	Commissioner of Trade and Customs	"	"	"	"	Victoria.		
5	Deverell, S. R. ...	300	19th Nov., 1857	"	"	"	"	"	"	Ireland.		
6	James, T. R. ...	400	1st April, 1854	"	Sir C. Hotham ...	500	"	"	"	England.		
7	Merfield, Jas. W. ...	300	1st July, 1855	"	Commissioner of Trade and Customs	Nil	"	"	"	"		
8	Payter, J. W. ...	150	1st Aug., 1855	"	Sir C. Hotham ...	"	"	"	"	"		
GEELONG.												
1	James, Wm. H. ...	350	21st Sept., 1854	"	Sir C. Hotham ...	250	"	"	"	"		
2	Smith, A. ...	104	2nd March, 1855	"	Commissioner of Trade and Customs	Nil	"	"	"	"		
3	Smith, Edmd. ...	78	8th Aug., 1856	"	"	"	"	"	"	"		
4	Tucker, P. K. ...	£182 10s.	1st Jan., 1857	"	"	"	"	"	"	"		
QUEENSCLIFF.												
1	Vivian, S. C. ...	350	31st Dec., 1854	"	Sir C. Hotham ..	250	"	"	"	"		
2	Arkins, P. R. ...	78	1st July, 1856	"	Commissioner of Trade and Customs	Nil	"	"	"	"		
3	Peacock, W. ...	£182 10s.	"	"	"	"	"	"	"	"		
WILLIAMSTOWN.												
1	Ellery, R. L. J. ...	450	18th Jan., 1855	"	Commissioner of Trade and Customs	250	"	"	"	"		
BALLAARAT.												
1	Bechewaise, W. P. ...	350	1st Dec., 1856	"	Commissioner of Trade and Customs	"	"	"	"	"		
2	Burton, Edwd. ...	78	1st Jan., 1857	"	"	Nil	"	"	"	Tasmania.		
3	Smith, C. C. ...	104	1st Dec., 1857	"	"	"	"	"	"	England.		
SANDHURST.												
1	Penton, D. R. ...	350	1st May, 1854	"	Acting Governor ...	250	"	"	"	Ireland.		
2	Mathieson, G. C. ...	78	1st Jan., 1858	"	Postmaster General ...	Nil	"	"	"	Scotland.		
3	Shields, Willm. ...	£182 10s.	8th Jan., 1858	"	"	"	"	"	"	Tasmania.		
4	Wicks, H. H. ...	104	1st Jan., 1858	"	"	"	"	"	"	United States	American.	

BEECHWORTH.

1	Austin, J. J.	...	350	1st June, 1857	Nil	Commissioner of Trade and Customs	250	Nil	8.30 a.m.	8 p.m.	Scotland.
2	Kilborn, R.	...	£182 10s.	1st Jan., 1858	"	Postmaster General ...	Nil	"	"	"	Canada.
3	Quick, E. A.	...	104	14th Jan., 1858	"	"	"	"	"	"	England.

CASTLEMAINE.

1	Ballard, T. R.	...	350	1st June, 1854	"	Acting Governor ...	250	"	"	"	"
2	Gay, Thomas	...	78	1st Jan., 1857	"	Commissioner of Trade and Customs	Nil	"	"	"	At Sea.
3	Halliday, Thomas	...	£182 10s.	"	"	"	"	"	"	"	England.

PORTLAND.

1	Burkitt, Horace	...	300	23rd Mar., 1857	"	Commissioner of Trade and Customs	250	"	"	"	"
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KILMORE.

1	Payne, W. S. F.	...	"	1st June, 1854	"	Acting Governor ...	"	"	"	"	Nova Scotia.
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WARRNAMBOOL.

1	Rackham, T. R.	...	250	19th Nov., 1857	"	Commissioner of Trade and Customs	"	"	"	"	England.
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GISBORNE.

1	Collier, William	...	"	1st Feb., 1857	"	Commissioner of Trade and Customs	"	"	"	"	"
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LONGWOOD.

1	Nunn, J. W.	...	"	15th Oct., 1857	"	Commissioner of Trade and Customs	"	"	"	"	"
2	Thwaites, Joshua	...	£182 10s.	1st Jan., 1858	"	Postmaster General ...	Nil	"	"	"	"

BELVOIR.

1	Beatty, James M.	...	300	8th Jan., 1858	"	Postmaster General ...	250	"	"	"	Ireland.
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(Signed)

SAMUEL W. MCGOWAN,
General Superintendent of Electric Telegraph.

2/10-270

INDEX TO NAMES.

A.	Page.		Page.		Page.
Abbott, William ...	41	Arhill, William ...	17	Barry, William ...	19
Abrey, T. ...	70	Arkins, P. R. ...	98	Barry, Patrick ...	41
Acheson, F. ...	73	Armstrong, Thomas ...	17	Barry, David ...	42
Acton, William ...	15	Armstrong, James ...	17	Barry, Redmond ...	53
Adair, Thomas ...	73	Armstrong, Robert ...	17	Barry, Edwd. ...	58
Adams, William ...	17	Armstrong, William ...	41	Barsham, George A. ...	19
Adams, John ...	87	Amstrong, John ...	41	Bartrop, George ...	59
Addey, William ...	14	Arnold, Alfred ...	13	Bassett, William ...	18
Agan, Benjamin ...	39	Arnold, T. G. ...	61	Bates, R. W. ...	9
Agg, Alfred J. ...	72	Ashton, George ...	92	Bates, Lydia... ..	92
Agg, E. J. ...	73	Ashworth, D. ...	77	Battersby, J. ...	83
Agnew, James N. ...	55	Aston, A. H. ...	67	Baxter, Thomas ...	94
Ah Coy ...	8	Athiel, W. H. ...	86	Bayley, T. T. ...	80
Ahern, Michl. ...	17	Atkins, John ...	57	Beasley, Charles ...	73
Ahern, John ...	17	Atkins, John ...	89	Beatty, William ...	19
Ah Hung ...	8	Atkinson, T. G. ...	4	Beatty, John ...	94
Ah Peng ...	8	Aunel, Jas. ...	77	Beatty, James M. ...	99
Ah Saam ...	9	Austin, George ...	3	Beaver, Alexander ...	13
Ah Thoon ...	9	Austin, G. B. ...	55	Bechewaise, W. P. ...	98
Ainsworth, A. B. ...	73	Austin, J. J. ...	99	Beckett, William ...	47
Akehurst, A. P. ...	61	Avid, John ...	17	Beckett, Bart. ...	73
Akouu ...	8			Beckwith, William... ..	39
Aldwell, Jno. A. ...	97	B.		Beers, Leslie John ...	19
Alexander, B. ...	10	Baachar, Fanny ...	47	Begg, William ...	41
Alexander, John ...	14	Babington, James ...	16	Belcher, W. R. ...	62
Alexander, Charles ...	15	Badcock, John ...	18	Belcher, George F. ...	66
Alexander, T. B. ...	80	Badcock, Richard ...	41	Bell, Robert Hone ...	15
Alexander, W. ...	94	Badcock, William ...	41	Bell, William ...	18
Alexander, Mark ...	96	Baeyertz, Charles ...	80	Bell, Charles ...	18
Algie, Robert ...	17	Bage, Edward ...	73	Bell, Jonathan ...	42
Algie, John ...	17	Bagley, J. C. ...	73	Bell, George, jun. ...	48
Allan, A. C. ...	73	Bailey, John ...	18	Bell, Edward C. ...	59
Allcock, Edwd. H. ...	41	Bailey, Thomas ...	18	Bennett, John ...	18
Allcock, Henry D. ...	41	Baillien, Jas. ...	85	Bennett, Stephen ...	18
Allen, William ...	39	Bain, C. ...	77	Bennett, H. O. ...	67
Allen, W. E. ...	54	Baker, William ...	18	Berching, T. ...	87
Allen, Eliza ...	54	Baker, Henry ...	18	Bergin, William ...	18
Allen, A. C. ...	73	Baker, Joseph ...	19	Bernardo, Augustus ...	19
Allen, W. ...	77	Baker, Charles ...	70	Berne, James ...	19
Allis, Philip... ..	17	Baker, Charles ...	94	Berry, George ...	67
Allsop, P. A. ...	66	Baker, John... ..	80	Bevin, John ...	19
Alsop, John... ..	94	Baldwin, Henry ...	77	Bews, John ...	88
Ambler, George ...	94	Baldwin, W. ...	80	Bibbs, Thomas ...	73
Amos, G. A. ...	8	Balfour, Henry J. ...	18	Bible, Arthur ...	72
Amos, G. A. ...	60	Ball, George... ..	17	Bickford, N. M. ...	73
Amos, W. ...	80	Ballard, T. R. ...	99	Bickle, Wm. Hy. ...	18
Anderson, William... ..	17	Ballingall, J. ...	80	Biers, John T. ...	8
Anderson, Chas. C. ...	17	Balmain, Thos. C. ...	77	Bilton, Charles ...	68
Anderson, W. H. ...	64	Balmain, James ...	77	Birch, H. ...	85
Anderson, J. J. ...	80	Bambrick, James ...	18	Bird, George ...	18
Anderson, J. J. ...	83	Bance, Hy. P. ...	94	Bird, John ...	41
Anderson, G. ...	85	Banks, Richard ...	96	Bird, C. J. ...	73
Anderson, J. ...	86	Barber, George ...	90	Birmingham, James ...	41
Anderson, George ...	89	Barclay, Hugh Ross ...	12	Birmingham, P. ...	86
Anderson, J. ...	89	Barker, John ...	4	Birney, John ...	19
Andrews, James ...	15	Barlow, William ...	18	Birnie, George ...	77
Antisell, Richard ...	17	Barnard, E. T. ...	9	Bishop, James ...	18
Aplin, C. D'Oyley H. ...	51	Barnard, E. T. ...	64	Bishop, James ...	50
Aran, John ...	92	Barnard, W. H. ...	65	Blachford, Hy. M. ...	41
Archdeacon, Patrick ...	17	Barnott, George ...	19	Black, Charles ...	14
Archer, William Henry ...	7	Baron, William ...	94	Black, Francis ...	18
Archer, F. W. ...	15	Barrett, James ...	19	Black, George ...	19
Archer, H. G. ...	54	Barrett, Chas. ...	77	Black, A. ...	73
Archibald, Joseph ...	15	Barrow, S. C. ...	65	Black, Edward ...	92
Ardlie, J. M. ...	64	Barrows, Richard ...	16	Blade, Henry ...	92
				Blair, G. G. ...	54

	Page.
Clissold, S. T.	59
Clow, James M.	8
Clow, James M.	63
Clugston, Hugh	19
Cobbe, Joseph	21
Cobden, William	16
Cobham, F. McCrae	12
Coer, John	42
Coffey, John	39
Coffey, William	42
Coffin, James	61
Cogden, John	8
Cogden, John	59
Colbert, Ed.	73
Cole, Percy	21
Coleman, Bryan	16
Coleman, John	19
Coleman, Benjn.	94
Colles, Abraham	16
Colles, Richard	56
Colles, Richard	56
Colles, James	97
Collett, George	97
Collier, Walter	21
Collier, Jas. L.	97
Collier, William	99
Collins, James	19
Collins, Michael	19
Collins, Henry	20
Collins, Henry	42
Collins, Patrick	20
Collins, William	42
Collis, C.	73
Collis, W.	73
Colls, Benjn.	94
Colville, Hugh	6
Colville, Jas.	92
Comyn, George	21
Comyn, William	21
Comyn, John	20
Comyns, C. L.	3
Connell, Thomas	20
Connell, William	20
Connell, William	89
Connolly, John	19
Connolly, John	21
Connor, Michael	20
Connor, John	21
Connor, William	21
Connor, Caroline	42
Connor, Martin	42
Conole, Denis	21
Conroy, Richard	15
Constable, A. H.	65
Conway, James	21
Conway, Martin	21
Cook, Thomas	20
Cooke, Richard Sakeld	13
Cooper, Tom. H.	20
Cooper, James	21
Cooper, John	21
Cooper, John S.	59
Cooper, T. W.	73
Cope, Thos. S.	57
Corbett, F. A.	7
Corbett, John	21
Corbett, J. A.	73
Corcoran, J.	83
Cork, Wm.	94
Corkhill, Robert	42
Corneille, Thomas	4
Corrigan, Thomas	21
Costello, Charles	20
Costello, Andrew	21
Costello, John	21
Cotter, John	19
Cotter, Michl.	21
Cotton, Edwd.	57
Couchman, Thomas	73
Coulon, Patrick	20
Counsel, Laugh.	73
Counsel, Dan.	73
Cowderoy, John	21
Cowen, Owen	20
Cowen, Thomas	91
Cox, Thomas	20
Cox, Edward	20
Cox, Michael	21
Cox, Sarah	47

	Page.
Coyne, John	21
Cragie, Andrew	88
Crawford, W. N.	61
Crawford, William	64
Crawford, Wm. N.	68
Crawford, G.	83
Crawley, James	21
Crawley, John Wm.	77
Creagh, Benj. B.	61
Cregzan, Michael	20
Crespigny, P. C.	10
Crichton, Robert	20
Crilly, Edward	20
Cripps, Thomas	21
Crisp, Charles	16
Croft, William	98
Crofton, H.	61
Crofts, Christopher	20
Crofts, Wm. F.	94
Croke, John P.	97
Croker, Samuel	42
Cron, Robert	15
Cronin, Jeremiah	21
Crook, T.	78
Crosbie, Patrick	21
Crossman, John	21
Crowley, John	20
Crowley, John	20
Crowley, William	20
Cruikshank, C. E.	58
Cuddon, George	20
Cue, George	60
Culkin, John	15
Cullen, Mary	47
Cumberland, C. B.	53
Cumberland, A. C.	73
Cumberland, P. B.	81
Cummins, John	19
Cummins, Hugh	20
Cummins, John	21
Cummins, Michael	42
Cummins, A. C.	65
Curran, Thomas	54
Curran, Eliza	54
Currie, George	16
Cuthrey, W.	61

D.

Daley, James	8
Daley, Thomas	42
Dallachi, John	50
Dalrymple, W.	85
Daly, Peter	14
Daly, Henry	15
Daly, Jeremiah	22
Dana, Alexander	23
Dana, Wm. A. Pulteney	12
Dana, Jonathan	23
Danes, Abraham	42
Daniell, J.	81
Dann, Nathaniel	21
Darby, John	23
Darbyshire, John	74
Darcy, John	22
Darcy, Nicholas	22
Darling, Edward	22
Davern, Thomas	22
Davey, Michl.	23
Davey, William	23
Davey, E.	78
Davidson, W. E.	78
Davidson, Henry	74
Davies, Richd.	23
Davies, Henry	23
Davies, Charles	23
Davies, J.	78
Davies, E.	78
Davies, E.	81
Davies, J.	81
Davis, Thomas	22
Davis, J.	83
Davis, J.	89
Davitt, Arthur	50
Davitt, Ellen	50
Dawson, Alexander	22
Dawson, Anderson	22
Dawson, Francis	42
Dawson, W. J.	56

	Page.
Dawson, C. H.	21
Dawson, W. T.	74
Deacon, James	21
Deane, George	22
Deegan, William	22
D'Elboux, L. W.	74
Delaney, Patrick	23
Delaney, Richard	22
Delaney, Michael	22
Delaney, W. H.	92
Dempsey, Michl.	22
Dempster, Alexander	22
Denbigh, John S.	6
Denis, John	15
Deverell, R.	91
Deverell, S. R.	98
Desmond, Daniel	22
Dewar, A. S.	81
Dewey, C.	81
Dick, A. M.	72
Dickson, Thomas	92
Dillon, Robert	22
Dillon, Simon	22
Disney, Robert	13
Dixey, John	42
Dobbin, C. L.	64
Dobbyn, William	42
Dobinson, Jas. H.	97
Dobson, John	15
Docherty, J.	85
Dodd, George	42
Dodds, George	15
Doherty, Michael	22
Dolan, Mark	23
Donald, Peter	42
Donne, William	23
Donne, Rosa	39
Donnegan, Thomas	23
Donnelly, James	22
Donnelly, James	22
Donnelly, Peter	15
Donnelly, Robert	22
Donnelly, John	23
Donohue, David	22
Donolly, Patrick	21
Donovan, Richard	15
Donovan, Denis	22
Doolan, P.	81
Dooley, Michael	22
Dooley, Henry	39
Dopping, William	5
Dormer, Michael	22
Dougherty, Hugh	21
Douglas, James	22
Doveton, F. C.	9
Doveton, F. C.	61
Dowling, Patrick	16
Dowling, Chas. C.	10
Dowling, Robert	22
Dowling, Patk.	23
Dowling, Wm. R.	42
Dowling, C. C.	59
Down, Richard	81
Down, Octavius	81
Downes, David	91
Downing, Henry	15
Downing, S.	81
Doxey, John	22
Doyle, Michl.	22
Doyle, James	23
Draper, Alexander	22
Drew, R. H.	7
Drought, Wm. G.	15
Drought, Andrew	16
Drummond, Wm.	10
Drummond, J. E.	15
Drummond, J. B.	74
Drury, Joseph	58
Drury, Arthur	59
Dryburgh, Thomas	80
Duane, Patrick	22
Duff, Jas.	90
Duffy, Thomas	22
Duffy, Francis	23
Duffy, Bernard	23
Duggan, Patrick	42
Duigan, Henry V.	60
Dumas, A. G.	4
Duncan, Andrew	23

	Page.
Duncan, George O. ...	42
Dundas, James ...	22
Dunderdale, Geo. ...	60
Dunlap, Heather ...	23
Dunlop, Adam ...	22
Dunn, Michl. ...	22
Dunn, Michl. ...	22
Dunn, George ...	42
Dunn, Bridget ...	47
Dunn, Alice ...	47
Dunn, John ...	72
Dunn, R. C. ...	80
Dunn, J. ...	83
Dunne, Clarke ...	22
Durrell, Thomas ...	23
Duvernet, George ...	15
Dwyer, John ...	22
Dwyer, William ...	22
Dwyer, Peter ...	40
Dyer, Richard ...	22
E.	
Eades, John C. ...	68
Eades, W. G. ...	78
Eagan, James ...	23
Eagan, Michael ...	23
Eager, Edward ...	23
Eager, Gerald ...	23
Earle, Josh. ...	74
Eason, Joseph ...	14
Eastwood, James ...	23
Eaton, H. F. ...	69
Eaton, T. A. ...	78
Eche, George ...	23
Eddy, John ...	42
Edmunds, T. ...	83
Edwards, James ...	14
Edwards, Wm. L. ...	23
Edwards, William ...	51
Edwards, Thos. ...	55
Edwards, S. L. ...	66
Edwards, John ...	86
Egan, Daniel ...	23
Egan, Patrick ...	23
Egan, Benjamin ...	23
Egan, Owen ...	74
Eghan, John ...	23
Ekins, John ...	74
Elkins, Henry ...	12
Ellerker, W. H. ...	78
Ellery, Henry ...	42
Ellery, R. L. J. ...	98
Elliott, Robert ...	23
Elliott, John ...	23
Elliott, G. C. ...	65
Elliott, E. R. ...	77
Ellis, George ...	16
Ellis, Thomas ...	23
Ellis, Daniel ...	23
Ellis, Henry ...	23
Ellis, Manby ...	23
Ellis, Louis ...	55
Ellis, George ...	81
Elward, John ...	23
Ely, A. L. ...	63
Emery, W. ...	81
Emery, W. K. ...	85
Emmerson, Stewart ...	23
Enwine, Henry ...	23
Evans, Thomas F. ...	9
Evans, Thomas ...	14
Evans, Lewis ...	23
Evans, Bernard ...	23
Evans, Theophilus ...	23
Evans, R. P. ...	72
Evans, Frederick ...	87
Evers, Bernhard ...	23
Ewing, Robert ...	60
Ewing, S. ...	81
Eyton, John ...	23

	Page.
F.	
Fagan, Daniel ...	24
Fagan, Michael ...	24
Fagan, Patrick ...	24
Fagan, Thomas ...	94
Fahey, Thomas ...	23

	Page.
Fallon, Malachi ...	24
Falvey, Thomas ...	43
Fanlon, Edward ...	24
Fannmore, Welbert ...	24
Farie, Claud ...	55
Farley, J. H. ...	7
Farley, Bernard ...	42
Farmer, Charles ...	87
Farncombe, A. ...	89
Farquhar, D. R. ...	81
Farquharson, H. H. ...	3
Farrar, Alfred ...	50
Farrel, Frederick ...	77
Farrell, Thomas ...	24
Farrell, Patrick ...	78
Farrer, J. S. ...	59
Faulkner, Rebecca ...	47
Fawkner, W. ...	86
Fawsett, Leonard ...	24
Fawthrop, Jas. ...	88
Featherstonhaugh, Cuthbert ...	61
Featherstonhaugh, Cuthbert ...	61
Feinagle, Chas. G. ...	7
Fenton, Robert ...	8
Fenton, Abraham ...	15
Fenwick, W. ...	11
Ferguson, Charles ...	87
Ferguson, G. ...	74
Fergusson, William ...	59
Fermaner, D. ...	89
Ferres, John ...	70
Ferrier, J. ...	86
Field, Robert ...	23
Fielden, Samuel ...	94
Fielder, T. ...	85
Findley, John ...	78
Finlay, Thomas ...	24
Finlayson, Donald ...	24
Finnegan, Patrick ...	16
Finnigen, Owen ...	15
Firebrace, W. P. ...	54
Fish, William ...	91
Fisher, Wm. ...	24
Fisher, John ...	66
Fitzgerald, Michl. ...	24
Fitzgerald, Patrick ...	24
Fitzgerald, Corns. ...	24
Fitzgerald, L. ...	94
Fitzmaurice, Thos. ...	24
Fitzmaurice, Geo. ...	24
Fitzpatrick, Bartw. ...	24
Fitzpatrick, Denis ...	24
Fitzsimons, John ...	24
Fitzsimons, G. W. ...	67
Fitzsimons, T. ...	70
Flahive, Patrick ...	24
Flanagan, James ...	24
Flanders, Patrick ...	24
Flanders, Mine ...	39
Flannagan, Timothy ...	43
Fletcher, Nathaniel ...	48
Fletcher, Chas. Henry ...	74
Flinn, John ...	24
Flower, Joseph ...	23
Flower, James ...	24
Fogarty, Mary ...	47
Foggo, Charles ...	90
Foley, John ...	24
Foley, Thomas ...	24
Foley, John ...	24
Forbes, John George ...	57
Forbes, J. A. G. ...	59
Forbes, Thos. Joh. ...	74
Forbes, Thomas ...	74
Ford, James ...	40
Ford, Peter ...	47
Ford, Henry ...	55
Ford, H. B. ...	90
Ford, G. W. ...	90
Forde, Henry ...	46
Foreman, Charlotte A. ...	42
Forster, Charles ...	41
Fosbery, E. W. ...	11
Fosbery, J. W. ...	54
Foster, Wm. Hy. ...	8
Foster, Henry ...	12
Foster, James ...	42
Foulds, J. ...	78
Foulkes, G. ...	85

	Page.
Fowler, James ...	23
Fowler, Henry ...	68
Fox, Francis ...	24
Fox, Columb ...	24
Fox, Andrew ...	42
Foy, William ...	90
Francis, Richard ...	6
Fraser, Charles ...	42
Fraser, William ...	42
Fraser, S. L. ...	81
Fraser, G. ...	85
Frazer, Hugh ...	74
Freeman, Samuel E. ...	12
Freeman, W. ...	74
Freeth, T. ...	83
Fremantle, W. ...	54
Frost, James ...	24
Froud, Wm. Hy. ...	24
Fryer, Francis ...	96
Fudger, William ...	24
Fulker, G. ...	52
Fullarton, R. ...	87
Fullerton, John ...	24
Fulton, John ...	43
Furlong, G. H. ...	78
Furnell, Samuel S. ...	12
Furnival, J. ...	78
Fynmore, James A. ...	74

	Page.
G.	
Gair, James ...	81
Galbraith, William ...	94
Gale, John ...	40
Gale, Harriett ...	40
Gallagher, Lambert ...	25
Galt, John ...	25
Galt, Alex. ...	78
Galvin, James ...	25
Gambell, George ...	25
Gammon, Pat. ...	74
Gardiner, Robert ...	43
Gardiner, Wm. ...	43
Garton, Richd. ...	61
Garvey, John Edward ...	25
Gascoigne, Bamber ...	24
Gates, J. ...	85
Gaunt, Wm. Henry ...	10
Gaunt, J. M. ...	65
Gay, Thomas ...	99
Gaylard, George ...	96
Gaynor, George ...	43
Geary, Harry Vincent ...	12
Geary, Joseph ...	49
Gebbie, James ...	25
Gedge, W. E. ...	81
Gee, J. Wilson ...	40
Gee, Mary S. ...	40
Genty, Andrew ...	24
Geoghegan, Wm. ...	52
Geraghty, John ...	25
Gibbs, R. ...	7
Gibbs, Jas. H. ...	94
Gibbs, John ...	94
Gibbs, Joseph ...	94
Gibney, Francis ...	43
Gibson, Alex. ...	25
Gibson, William ...	25
Gibson, Richd. B. ...	77
Gilbert, F. E. ...	74
Gilbert, James ...	87
Giles, W. ...	81
Gilfillan, J. A. ...	81
Gilks, Ed. ...	74
Gill, S. M. ...	4
Gilles, Lewis ...	64
Gilligan, Patrick ...	25
Gilligan, Peter ...	25
Gillman, Richard D. ...	25
Gilman, Hill John ...	13
Gilmore, Thomas ...	25
Gilmore, Alexander ...	43
Glass, William ...	24
Glavin, John ...	25
Gleeson, John ...	43
Gleeson, Saml. ...	46
Glenny, William ...	24
Goble, George ...	25
Goff, Alfred ...	91

	Page.		Page.		Page.
Macfarlane, James	82	Minogue, Wm.	32	Murray, Robert	50
Mack, Edward	44	Minto, Alexdr.	31	Murray, Thomas	95
Mackay, William	44	Minzies, A. R.	67	Murrell, William	31
Mackay, James	60	Mitchell, Wm.	31	Murtagh, Thomas	31
Mackenzie, Eneas	6	Mitchell, Geo.	32	Musgrove, A. W.	85
Mackenzie, R. C.	9	Molesworth, Robert	53	Muspratt, Thomas	93
Mackenzie, A. K.	82	Molison, Crawford	9	Musson, James	31
Mackenzie, M. J. S.	84	Molloy, Thomas	32	Mylan, Mary	47
Mackenzie, H. M.	84	Moncton, F. O.	54	Myles, Henry	31
Mackie, A.	62	Monk, Frederick	31		
Mackintosh, Wm.	75	Montford, Wm. N.	17		
Maclure, John	62	Montgomery, R. A.	62		
MacMahon, Chas.	11	Moody, C. L.	54	Mc.	
Macnee, Duncan	40	Moody, L. A.	66	McAdam, John	31
Macnee, James	55	Moon, A. G.	70	McAllister	30
Macoboy, M. F.	57	Moore, John	6	McAlpin, A.	82
Macon, C. A.	75	Moore, Hugh B.	5	McArthur, H.	10
Macpherson, F. A.	82	Moore, John	31	McAuliffe, John	31
Maddigan, Andr.	31	Moore, Thomas	31	McCabe, Joseph	30
Magee, Wm. S.	41	Moore Robert	32	McCaghan, Robert	29
Maguire, Wm.	31	Moore, Robert	43	McCann, Thomas	29
Mahery, John	32	Moore, John	44	McCann, Susan	47
Mahery, William	32	Moore, Ellen	47	McCann, F. J.	69
Mahone, Chr.	32	Moore, Wm. A.	53	McCann, Thos.	71
Mahony, Danl.	32	Moore, Hy. Byron	75	McCartin, Patrick	29
Maher, Patk.	31	Moore, J.	79	McCarthy, John	29
Mahr, Richd.	32	Moore, W. A.	86	McCarthy, John	57
Mair, William	12	Mooney, James	32	McCatchan, Jas.	31
Maitland, G. C.	61	Mooney, Thomas	32	McClusky, Adam Jno.	30
Mallam, Charles	32	Moors, Henry	11	McCobe, Michl.	30
Mallard, Fred.	32	Moors, John	32	McCcoll, John	30
Malloy, Peter	31	Moran, Geo.	31	McCombe, Hy.	30
Malone, James	32	Moran, Thomas H.	32	McCoppin, Michl.	30
Maloney, Christopher	31	Moran, Peter	32	McCormick, John	30
Maloney, Michael	44	Moran, Charles F.	15	McCormick, Joseph	30
Manning, Henry	32	Moran, Owen	44	McCormick, R.	78
Manning, John	32	Moran, Patk.	44	McCoy, Fredk.	52
Mansell, Thomas	47	Morey, George	32	McCrae, George G.	6
Manson, John	15	Morgan, James	92	McCrae, Andrew	62
Manton, C. A.	65	Morgan, George	32	McCraith, Michl.	31
Manwaring, W. H.	14	Morgan, R. C.	64	McCrea, William	46
Maplestone, C.	78	Moriarty, P.	82	McCrohan, Eugene	30
Mara, Michael	31	Morice, W. W.	82	McCrowley, John	30
Mara, Patrick	32	Morley, Richd.	44	McCullagh, Wm.	15
Margetts, Edmd.	97	Morley, Denis	44	McCullagh, Sarah	44
Marks, James	32	Moroney, Thomas	32	McCulloch, Robert	12
Maron, James	31	Morphy, John S.	10	McCurdon, William	29
Marryatt, W.	85	Morrah, A.	75	McCurdy, George	29
Marshallsea, George	91	Morres, Hy.	75	McDermott, Joseph	75
Martin, Wm.	15	Morrison, Charles	31	McDonald, John	29
Martin, Philip	31	Morrison, Andrew	32	McDonald, Sam.	30
Martin, A. L.	59	Morrison, William	96	McDonald, Jno.	30
Martin, A. L.	75	Morrissy, Patrick	31	McDonald, Fred.	29
Martin, Wm.	75	Mortimer, J. T.	82	McDonald, John	29
Martin, W.	84	Morton, G. P.	61	McDonald, Law.	30
Martin, George	95	Morwick, George	87	McDonald, Angus	46
Mason, Joseph	12	Moseley, Alfred	56	McDonald, Ewen	46
Mason, James	31	Moseley, Henry	79	McDonald, Philip	46
Mathews, James	31	Moses, J.	79	McDonnell, P.	30
Mathews, James	88	Morton, Wm. S.	14	McDonnell, Michl.	44
Matthie, James	43	Morton, Mark	17	McDonnell, R. W.	82
Mathieson, G. C.	98	Morton, Edward	31	McDonnell, G. M.	86
Mathison, Anthony	76	Morton, G.	56	McDougal, John	29
Maude, Thomas	40	Mounter, John	95	McElroy, William	30
Maxwell, Wm. H.	44	Mouson, James	31	McElroy, Julia	39
Meade, John	31	Mowat, T.	84	McEmmery, Jo.	75
Meaghan, William	39	Moylett, Patrick	32	McEvoy, Thomas	31
Mears, Henry	4	Moynihan, Cors.	17	McEvoy, Patrick	30
Medley, Lynton	31	Moynihan, Wm.	32	McEwen, John	40
Megson, C.	65	Mueller, F. J. H.	50	McEwen, Mary	40
Meiklejohn, George	44	Mulheron, James	32	McGarrell, Denis	29
Meredith, Wm.	32	Mullery, Patrick	32	McGaun, Wm.	30
Merfield, Jas. W.	98	Mulligan, Jas. A.	10	McGeorge, Jas.	29
Merrett, S. H.	79	Mullin, Isaac	31	McGlade, Thomas	31
Merton, Henry	32	Mullowney, John	32	McGladdery, James	31
Messit, Soloman	32	Mulvaney, Patrick	44	McGlove, Danl.	31
Meyer, Charles	17	Munro, Donald	82	McGlynn, Jno.	30
Meyrick, Alfred	67	Murphy, James	31	McGovern, F.	30
Millea, Robert	32	Murphy, John	31	McGowan, S. W.	98
Miller, David	44	Murphy, John	31	McGrath, Matthew	29
Miller, John S.	49	Murphy, Thomas	31	McGrath, John	30
Miller, L.	79	Murphy, Patrick	32	McGuerny, Henry	30
Millie, Thos. Hy.	39	Murphy, Michl.	32	McGuerny	30
Milliken, Samuel	32	Murphy, Denis	44	McGuffin, Charles	30
Mills, J. B.	89	Murphy, Wm.	44	McGuire, John	30
Mimgovin, John	31	Murray, V.	10	McGuity, Joseph	30
Minchin, C. W.	63	Murray, Walter	31	McHale, Myles	30
Minnion, Stephen	31	Murray, Patrick	31	McHenry, Thomas	44
Minnis, Francis	44	Murray, William	32	McHugh, John	30
				McHugh, J.	82

McHutchison, D. ...	75
McIntosh, Finlay ...	30
McIvor, John ...	29
McIlrath, John ...	44
Mellroy, James ...	44
McKaon, Patrick ...	47
McKave, James ...	30
McKay, Angus ...	31
McKay, William ...	31
McKay, Donald ...	30
McKay, Murdock ...	30
McKay, James ...	75
McKay, Robt. ...	83
McKellar, R. W. ...	31
McKelvey, David ...	29
McKenzie, George ...	30
McKenzie, S. ...	89
McKinlay, Patrick ...	47
McKnight, Andrew ...	29
McKoyle, John ...	44
McLachlan, Hugh ...	95
McLean, Allen ...	29
McLean, Roderick ...	29
McLean, Alexander ...	71
McLean, D. ...	79
McLean, D. ...	84
McLeod, C. ...	85
McLoughlin, John ...	30
McLoughlin, Michl. ...	30
McLoughlin, Patrick ...	47
McLoughlin, Thomas ...	75
McMahon Michl. ...	30
McManus, James ...	31
McMichael, Samuel ...	29
McMillan, W. H. ...	56
McMullin, James ...	30
McMurray, James ...	69
McNamara, Francis ...	15
McNee, J. ...	82
McNeal, Archibald... ..	15
McNeil, Nathan ...	13
McNiven, Jas. ...	84
McNulty, John ...	29
McPherson, Robert ...	29
McPherson, Robert ...	63
McPherson, D. J. ...	88
McQueen, James ...	31
McRae, John ...	30
McRitchie, John ...	15
McSwainey, James... ..	30
McSweeney, Patrick ...	17
McSweeney, Patrick ...	30
McSweeney, Joseph ...	96
McWilliams, James ...	29
McWilliams, Wilson ...	47

N.

Nalan, Michael ...	33
Nantes, Theop. ...	33
Nash, Richard ...	69
Nason, Joseph ...	15
Naylor, Thomas B. ...	67
Neale, Robert ...	44
Neate, George ...	33
Neele, Saml. J. ...	95
Neeley, Henry ...	54
Nelsen, Henry ...	85
Nelson, Robert ...	33
Nelson, John ...	39
Nethercott, E. G. ...	56
Netherwood, Chris. ...	75
Neville, William ...	33
Nevins, Pen....	75
Newby, Thomas ...	40
Newland, Thos. ...	96
Newton, Fred. ...	32
Newton, Wm. P. ...	95
Nial, Daniel... ..	44
Nichols, A. H. ...	95
Nicholson, W. B. ...	8
Nicholson, C. H. ...	12
Nicholson, Peter ...	86
Nicholson, W. ...	89
Nicolas, Wm. Keigwn ...	13
Nimon, James ...	15
Nixon, Fred. ...	33
Nixon, Alexander ...	44

Nixon, Thomas ...	75
Nolan, John... ..	15
Norcott, Henry ...	44
Norman, William H. ...	12
Northcott, Harvey... ..	32
Nott, John ...	62
Nunn, J. W. ...	99

O.

Oakley, T. ...	86
O'Brien, Thomas ...	17
O'Brien, Patrick ...	33
O'Brien, Henry ...	33
O'Brien, Patrick ...	33
O'Brien, Thomas ...	33
O'Brien, David ...	33
O'Brien, Daniel ...	44
O'Brien, Mary ...	47
O'Connell, John ...	33
O'Connell, Michl. ...	44
O'Connell, James ...	44
O'Connell, Michael ..	47
O'Connor, Chas. Jas. ...	33
Odgers, William Henry ...	6
O'Flanagan, Mortimer ...	33
O'Gorman, C. ...	65
O'Grady, Peter Michael ...	76
O'Halloran, Michael ...	44
O'Keefe, Thomas ...	33
O'Keefe, Michl. ...	33
O'Keefe, Michl. ...	33
O'Laughlin, Peter ...	33
O'Meara, Michael ...	33
O'Neill, Lucien ...	14
O'Neill, Henry ...	15
O'Neill, Peter ...	33
O'Regan, Cornelius... ..	33
O'Reilly, John Mic. ...	33
O'Reilly, Bernard ...	33
Ord, W. B. ...	75
Organ, Benjamin ...	33
Orlebar, A. B. ...	50
Orme, F. K. ...	59
Orr, John ...	87
Orridge, W. B. ...	15
O'Shannassy, Patrick ...	33
O'Shannassy, Peter ...	33
O'Sullivan, Patrick ...	33
O'Toole, George ...	33
Owen, John ...	33
Owen, Evan... ..	44
Owen, Frederick ...	33
Owens, Jeremiah ...	33
Owens, Mary ...	39
Owens, J. H. ...	66
Oxborough, Charles ...	33
Oxenbould, F. W. ...	82

P.

Page, Martin ...	13
Page, J. ...	82
Pain, Chas. H. ...	97
Palmer, W. J. ...	4
Palmer, H. S. ...	13
Panton, J. A. ...	9
Parker, John ...	33
Parker, Edward S. ...	49
Parker, G. ...	79
Parker, William ...	95
Parkinson, Carleton ...	34
Parlane, J. ...	84
Parry, C. ...	75
Parsons, James ...	33
Part, Saml. ...	56
Paschen, Charles O. ...	17
Pasco, C. A. D. ...	63
Pasley, R. S. ...	11
Pasley, Charles ...	77
Paton, John... ..	79
Paterson, Chas. ...	88
Patterson, James ...	55
Patterson, G. ...	79
Paul, William ...	33
Payne, C. B. ...	80
Payne, W. S. F. ...	99
Payter, J. W. ...	98
Peacock, W. ...	98

Pearce, George E. ...	13
Pearce, Thomas ...	44
Pearce, Mary Ann... ..	44
Pearce, John ...	44
Peare, Henry Robt. ...	34
Pearse, G. E. ...	4
Pearson, William ...	87
Pearson, Thomas ...	89
Peck, Wm. Hy. ...	95
Peirce, Joseph ...	69
Peirepoint, James ...	33
Pellatt, Thos. ...	95
Pender, Peter ...	34
Pennefather, Fred... ..	33
Pennell, George B. ...	77
Penns, William ...	89
Penny, S. ...	91
Penson, Robert ...	70
Penton, D. R. ...	98
Pepper, James ...	33
Percey, Wm. Jas. ...	34
Percy, Henry ...	39
Perkins, Alfred ...	14
Perron, Clement ...	33
Perrott, William Z... ..	77
Perry, Henry ...	34
Perry, Edward ...	34
Peters, Henry ...	34
Peters, H. C. ...	58
Petrie, Chas. ...	96
Pettet, Jno. G. ...	11
Pettitt, T. H. W. ...	75
Peugelley, Hy. E. ...	68
Pewtress, Henry ...	15
Phegan, Andrew ...	79
Phelan, James ...	33
Phelan Daniel ...	44
Phillips, Henry ...	34
Phillips, Jhn. ...	75
Phillips, William ...	87
Phillpin, T. C. ...	86
Philp, T. B. ...	75
Pile, William ...	88
Pinch, Nicholas ...	33
Pinn, D. E. ...	7
Pinniger, Thomas ...	75
Pinniger, Chas. ...	75
Pinnock, J. D. ...	92
Piper, Wm. ...	59
Piper, R. R. ...	97
Pitman, Edwd. D. ...	95
Pittman, Joseph ...	51
Plaisted, Thomas ...	65
Plowright, Thomas ...	33
Pohlman, R. W. ...	57
Porter, John A. ...	54
Porteus, Richard ...	33
Pounds, James B. ...	46
Powell, Murray ...	13
Powell, Elizabeth ...	47
Powell, H. W. ...	75
Powell, C. ...	82
Power, William ...	17
Power, William ...	33
Powllett, F. A. ...	75
Prater, Aug. Fred. ...	34
Prendergast, Hy. Mic. ...	34
Prest, John ...	34
Prestage, John ...	33
Preston, John ...	90
Price, William ...	33
Price, Fred. Wm. ...	33
Price, Mathew ...	10
Price, M. ...	59
Price, A. ...	79
Puckle, F. H. ...	75
Pulford, William ...	33
Pulleng, Alfred ...	76
Purcell, John ...	34
Purcell, Wm. H. ...	33
Purcell, Dillon ...	13

Q.

Quain, Richard ...	34
Quam, Thomas ...	34
Quam, John... ..	34
Quam, John... ..	34
Quam, John... ..	34
Quarrell, John ...	34

Quarrier, Thomas ...	34
Quick, E. A. ...	99
Quigley, Thomas ...	34
Quigley, Michael ...	34
Quigley, James ...	34
Quin, William ...	49
Quinan, Richd. ...	63
Quinlan, John ...	34
Quirk, Thomas ...	34

R.

Rackham, T. R. ...	99
Radcliffe, J. ...	84
Rae, Johnston ...	34
Rae, Henry R. ...	47
Randall, James ...	44
Rankin, John ...	34
Rankin, J. ...	79
Raven, John C. ...	12
Raymond, F. B. ...	75
Readshaw, R. C. ...	95
Reanie, James ...	34
Reardon, Johanna ...	47
Reddan, D. ...	4
Redden, Alfred ...	44
Rede, Robert ...	56
Rede, Robert ...	71
Redgrave, Stephen ...	34
Reed, John ...	34
Reed, James ...	46
Reed, James ...	89
Rees, W. C. ...	87
Reid, Francis A. S. ...	12
Reid, John ...	17
Reid, George ...	34
Reid, Jas. ...	75
Rendall, Walter ...	14
Rennie, S. S. ...	80
Reynell, Alfred ...	67
Rex, Edgar ...	39
Richards, Thomas ...	7
Richards, John B. ...	15
Richards, W. ...	91
Richardson, Robert ...	12
Richardson, William ...	34
Richardson, William ...	44
Richardson, A. ...	82
Ridgway, Charles ...	5
Rigby, N. J. B. P. ...	63
Riggs, Wm. ...	16
Ring, R. B. ...	4
Riordan, Michael ...	34
Ritchie, W. ...	75
Ritchie, William ...	89
Rivers, Anthony ...	34
Rivett, James ...	90
Roberts, Henry H. ...	7
Roberts, Wm. Henry ...	15
Roberts, William ...	89
Roberts, Thomas ...	92
Robertson, P. ...	7
Robertson, William ...	11
Robertson, John ...	44
Robertson, A. ...	46
Robertson, George ...	54
Robertson, And. ...	75
Robinson, John ...	34
Robinson, Andrew ...	35
Robinson, Arthur ...	17
Robinson, Arthur ...	34
Robinson, Wm. ...	35
Robinson, S. ...	86
Roch, Thos. ...	84
Roche, Joseph ...	16
Rodgers, Henry ...	34
Roe, W. F. ...	60
Rogers, John ...	34
Rogers, John W. ...	57
Rogers, F. ...	79
Rogers, Chas. ...	96
Rooke, George ...	17
Rooney, John ...	35
Rose, A. O'Grady ...	53
Rose, Alexander ...	84
Rosie, T. ...	84
Rose, John O. ...	95
Rosevear, William ...	88
Ross, John L. ...	51

Ross, C. G. ...	79
Ross, J. ...	82
Ross, W. B. ...	86
Rothwell, William ...	35
Roulston, Robert ...	44
Rourke, David ...	14
Rowand, Charles ...	77
Rowe, Peter H. ...	17
Rowland, Myles ...	35
Rowley, James ...	40
Rumley, George J. ...	68
Rusden, G. W. ...	3
Rusden, Henry K. ...	11
Rushworth, Henry ...	44
Rush, Henry ...	3
Russell, John ...	35
Russell, Richard ...	34
Russell, Chas. W. ...	75
Russom, Edward ...	17
Ryall, Edward B. ...	16
Ryan, Thomas ...	34
Ryan, William ...	34
Ryan, John ...	35
Ryan, Thomas ...	35
Ryan, Patrick ...	34
Ryan, James ...	75
Ryley, Francis ...	77

S.

Saddler, J. ...	82
Sadlier, John ...	13
Sagrué, Thomas ...	36
Salhoan, John ...	36
Salt, Richard ...	36
Salt, W. H. ...	85
Sammon, William ...	55
Sampson, Thos. C. ...	95
Samson, Horace ...	75
Sancott, John ...	36
Sanderson, Wm. ...	95
Sasse, H. A. ...	6
Saville, Henry ...	35
Scanlan, Edward ...	35
Scanlon, Michael ...	36
Scott, John ...	3
Scott, James ...	14
Scott, John ...	35
Scott, Robert ...	36
Scott, Henry M. ...	45
Scott, R. D. ...	75
Scott, William ...	79
Scott, W. H. ...	91
Scully, James ...	35
Scully, James ...	36
Scurry, Frederick ...	79
Scurry, A. ...	79
Searcy, Frederick ...	17
Seath, George ...	92
Sellick, Austin ...	69
Selwyn, Alfred R. C. ...	51
Seward, James M. ...	55
Sewell, William ...	65
Shade, A. ...	85
Shadforth, R. W. ...	63
Shallard, Thomas ...	3
Shanahan, John ...	36
Shanahan, Anthony ...	35
Shanklin, Thomas ...	36
Sharpe, John ...	35
Sharpe, Andrew ...	39
Sharry, Stephen ...	35
Sharvell, Wm. ...	95
Shaw, Charles ...	35
Shaw, Walter S. ...	72
Shaw, Js. R. ...	75
Shaw, Joseph ...	82
Sheahan, Michl. ...	36
Shearman, Robert C. ...	13
Sheean, Thomas ...	35
Sheehan, Patrick ...	36
Sheehan, John ...	35
Sheehan, Wm. ...	46
Sheffield, Hy. ...	48
Shelly, Patk. ...	35
Shephard, George ...	35
Sheppard, William ...	45
Sherard, C. W. ...	8
Sherlock, Henrietta ...	45

Sherson James ...	36
Sherwood, Chas. J. ...	36
Shields, Wm. ...	98
Shillinglaw, J. J. ...	80
Shine, Patrick ...	35
Shipp, Jonathan ...	17
Shoebidge, Edward ...	35
Short, James ...	36
Short, John ...	96
Shuter, Chas. ...	8
Shuter, Charles ...	59
Sievwright, Adolph ...	95
Silhe, John ...	36
Simmons, James G. ...	35
Simpson, J. L. ...	79
Sims, George ...	79
Sims, G. W. ...	79
Sinclair, James ...	88
Sincock, Thomas II. ...	14
Singleton, John ...	35
Sisk, David ...	35
Skene, Henry ...	9
Skene, A. T. ...	75
Skerritt, George ...	36
Skilling, Thomas ...	52
Skinner, George ...	35
Skinner, C. B. G. ...	58
Slack, Edward ...	95
Slade, Edgar ...	12
Slater, G. ...	79
Slattery, Thomas ...	14
Slattery, John ...	35
Sloan, John ...	45
Smale, J. K. ...	7
Smallman, John ...	35
Smibert, Alexander ...	87
Smith, B. ...	8
Smith, Alexander John ...	9
Smith, F. Augustus ...	9
Smith, Peter Henry ...	12
Smith, William ...	35
Smith, Thomas ...	35
Smith, William F. ...	35
Smith, Edward S. ...	35
Smith, Wm. O'Brien ...	36
Smith, Hiram ...	36
Smith, Joseph ...	40
Smith, John ...	45
Smith, Roland C. F. ...	45
Smith, Malcolm H. ...	45
Smith, John F. ...	45
Smith, James ...	45
Smith, William ...	45
Smith, Robert ...	57
Smith, R. J. ...	66
Smith, John ...	75
Smith, Jos. ...	75
Smith, John ...	82
Smith, J. ...	84
Smith, Jas. ...	90
Smith, J. A. ...	93
Smith, John ...	95
Smith, A. ...	98
Smith, Edmd. ...	98
Smith, C. C. ...	98
Smyth, Robert B. ...	51
Smythe, John ...	35
Smythe, G. D. ...	75
Snee, W. H. ...	75
Snelling, William ...	45
Snow, A. T. ...	79
Snow, Richd. ...	95
Somerville, T. ...	61
Sorell, William ...	4
South, William ...	35
South, George ...	35
South, Hugh ...	36
South, Charles ...	36
South, S. M. ...	54
Sowerby, Henry ...	52
Spain, H. W. ...	80
Spargo, James ...	36
Sparrow, W. C. ...	82
Speares, William ...	35
Spence, James M. ...	6
Spiers, Robert ...	35
Sprent, J. S. ...	82
Sprowle, Henry ...	36
Squire, Tresham G. P. ...	45

	Page.		Page.		Page.
Waters, Richard ...	45	Whitwell, J. ...	91	Wilson, Chas. ...	97
Watson, Benjamin ...	38	Wicks, H. H. ...	98	Wimble, N. ...	76
Watson, Samuel ...	38	Wiggings, Joseph ...	38	Winch, Frederick A. ...	12
Watson, Thomas ...	76	Wightman, Wisdom ...	45	Windsor, G. A. ...	76
Watt, Alexander ...	87	Wigmore, Richard ...	38	Wintle, George ...	40
Watt, John ...	95	Wilcox, William ...	37	Wintle, Mary ...	40
Watts, James ...	45	Wilhelm, D. ...	84	Witcher, James ...	38
Watts, Chas. H. ...	95	Wilhelmi, J. F. C. ...	50	Withy, Henry A. ...	87
Wangh, William ...	16	Wilkins, John ...	46	Wolfe, John ...	14
Waugh, R. ...	85	Wilkinson, Richard ...	37	Wolfe, Peter ...	38
Waymouth, B. ...	95	Wilkinson, John ...	51	Wollaston, W. E. ...	9
Weadich, John ...	38	Wilkinson, Fredk. ...	55	Wood, Thomas ...	38
Weare, James ...	3	Wilkinson, Henry ...	72	Wood, John U. ...	64
Webb, Arthur ...	3	Wilkinson, John ...	68	Woodhouse, Mortimer ...	39
Webb, Richard ...	38	Wilkinson, G. B. ...	83	Woodruff, John ...	86
Webb, George Hy. F. ...	48	Wilks, Clement ...	77	Woods, George Austin ...	12
Webb, James H. ...	48	Willis, James ...	95	Woods, James ...	38
Webber, B. L. ...	83	Williams, John ...	14	Woods, Michael ...	38
Webster, G. ...	10	Williams, John ...	47	Woods, Thomas ...	39
Webster, Cape ...	76	Williams, E. E. ...	53	Woods, J. B. ...	79
Webster, D. ...	79	Williams, H. J. ...	65	Wooldridge, J. ...	84
Weigall, Henry ...	62	Williams, H. A. ...	79	Wordsworth, Hy. ...	76
Weigall, Theyre ...	65	Williams, F. ...	84	Worsley, C. B. ...	11
Weir, William ...	95	Williams, J. R. ...	86	Wratten, John ...	38
Weiss, Augustus ...	38	Williams, John ...	96	Wrigglesworth, J. ...	76
Welch, John ...	38	Williams, David ...	45	Wright, Wm. G. ...	37
Welch, Michael ...	38	Williams, Henry ...	45	Wright, Robert ...	37
Weldon, Thomas ...	16	Williamson, Wm. ...	38	Wright, John ...	37
Welsh, Caroline ...	39	Williamson, H. ...	65	Wright, William ...	38
West, William ...	45	Willicombe, Ezra ...	14	Wright, George ...	69
Westerdale, Jno. ...	38	Willis, Jas. Louis ...	8	Wright, W. H. ...	76
Weston, C. C. ...	58	Willis, G. ...	76	Wright, Walter ...	83
Weston, Mce. ...	76	Willis, F. ...	83	Wright, William Henry ...	96
Wettenhall, Wm. ...	69	Willmot, J. G. W. ...	76	Wrixon, John H. ...	13
Whan, William ...	45	Willoby, W. ...	11	Wrixon, Arthur N. ...	57
Wheeler, W. E. ...	59	Willoby, W. ...	63	Wrixon, Edwd. ...	69
Whelan, Lawrence ...	17	Willock, W. H. ...	84	Wryall, Edward ...	39
Whelan, James ...	38	Wilmot, Robert ...	45	Wyse, Arthur J. ...	96
Whelan, John ...	38	Wilson, Bowes Todd ...	12	Wyman, S. ...	68
Whelan, W. H. ...	62	Wilson, Wm. R. ...	17		
Whitby, A. L. ...	6	Wilson, James ...	37	X.	
White, Hy. Jno. ...	14	Wilson, Thomas ...	37	Ximenes, Maurice Fred. ...	13
White, Daniel ...	14	Wilson, George ...	37		
White, Richard ...	16	Wilson, James ...	38	Y.	
White, William ...	37	Wilson, James ...	38	Yandell, E. W. ...	96
White, Edward ...	38	Wilson, Christopher ...	38	Yarde, John ...	39
White, Thomas ...	38	Wilson, Thomas ...	38	Yardley, Wm. ...	39
White, Patrick ...	38	Wilson, John ...	38	Yates, C. ...	76
White, Charles ...	45	Wilson, Jonathan ...	39	Yates, Thos. ...	96
White, Henry ...	45	Wilson, Charles H. ...	45	Youl, Richard ...	45
White, S. ...	79	Wilson, Edward ...	45	Young, James ...	17
White, A. ...	79	Wilson, George ...	45	Young, George ...	39
White, James ...	84	Wilson, Thomas R. ...	46	Young, Henry ...	39
Whiteford, Caleb ...	16	Wilson, Alexander ...	80	Young, Andrew ...	47
Whitehead, Alexander ...	38	Wilson, J. L. ...	83	Young, P. C. ...	97
Whitehead, John ...	95	Wilson, G. F. A. ...	83		
Whittiker, Alfred ...	14	Wilson, Thos. ...	92		

1858.

VICTORIA.

MR. STUART'S EXPLORATION IN
SOUTH AUSTRALIA.

LAI'D UPON THE COUNCIL TABLE BY THE HONORABLE H. MILLER, AND
ORDERED BY THE COUNCIL TO BE PRINTED, 23RD NOVEMBER, 1858.

By Authority:

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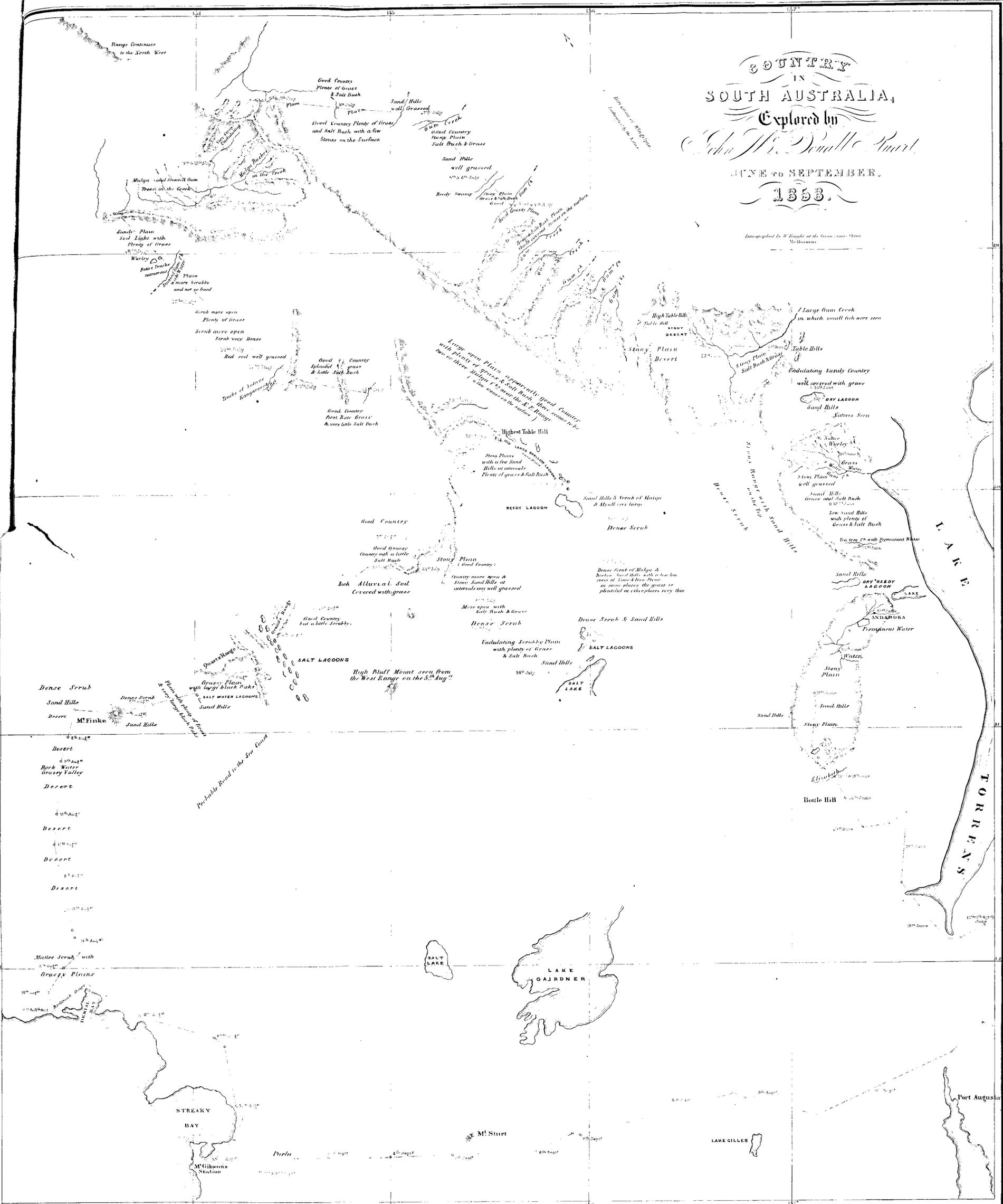
COUNTRY
IN
SOUTH AUSTRALIA,

Explored by
John W. Bonville Esq.

JUNE to SEPTEMBER,

1853.

Lithographed by W. Bonville at the Green Room Office
No. 10, Strand



Range continues to the North West

Good Country
Plenty of Grass
& Salt Bush

Sand Hills
well grassed

Good Country
Plenty of Grass
and Salt Bush with a few
Stones on the Surface

Good Country
Stony Plains
Salt Bush & Grass

Sand Hills
well grassed

Rocky Swamp

Stony Plains
Grass & Salt Bush

Good Country
Stony Plains

Mulga and Shrub Gum
Trees on the Creek

Sandy Plains
Soil Light with
Plenty of Grass

Woolly
Some Trees
numerous

Plains
more Scrubby
and not so Good

Scrub more open
Plenty of Grass

Scrub more open
Scrub very dense

Red soil well grassed

Trunks of Intense
Rangaparua

Good Country
Sandy Plains
& little Salt Bush

Good Country
Free Range Grass
& very little Salt Bush

Large open Plains especially good Country
with plenty of grass & salt bush, this country is
one of the best in the whole of the colony

Highest Table Hill

Stony Plains
with a few Sand
Hills in intervals
Plenty of grass & Salt Bush

REEDY LAGOON

Sand Hills & Venk of Midge
& Midge very large

Dense Scrub

Good Country

Good Country
with a little
Salt Bush

Rich Alluvial Soil
Covered with grass

Stony Plains
(Good Country)

Country more open &
Stony Sand Hills at
intervals very well grassed

More open with
Salt Bush & Grass

Dense Scrub

Dense Scrub & Sand Hills

Undulating Scrubby Plains
with plenty of Grass
& Salt Bush

Sand Hills

SALT LAGOONS

SALT LAKE

High Bluff Mount seen from
the West Range on the 5th Aug

SALT LAGOONS

Grassy Plains
with large black Oaks

SALT WATER LAGOONS

Sand Hills

Dense Scrub

Sand Hills

Desert

Possible Road to the Sea Coast

STREAKY BAY

M^cGibbons Station

M^cSturt

LAKE GILLES

Port Augusta

SOUTH AUSTRALIA.

MR. STUART'S EXPLORATION.

Ordered by the House of Assembly to be printed, November 5th, 1858.

JOURNAL of an EXPEDITION into the UNEXPLORED COUNTRY to the NORTH-WEST and SOUTH-WEST of PORT AUGUSTA, by MR. J. M. STUART.

May 14th, 1858.—Started from Oratunga, with five horses, for Ookena, from whence I intended to take my departure, waiting for a fall of sufficient rain.

Thursday, June 10th, Ookena.—Started, accompanied by — Forster, and a native, named —. Camped on the plain, distant about thirteen miles from Mount Eyre.

Friday, June 11th, West Plain.—Made Mudlealpo at 11 a.m. The waterhole so bad that the horses would not drink. Proceeded five miles towards Beda. The plains very dry, and afraid there will be no water at Beda. Returned to Mudlealpo to try the horses again at the water. Mount Arden, 154° 30'. Mount Eyre, 77° 30'. Beda Hill, 272°. Mount Elder, 64° 50'. Dutchman's Stern, 162° 15'.

Saturday, June 12th, Mudlealpo.—In examining the creek higher up found another well; by clearing it out the water is drinkable. Horses arrived too late for a start, and having now water which they would drink, camped another night.

Sunday, June 13th, Beda.—The horses would drink but little of the water. Started and made Beda at sundown. No fresh water to be found. No appearance of Mr. Babbage's encampment. The country we travelled over very dry.

Monday, June 14th, Beda.—After an unsuccessful search for water, sent Forster to Mr. Babbage's. On his return, hearing that there was still some water at Pernatta, started at 11:30 a.m. for that place. Camped in the sand-hills an hour after dark. Horses suffering from want of water, but a good feed of pig-faces relieved their thirst.

Tuesday, June 15th, Sand-hills.—Started at break of day, and at 10 a.m., met two of Mr. Babbage's men returning with some horses for rations. Informed that the water at Pernatta was nearly all gone, but plenty on the Elizabeth. Following the native's directions we made Pernatta Creek, but could not find any water. I am afraid our black knows but little of the country from the manner he has led us about. Sent Forster to Mr. Babbage's camp with the horses, myself remaining with the provisions.

Wednesday, June 16th, Yallicowie.—The horses returned, having had no water last night. Found Mr. Babbage's camp early this morning. Coulthard's remains were found by Mr. Babbage yesterday. Mr. Babbage having sent word that he would accompany me to the Elizabeth, I delayed starting till 1 p.m., but could wait no longer on account of my horses. Made the south side of Bottle Hill one and a-half hours before dark. Found some water and plenty of grass. Encamped for the night for the benefit of the horses. To-day's journey ten miles, the first part over very stony country, the latter heavy sand-hills.

Thursday, June 17th, Bottle Hill.—Ascended the hill to get bearings, but was disappointed. Could only see a hill, either Mount Deception or Mount North-west, bearing 51° 30'. From here could discern the gum trees on the Elizabeth. Course to them 325° 30'. Seven miles to the creek. Appearance of the country bad; sand-hills and salt-bush. Saw no sign of Mr. Babbage; he was to have been here last night.

Friday, June 18th, Elizabeth.—Obliged to rest our horses here for the day; they have not yet recovered from their long thirst. Quite disappointed in finding this creek and the surrounding country so poor a place. The water appears not permanent, being only accumulation of rain. Since our arrival, yesterday, it has shrunk considerably, and I would not like to have to depend upon it; good country seems very limited. Mr. Babbage has not arrived. I wished to have obtained from him his latitude of Bottle Hill, but cannot wait any longer.

Saturday, June 19th, Elizabeth.—Had a few drops of rain last night. Started at 9:30 a.m., on a bearing of 308°, six miles. Changed the bearing to 355°, one and a-half miles. Next to 328°, four miles, to the north side of a dry swamp. Next bearing 4°, ten and a-half miles. Next 350°, four miles, to a sand-hill. Camped. Distance to-day twenty-five miles, over a very bad country, with large fragments of hard flinty stone covering the surface. Salt-bush with small sand-hills. No water.

Sunday, June 20th, Sand-hill.—Started at 9 a.m. on a course of 25°, sixteen miles. At 1 p.m. came on a creek, which we examined, and found two water-holes, but do not think them permanent. Plenty of grass upon the banks. Our track to-day has been across two stony plains with fragments of white quartz, a few sand-hills, about two miles broad, dividing them. Halted thus early on account of the horses having been without water the night before, and not knowing when I shall meet with more. The native was ignorant of this water, and I am doubtful of his knowing anything of the country except from report of others. The stony plains are hemmed in by very high heavy sand-hills, especially to the west and north-west. There appears to have been no rain for twelve months. Everything dry and parched up. On further examination of the creek we have found a large hole of clear water. Rushes growing round. I now almost think it permanent, and intend falling back upon it should I be forced to retreat and wait for rain. The creek seems to drain the large stony plains we crossed. Water three and a-half feet deep, ten yards wide, forty yards long.

Monday, June 21st, Water Creek.—Started at 9:30 a.m. on a course 25°. At a mile, passed a small table-topped hill to the west of our line. Three and a-half miles, crossed the creek. At four miles passed another table-topped hill connected with the low range to the east, and passed the first ironstone hill. Seven miles, changed to 55°. Eight miles, halted at a large permanent water-hole Andamoka; it is a splendid sheet of water. The low range to the east of our course is composed of conglomerate quartz, with a little ironstone, running nearly parallel with the first part of to-day's journey, over low undulating sandy very well-grassed country. There

appears to have been some rain here lately, the grass springing beautifully. At eleven miles, we came upon a dry salt lagoon, Wilaroo, two miles long by one. From the north end of it, on a bearing of 55°, one and a-half miles, will strike Andamoka—the native name of this fine water-hole. Being now sure of permanent water, should a retreat be necessary, I shall strike north-west to-morrow. Distance travelled, fifteen miles. The country around the water is bold, stony rises, with sand, salt-bush, and grass; no timber except some myall and mulga in the creek. Further examination of the creek proved the existence of salt water both above and below Andamoka; in one place upwards there are cakes of salt one and a-quarter inch thick. These salt water-holes prove that Andamoka is supplied by springs.

Tuesday, June 22nd, Andamoka.—Started at 9:30, on a bearing of 342°; at seven and a-half miles crossed a low stony range running east-north-east and west-south-west; this is table land with sand-hills crossing our line, bearing to a high range east of us 93° 30'. About eight miles in the same direction there is the appearance of a long salt lake. At nine and a-half miles, on a sand-hill, I obtained the following bearings—Mount North-west, 60° 30'; Mount Deception, 95° 00'; at eleven and a-half, passed a large reedy swamp on our left, dry; at seventeen miles, sand-hills cease; at eighteen and a-half miles, top of stony range, when sand-hills again commence. Changed our course to north three miles; camped for the night at a creek of permanent water, very good. The last four miles of to-day's journey have been over very stony rises with salt bush and little grass. The creek takes its rise here; a pity that such good water should be in such poor country; the upper part is, however, quite salt; but there are other larger holes of good water further down. In the first part of this day's journey we crossed two creeks, caked with salt, apparently trending to the south-west. The stony rises may be termed table land with sand-hills. A creeper is growing here in plenty, of which the horses are very fond. The dip of the country is to the east; it seems to have been at one time the boundary of water, having quite that appearance.

Wednesday, June 23rd, Permanent Water Creek.—Did not get a start till 10 a.m., the horses having been a long distance; bearing 318°. At two miles crossed a tea-tree creek coming from stony rises, running north of east, with water. At six miles the sand-hills again commence; our track has been over a stony plain with quartz, lime, and ironstone, with salt bush and grass. In ordinary rainy seasons it must be well-grassed; the old grass is lying matted among the salt bush. We have a view of part of the lake bearing north-east, about fifteen or twenty miles from us; to the west again the stony rises, apparently more open. At ten miles in the sand-hills we have again a view of Flinders's Range; the bearings are—Mount North-west, 78° 35'; Mount Deception, 107°. I shall now be able to fix my position very nearly right. At fourteen and a-half miles camped, having met with a clay pan of water, and plenty of green feed; for the last eight miles to-day we passed over heavy sand-hills. There appears to have been a little rain here lately.

Thursday, June 24th, Sand-hills.—Left at 8:30 a.m., on a course 340°; at eight miles the sand-hills cease and stony undulations commence; at twelve miles changed our course to 79° to examine a gum creek—two miles to it found water; from this, on the former course, at seven miles stony table land with sand-hills on the top. At eight miles changed our course to 70°, four miles to a gum creek; being near sundown we run the creek down for water, but did not obtain it till four miles; found small water-holes, rain water. On the banks of the creek are a great many summer wurlies of the natives; this seems to be their hunting-ground; they had been there this day, there being smoke visible a little above where we first struck it, but they had, no doubt, noticed our approach and disappeared. The first part of our day's march was through two miles of rather heavy sand-hills; after that they were less, and the valleys between much wider, well covered with grass and salt bush, both on the rises and valleys. Courses of lime and ironstone cropping out east and west; the remainder was over a stony plain, bounded on the west by the table land with sand-hills on top. All the country seems to have been under water; probably the bed of Lake Torrens, or Captain Sturt's inland sea. In travelling over the plain, one is reminded of a rough gravelly beach; stones all rounded and smooth. The creek is well grassed on both sides. Distance thirty miles.

Friday, June 25th, Yarra-out, Gum Creek.—Started at 10:20 a.m., from the point where we first struck the creek last night; bearing 20°, two miles; thence 61°, to a high sand-hill, one mile; thence 39°, one mile, to a stony rise. My doubts as to the native's knowledge of the country are now quite confirmed; he is quite bewildered, and points all round for Wingilpin. I have now determined to push to the westward, keeping a little north; bearing 292°, five miles sand-hills; thence 327°, to a table-hill, nine miles. This day has been through sand-hills, a few miles of stones, reedy swamp, dry; all well grassed, but no water; camped without. We came across some natives, the first; they kept a long distance away. I sent our black up to them to get information as to the direction of Wingilpin; they pointed to the course I was then steering, naming five sleeps. This being their greatest number, it may possibly be ten or twenty. We could not induce them to come down; about three quarters of an hour after I came suddenly upon another, who was hunting in the sand-hills. I pulled up when I saw him, in case he should run away (Forster and our black being some little distance behind), I called out to draw his attention; he turned round and saw me. What he imagined I was, I do not know; but a finer picture of fear and astonishment I never saw. He stood incapable of moving a limb, rivetted to the spot, mouth open, and eyes staring; our black having come up I desired him to go forward and speak with him, but omitted telling him to dismount. He remained motionless until our black got within a few yards of him; when, suddenly throwing down his waddies, he jumped into a mulga bush, as high as he could get—one foot being about three feet from the ground, and the other two feet higher; as we advanced, he motioned with his hand for us to be off. He was a fine muscular specimen of his race, about six feet high. To our black's inquiry whether he was a Wingilpin native, he could not utter a word in reply, trembling from head to foot. We then asked for the direction of Wingilpin, when he mustered courage to loose one hand, and impatiently snapping his finger and thumb in a north-west direction, waived his hand for us to be off. I take his finger and thumb snapping to mean a long distance off, and fancy this Wingilpin must be Cooper's Creek. We left him, and proceeded on our way through the sand-hills. About an hour before sunset, we came in full sight of a number of tent and table-topped hills to the north-west, with the stony table land to the south of us. We have not yet left the dip of the country to Lake Torrens. I shall keep a little more to the west to-morrow, if the country will admit of it, to get the fall the other way. The stones cut up the horses' shoes fearfully; some have lost them already, and others will not hold many days longer. Distance, twenty-four miles.

Saturday, June 26th, Edge of Plain.—Started at 9:30 a.m., on a bearing of 314° 30', to the Tent Hill; at ten miles, sand-hills cease; at thirteen miles, point of stony table land; changed our bearing to 285° 00'. There is apparently a gum creek to the north-north-west, distant about ten miles, and seemingly running north-east and south-west. At seven miles, we came upon a large gum creek, the one we saw from point of stony table land. This is as fine a creek of water as I have seen in the Colony, with long permanent reaches, with reeds and rushes around, and only a few yards of rocks dividing them as far down as we could see; we noticed small fish about two inches long (no doubt there are larger.) From the top of a rise I could see about ten miles down; the country appears more open, and the gum-trees much larger. At this distance, I could see a large body of water in a bend of the creek. It is very rocky and stony where I struck it. An immense body of water comes down it at times; its breadth to where the drift has been lodged being upwards of 300 feet. The water at which we are camped is forty or fifty feet wide, and half a mile long, of first-rate quality. Its course from hence down is east-north-east. Were it near Adelaide, it would take its place as one of the South Australian rivers, and not the least by a long way. The first part of our journey was over an undulating plain; the sand-rises very low, and valleys wide, with plenty of grass and salt bush. The last part was decidedly bad, seven miles of a stony plain, thinly covered with salt bush and grass; stony table land still on our left, seven or eight tent hills to the east. In passing the first of these, there is a remarkable feature—it has the appearance as if a white tower had been built on the top of a conical hill; near the top it has a black ring round it; the top is white, coming to a point like a Chinaman's hat. Distance, twenty miles.

Sunday, June 27th, Large Water Creek.—Started at ten a.m., bearing 270°, eight miles, to a low flat-topped hill; changed to 220°, four miles, to a gum creek with rain-water. To the north of our line there are table-topped ranges running north-east, distant about five miles—our west line cutting the south-west corner of one of them at about eight miles; the main creek runs on the south side of this course, and nearly parallel to it. For one or two miles the country is very stony; but improving a little in grass as we get west. To the south, at about ten miles distant, is still the stony table land, with the sand-hills; they seem to be getting a little higher, and have a very bleak appearance; long stony plain between, the creek running through the centre, destitute of timber, except the gum trees in the creeks. At this camp there is a gum creek coming into the main creek from the stony table-topped rise—the first we have noticed coming from them. Another creek comes from the north range a little below our last night's camp, with permanent water in it. The grey mare is very lame from want of shoes, and we are obliged to stop for the day. Now that I am this far north, I regret that I am unable to proceed further, as, from the appearance of the country, I am inclined to think Lake Torrens takes a turn to the west; but I dare not venture, for my horses would become so lame, that I should not be able to return with them. We have seen both mountain and large black ducks, and a swan visited the water-hole last night; I have noticed their flight to be invariably north-west. This part of the country appears to be well-watered. Distance, twelve miles.

Monday, June 28th, Gum Creek.—There has been a little rain last night, and it still continues. My intention is to follow up the creek, if it comes from the west, at a little north of west, and endeavour to make the fall of the country to the south-west, and get on a better track for the horses' feet. Our course to-day is 305°. At one and a-half miles changed the bearing; the creek trending too much north to 287°, five miles, to a small flat-topped hill. The flat-topped ranges to the north appear high; but it is so hazy, that I cannot judge the distance they are off. Changed again to 281°, to a tent-hill twenty-two miles. Distance twenty-eight and a-half miles. Left the creek at two and a-half miles; our travelling ground was good, owing to the rain having softened the soil. Country generally very stony and bad, very little grass and salt bush; it has evidently been the course of some large water, very much resembling the Stony Desert of Captain Sturt, with a similar bleak, barren, and desolate appearance; no timber, can scarcely obtain sufficient to boil our quart-pots. Rain throughout the day.

Tuesday, June 29th, South side of Tent Hill.—Started at 8:30 a.m., on a bearing of 305°; at eight miles, crossed a gum creek, with polygonum running to the north; at twelve miles, crossed another trending in the same direction. We must be near their sources, as the gum-trees are all stunted; the creeks are wide, and formed into numerous channels. Obligated to make an early halt, my horse having become very lame. Continuous rain, though not heavy, during the night: our travelling has been over stony rises. The stony table land that has been all along on our left, is now trending more to the south-west. The country is more open; in looking at it from one of the rises, it has the appearance of an immense plain, studded with isolated flat-topped hills. The last eight miles are better grassed, with more salt bush. I expected to have made thirty miles this day, but I am disappointed; the want of horse-shoes prevents me pushing on. Camped at eighteen miles, in a small creek in the stony rises.

Wednesday, June 30th, Stony Rises.—Heavy rain this morning. Started at 9:30 on a bearing 305°; at five miles crossed the upper part of a gum creek, and at twelve miles ascended a high flat-topped hill; but it is so hazy, that our view is limited. At about eight miles north there appears a creek running east and west, and another about three miles from this hill; changed our course to 309°, to a saddle in the next range. At four miles halted in a gum creek, with plenty of green feed. Made a very short journey, the horses being quite lame; besides which, a stiff tenacious clay compresses and adheres to their hoofs. Distance, sixteen miles.

Thursday, July 1st, Gum Creek.—Rain all night; continuing this morning; in camp spelling the horses. There is a large water-hole half-a-mile below, about 400 yards in length, but am inclined to think it rain; number of black duck upon it, but too shy to get near enough for a shot. I think there is water to be obtained in the creek that I have lately passed, a little further down, as it is visited by a great many natives. What a capital position for a dépôt, to make the centre. Rain continued very heavy through the day.

Friday, July 2nd, Same place.—The creek came down last night; it is now a sheet of water, 200 yards wide. Started at 9 a.m., bearing 309°, for the saddle. At ten miles crossed end of range; on the west side, the course of the range is west-south-west; and the east, north-north-east. In the saddle, changed our bearing to 544° to avoid stones; a large plain a-head; at eight miles, a gum creek—camped. The creek comes from the south-west, and runs a little to the east of north. The first ten miles was over a stony plain: on the saddle in the range, the country before us appears so much lower. I ascended one of the highest hills in this range to ascertain if any creek took its course to south-west, but the weather was dull; observed a gum creek; apparently a wooded country in the distance from south-west to north-east—quite cheering to behold, after the wretched country we have come through. Noticed the country more to the north to be less stony, I therefore changed our course. It was over a plain, thinly covered with gravelly stones, quartz, and ironstone, with a good deal of gypsum soil of a light brown color, plenty of grass, and a little salt bush; in the spring time it must have a beautiful appearance.

Saturday, July 3rd, Gum Creek.—Heavy rain all night, continuing this morning. Country boggy, so that I cannot move.

Sunday, July 4th, Same place.—Torrents of rain throughout the night, and no appearance of a change. The creek overflowed its banks in the day, and left us on an island before we could move. It has now driven us out of our wurlay, and forced us to retreat to a bare hill without any shelter. Rain coming from the north-east.

Monday, July 5th, Same place.—The weather having cleared up this morning, made a start at 12:30, bearing 312°; eleven miles sand-hills, very heavy travelling; at eight miles crossed a reedy swamp, two miles broad; its length I could not determine; it appeared one sheet of water, taking the horses to the middle.

Tuesday, July 6th, Sand-hills.—Rations and everything else being quite saturated with water, we had to stop and dry them. Our fine-wooded country turns into sand-hills with scrub; there are many native tracks, and plenty of grass.

Wednesday, July 7th, Sand-hills.—At 9 a.m., started on a bearing 312°, at eleven miles the sand-hills cease, and stony plains commence. Distance this day, twenty-five miles, at which the sand-hills commence again; but they are so low that very little is to be seen from them. The country still dipping north-east; crossed two water-courses—one on the plain side, the other two miles back—they are broad and shallow; but seeing gum trees two miles to the north-east, they would there, no doubt, form deeper channels, and the sand-hills, at that distance, turning more to the east.

Thursday, July 8th, Sand-hills.—Very heavy dews the last two nights. Started 9 a.m.; came one mile on yesterday's course; changed bearing to 272°; at seven miles crossed a creek, the water up to the saddle-flaps, a few gum trees above and below us; the course of it, north and a little west. At twelve miles the sand-hills cease and stony plain commences; at twenty-five miles, in middle of a plain—camped—no wood. We have sight of a range west of us about twenty-five miles; the country before us seems lower; this plain is of a light brown soil, with fragments of stone, salt bush, and plenty of grass—it is elevated.

Friday, July 9th, Large stony Plain.—Left our camp at ten minutes to 9 a.m., on yesterday's bearing 272°; at one and a-half miles came upon a creek, with seemingly permanent water; the part of the plain traversed to day is well-grassed, with little patches of salt bush, stones not numerous, only in small distances; and judging from the immense quantity of dry grass, this must be a fine country after the rain has for some time fallen; the dip is to the north. The plain becomes more stony as we approach the range. We have camped this night in a gum creek, about three miles west of the range; country very boggy and heavy, and the horses quite weary.

Saturday, July 10th, Gum Creek.—Rested the horses for the day. This evening, we were surprised to hear a dog barking at the grey mare. Its color was black and tan, and the bark like that of a sheep-dog.

Sunday, July 11th, Same place.—This morning, the sun rose 62° . Bearing to-day 272° , to round the point of the range, which seems to have some mallee in the gully on this side, and trees on the west. Started at 8:30 a.m. At four miles, ascended the highest point of the range. The view to the north-east is over an immense stony plain, with broken hills in the distance. To the north is also the plain, with table hills in the far distance; to the north-west is the termination of the range, running north-east and south-west, distant about ten miles. About half way between is a gum creek running to the north-east. To the west is the same range, and a number of conical hills between. Changed our bearing to 220° , to break through the range; distance to ditto, twenty miles. On the last bearing at five miles, top of the range. At seven miles came upon a long and deep water-hole near the top of creek, course south. The range is very stony, composed of hard milky-white flint-stone, with white and yellow chalky substance. The descent to the south is gradual. Country, the best salt bush and great quantities of grass; in places stony, but not more so than the runs in the north. One of my horses (the grey mare) is very sick, and I fear I shall have to leave her at the first permanent water. I think we have now made the dip of the country south. The mirage is so powerful that little bushes appear to be great gum trees. It continues throughout the day, which makes it most difficult to judge of what is before us, almost like travelling in the dark. I never saw it so bright, or of so long continuance; it makes the country in advance appear like one sheet of water. No timber as yet on this side. A good deal of rain must have fallen, the vegetation appearing fresh. Camped without water.

Monday, July 12th, Large salt-bush and grass Plain.—Heavy white frost during the night. Left camp 8:30 a.m., bearing 220° , at two and a-half miles. Changed to 112° , two miles to a small creek running south with plenty of grass and water. We find our horses very tired, and could with difficulty get them over the stones. This caused me to alter my course eastward to get on a creek running south-east. The stony plain appears to continue a long distance to the south-west, but the ground being undulating and mirage very strong, I cannot speak with certainty.

Tuesday, July 13th, Mulga Creek.—Went to the highest point on the stony range east of us, but could see only a very short distance. There are a number of creeks on the eastern side coming into this one, which I hope will form itself into a large one. The range is low and very stony.

Wednesday, July 14th, Mulga Creek.—Started at 8:30 a.m., bearing 180° , eight miles, to a large mulga creek; thence 192° , four miles; distance to-day twelve miles; good country on both sides of the creek. Salt bush, with plenty of grass; rather stony. The gum trees in the creek are becoming larger, though it is divided into a good many channels. There is plenty of water in it at present, but nothing to indicate its permanency.

Thursday, July 15th, Mulga and Gum Creek.—Left camp at 9 a.m., on a bearing of 190° , two miles; thence 230° , one and a-half miles; thence 250° , four and a-half miles; thence 286° , two miles; thence 320° one mile, to a camp at some mallee. Distance to-day, seventeen miles. The country on both sides of the creek is good, but subject to be flooded. Width of plain about fifteen miles. The creek spreads itself all over this plain towards the west, but it will probably collect again.

Friday, July 16th, Large Plain, Mulga and Gum Creek.—At 9 a.m. left camp, on a bearing of 270° . Nine miles, sand-hills. Thence 193° , five miles; thence 132° , fourteen miles. The first six miles were a continuation of the creek and plain. It then turned to the north-west, and the sand-hills commenced. At nine miles we had a good view of the surrounding country. From east to north-west we could see the range that we crossed on the 11th instant, trending away to the north-west, as far as the eye could reach—apparently a sand and scrubby country, with small open spaces intervening; there also appears a gum creek about five miles west of this point. Seeing there was no appearance of any important change to the west for a long distance, I changed my course south to cross the stony rise, keeping on the sand-hills for the benefit of the horses' feet. At five miles found that the sandy country swept round the stony rise, still keeping the appearance of scrub and sand-hills all around. I altered my course to south-east to obtain a position 100 miles north-west of Lake Campbell. On the course we have ridden, twenty miles of a scrubby plain, of a light sandy soil, most abundantly grassed, but dry, the young feed not having sprung. We met with no water on the surface. The bushes are mulga and hackia, with some acacias, and very little salt bush. Camped for the night without water. Distance, twenty-eight miles.

Saturday, July 17th, Scrub and Sandy Plain.—Started at 8:10 a.m. on the same course, 132° at two and a-half miles. Rain water at seven miles. Crossed a stunted gum creek running towards south-west. At twenty-five miles came upon a little rain water. Camped. The plain still continues, with very low rises at intervals. Scrub much thicker, but the most part dead, making it difficult to travel through. Grass not so good. Country more sandy. The creek we crossed at seven miles was running water. It had salt tea-tree on its banks, and would likely have some permanent water, either above or lower down. I did not examine it, the surrounding country being so sandy and scrubby that it would be of little avail.

Sunday, July 18th, Dense Scrubby Plain, Rain-water.—Left a-quarter to 9 a.m., on the same bearing, 132° saw many wurleys, and the tracks of a number of natives, a day or two old, going to the south-west, distance twenty-miles; had to halt early, the grey mare being again unable to proceed. The first part of the day's journey the scrub was more open and well grassed; the latter part the scrub was fearfully dense, composed of dead and live mulga, hackia mimosa, with salt-bush and plenty of grass of several kinds. We have a view of rising ground to the north of our line, from fifteen to twenty miles distant. I shall alter my course to strike the highest point of the range to-morrow; it appears to be the same we crossed on the 11th.

Monday, July 19th, Dense Scrubby Plain.—Started at a-quarter to 9 a.m., on a bearing of 120° to highest part of the range. Could only accomplish ten miles. Although very sorry to do so, I shall be obliged to leave my favorite mare. The country passed over to-day is most splendidly grassed, with a light sandy soil—the mulga grows very tall here. Forster caught an opossum, the first we have met with; it will serve us for good dinner. Found water a little distance down the valley, which I think will form into a large creek further to the south-west. We have again entered the country where kangaroo are plentiful.

Tuesday, July 20th, Grassy Valley.—Started at 10:10 a.m., on the same bearing as yesterday, for the peak of the range, 120° , at four miles ascended the peak. To the north there is a continuation of the dense scrub that we have come through; to the north-east, for about eight miles the same with open patches. Beyond the scrub, about two miles, appears a creek, and in the distance, about twenty miles, is a low range running north north-west and south-east. To the east, for about four miles, low scrub; towards the range an open country with patches of scrub in the far distance. To the south, for about ten or fifteen miles, rising ground with low scrub between. To the south-west, about ten miles, the scrubby country beyond opens on rising ground with apparently, belts of mulga. At four miles beyond the hill, came upon some water and camped. Distance eight miles; the last four miles over a fair salt-bush country with grass and patches of mulga; saw some kangaroo of the large red kind.

Wednesday, July 21st, Grass and Salt-bush Plain.—Left camp at 9 a.m., on a bearing of 97° ; camped at some rain-water in a clay-pan. Distance, twenty miles. At twelve miles there is low rising ground, running north-west and south east, which divides the two plains; no appearance of any creek. Dip of country south west; good soil, covered with first-rate grass, with salt-bush thinly scattered over; clumps of mulga at intervals. It is the finest grass and salt-bush country I have passed over; but I did not fall in with permanent water. In some places there is a little ironstone to be seen.

Thursday, July 22nd, open good Country.—Started at 9 a.m., on the same course as yesterday, 97° ; at one and a-half miles crossed a small watercourse running south-south-west; at sixteen miles came through the saddle of a low range running north west and south-east, composed of limestone; it forms one of the boundaries

of a large plain from the north-west to east-north-east. To the north-west its apparent extent is twenty-five miles, and north-east about twenty miles; well adapted for pastoral purposes. This day's country is equally good as yesterday's, but no permanent water yet. Distance, twenty miles; patches of mulga and other low scrub at intervals, lightly covered on surface with small gravelly iron and limestone.

Friday, July 23rd, Large Plain.—Started at ten minutes to 9 a.m., on a bearing of 82°, to an isolated hill on the plain to obtain a view; at four miles ascended the hill—but can see no creek; changed our course to 122°; at four miles crossed a mulga creek running east, sixteen miles to flat-topped hill. From it I could see nothing but the range to the north-east. At that point the high part seems to terminate in three flat-topped hills; it then becomes lower to the east, apparently the same table-land that was seen on our north course, a long distance off, with the large plain between. The hill we were on is one of the highest I have met with. Camped on south-east side of the hill. A high conical hill, about ten miles south-west, is connected with the range. Distance, twenty-one miles.

Saturday, July 24th, South-east side of High-flat Hill.—Left at ten minutes past 8 a.m., on the same course, 122°. Twenty-four miles, the country travelled over is an undulating stony plain with narrow sand-hills at intervals; several lagoons retaining water. Have now lost sight of the range to the north-east, but occasionally catch a glimpse of the one to the south-west. Camped at a number of large lagoons.

Sunday, July 25th, Lagoon of Rain-water.—Started at 8 a.m., on a bearing of 122°, at eight miles. One mile south is a large reedy swamp; at fourteen miles changed the bearing to 135° to the head of a swamp; two and a-half miles, found it dry, a large clay-pan about three miles in circumference. Again obliged to stop short on account of the horses; we have plenty of feed here, but camped without water. Distance, sixteen miles. The country passed is mulga scrub with sand-hills. Shot a wallaby. Saw five turkeys, but could not get near them. The native tracks are very numerous. I am disappointed in not meeting with permanent water; it would seem that the swamps, lagoons, and clay-pans receive the entire drainage of the country. I shall go no further east on this course; there is no inducement. If I meet with no large creek to the south, I will shape my course north-west of Fowler's Bay.

Monday, July 26th, Sand-hills and dense Scrub.—Left camp at twenty minutes past 9 a.m., on a south course, 182°. At thirteen miles came upon some rain-water. Camped to give the horses rest. We travelled through a very thick mulga scrub with broken sand-hills, a few low rises of lime and ironstone. Saw a few pines for the first time, and some black oak; no appearance of a change of country; from a high sand-ridge I have an extended view to the north-east, apparently all dense scrub.

Tuesday, July 27th, Sandy Undulations.—Started at 9 a.m. on yesterday's bearing, 182°. At twenty-one miles changed our course to some gum trees 235°, one and a-half miles to a long lagoon with water, and a smaller one near. Through the most part of our journey the scrub became lower and more open, with here and there limestone and sand-rises; in some places grass was abundant; the latter part of our track was through dense mulga scrub. We have now come into a limestone country with ironstone. Round the lagoon are a few small gums with black oak and mallee. Another large lagoon appears about one mile west of us, which I shall visit to-morrow. I have now no hope of finding the Wingilpin of the blacks; it must be Cooper's Creek going to the north-west. No doubt I have opened up a great field for discovery in that direction—would that I had been more amply provided and prepared, so that I might have carried out my intention; at any rate, if not for myself, I have cleared a track for others to follow and extend.

Wednesday, July 28th, Large Lagoons, Sand-hills.—Started at 9 a.m. on a bearing of 283° to examine the other lagoon. The water we camped at is as salt as the sea. At two miles (lagoon about three miles long, water salt) changed our course to 182°; at ten miles, to a large lake crossing our course, changed to 240°; at four miles to 270°; seventeen miles camped without water; at commencement of our last course crossed some horse tracks going to the lake. This is a country of salt lagoons—we saw a great many. The large one that crossed our course south, is evidently the head of Lake Gairdner winding away in that direction; the country on the borders is thick scrub and loose sand, without grass, but a little distance back there is abundance. After leaving the lake on the west course for about two miles, were loose scrubby sand-hills; we are now upon an undulating scrubby plain, the everlasting mulga, with few black oak, no sign of water. I shall now shape north-west, to intersect any creek or country that may be in the direction of the good country crossed on our south-east course. If I do not soon meet with water, I shall be compelled to retreat upon Lake Campbell.

Thursday, July 29th, Mulga Plain, west of Lake Gairdner.—Left camp at half-past 8 a.m., course 310°. Twenty miles of the same scrubby plain, slightly undulating; plenty of grass, no water, same description of country as on the 18th instant.

Friday, July 30th, Mulga Plain.—Started twenty-five minutes to 8 on the same course, 310°. The scrub is so thick, that sometimes I cannot see 100 yards. During the night some swans and ducks passed over apparently for Lake Gairdner, and going our course; at five miles we saw the end of the range bearing from us 350°; halted at ten miles at some rain water, and the horses having been three days without, gave them a rest to recruit. Country similar to yesterday, fair salt-bush and grass. Forster baked the last of our flour this afternoon.

Saturday, July 31st, Stony Plain.—Left at half-past 8 a.m. on the same bearing, 310°. At one mile the country becomes more open and stony, with sand-hills, but well grassed; at ten miles ascended a low range running north and south. To the north, rising ground, with open patches. Camped at the end of fifteen miles without water. Our course has been over a gradually rising plain, stones on the surface, quartz and iron, and the hard flinty stone so frequently met with. Scrub nearly disappeared. We are now approaching the range, which is low, though from a distance it shows very high. I have not yet met with hills higher than Mount Eyre. The country towards the hills is open. Throughout the day's travel it is well grassed, and plenty of salt-bush. Dip of the country, south. At ten miles we crossed a valley through which there had been a flow of water to south-south-west, also one that we are now encamped at. Saw some kangaroo, and during the night heard another native dog barking at the horses.

Sunday, August 1st, Stony Plain, Valley.—Left at quarter to 9 a.m. on the same bearing, 310°. My reason for keeping this course is, that there seems to have been very little rain to the south of us, and I am unwilling to get too far away, in case of having to push to my former line for it. This country is very dry, and absorbs all the rain that falls. At four miles the high part of the range north-north-east. About four miles south-south-west other high hills. Distance, ten miles. Country similar as before.

Monday, August 2nd, Salt-bush, Stony Plain.—Had a little rain during the night. Started at 9 a.m. on a bearing of 310°; at three miles changed course to 230°. Distance, twenty miles. Country generally well-grassed, with little salt-bush; a few mulga and bushes; iron gravel. Saw many kangaroo, but too cautious to be got at. No water.

Tuesday, August 3rd, Good country.—Continuous rains during the night. Started at 9 a.m. on the same bearing as yesterday, 230°; distance, twenty miles. The first part of our journey was over six miles of splendid alluvial country, covered with grass and little salt-bush, and a few mulga bushes. It is a first-rate open piece of country, and looks much better than any part of the plains about Adelaide. Four miles further it was not so good; the soil became a little lighter, with more salt-bush and a little scrub. The last eleven miles the soil is good, with grass and salt-bush in abundance, but thicker with mulga, and other low bushes of the same description, as we passed on the 19th ult. It seems a continuation of the same. I observe the ants build their habitations in a similar style as they do there. They are about one foot in diameter at the base, and formed in the shape of a cone. Some are supported by the dead root of a mulga; others stand without. They are from eighteen inches to three feet in height, formed of clay. Kangaroo and emu are plenty. We also notice numerous places of natives' encampments; and, judging from the many fires there, must have been many of

them. Our native left us during the night. He appeared afraid of the others in the vicinity. We can spare his presence, for he knows nothing of the country, and was of little other use, except assisting to get the horses in the morning. Dip of country south. It must be very high above the sea level. We have not crossed a course of rock of any description. From this I am of opinion that the drainage goes underneath, which ought to be the cause of numerous springs towards the sea-coast. No water.

Wednesday, August 4th, Scrubby good country.—Started at 8 a.m., on the same bearing as yesterday, 230°. At thirteen miles ascended a low red granite range, in which we met with rock water. Changed our bearing to a high hill on the opposite range, to 209°. At seven miles saw the granite range to the north-west of our line, distant four miles. Country similar to yesterday. For about half a mile, under the range where we are now camped, the feed is of the best description—to the horses' knees. Six cockatoos passed over to the other range. We have here a small running stream of water, and to this I am compelled to leave the grey mare, which is quite unable to proceed, and has been for some time a great hindrance to our further progress.

Thursday, August 5th, Granite Range.—Started at 8 a.m., on a bearing of 209°, for the highest hill on the opposite range—the most elevated I have yet seen. At five miles another low granite range, with water. At twelve miles went to the highest point of the range, consisting of hard quartz and ironstone. Had a good view of the surrounding country. To the south-east there are salt lakes at about ten miles distance. Farther off are high hills, supposed to be the Gawler Ranges. To the east, the same kind of salt lakes about eight miles. The country is dotted with them from the foot of the range to the eight miles. In the far distance is a high bluff hill, about thirty miles off. Bearing from this, 95° to the north-east, the same country, but a higher background, with the lakes about the same distance. To the north are the granite ranges and the lakes that we crossed on our line; beyond appears a dense scrub, with rising ground at the back. To the north-west, apparently a dense scrub, with high ground from that to the north-north-west, in the far distance. To the west is a low scrubby country, with mulga at intervals. On a bearing of 250° is a very high bluff hill, distant about forty miles. This range runs north-west and south-east. Changed our bearing to 268°. Nine miles camped under a low range, with good feed for the horses. On the first part of our journey, for about eight miles, are a number of salt lagoons, some containing water, others dry, with samphoin growing in them, surrounded with low narrow sand-hills, large mallee growing on the top of them; also tea-tree and black oak, with a few casuarinas. The two granite ranges are low, of a red color, with fragments of quartz nearly transparent; a number of holes in the rocks retaining rain water. The other range is of hard quartz in large masses, the highest points being ironstone, and apparently connected with the granite range. Sandy valleys run between, with some limestone. On our west course we crossed a plain of red light soil, with abundance of grass and a little salt-bush; a very thick scrub close to the range, but as we advanced became more open and lower. I shall change my course to-morrow, to visit the high bluff mount. Distance, twenty-five miles. Shot a wallaby, and enjoyed him for supper.

Friday, August 6th, Under low Range.—Left at 8:30 a.m., on a bearing of 237°, to avoid the stones on the hills. Five and a-half miles obtained rain-water. At nine miles changed our course to 255°. At fifteen miles camped in the sand-hills; distance, twenty-six miles. Shot another wallaby. The first seven miles good soil, well grassed, low scrub. After that not so good; sand-hills, with salt-water lagoons between them. Came on an open plain about five miles broad; black oak very large, the everywhere present mulga, and a few shea-oaks in patches over the plain, well-grassed, with a little salt-bush. It then becomes very thick, the black oak predominating, of great size. At seven miles back from where we are camped, heavy sand-hills commence, with small flats and lagoons between running in every direction. Water salt; timber, very large black oak, mallee, mulga, and native peach. The grass is good in places. The mount I am striving for is further distant than I expected. It appears very high. I had not, for the present, intended to come so far south, but I could not allow so important a feature to remain unexamined. The hills camped under last night are quartz, and connected with the range running to the south-west.

Saturday, August 7th, Sand-hills—To the High Mount.—Left at 8:30 a.m. on the same bearing, 255° thirteen miles to the foot of the Mount; at fifteen miles, camped under the highest point, formed of quartz, rock. To-day's journey has been through dense scrub and heavy sand-hills to the foot of the hill, which I have named Mount Finke. It is as high as Mount Arden. The country is of a very light sandy nature, which will not retain water on the surface. We have been without water two days, and, unless the top of the Mount discloses better prospects, shall be compelled to strike for Fowler's Bay. My anxiety was so great, that I could not rest in camp; and, though late, I got on to one of the lower hills to see what was before me. The prospect was gloomy in the extreme. I could see a long distance, but nothing met the range of vision but a dense scrub, black and dismal. On my return, Forster had succeeded in finding water, by digging in the creek; this will enable me to get further west. At twelve miles on our journey, passed within a mile of a long dry lagoon. Distance, twenty miles.

Sunday, August 8th, Mount Finke.—At dawn of day I ascended the Mount; I am not able to see much more than I did last night; a very heavy mist obscuring the view. It is the same dismal scrub and sand-hills all around. To the north-north-west, I can see over the mist; no rising ground interrupts it. To the north-west, there appears to be high rising ground a long distance off. To the west, no rising ground—scrub and sand-hills. To the south-west, low rising ground about twenty miles. To the south, scrub and sand-hills. To the south-east, rising ground in the distance. To the north, the same—no range to be seen in any direction—a dismal aspect. Left the Mount at 9:30 a.m., on a bearing of 270°; at eight miles halted to give the horses food, having been tied up last night. Another horse, "Blower," taken very unwell, just as the mare. After leaving the Mount, we have a thick mallee and mulga scrub to go through, with spinifex; at ten miles, changed our bearing to 190°; at eight miles, camped. The whole day has been through a desert of sand-hills and spinifex—not a blade for the horses. It is even worse than Captain Sturt's desert; there was a little salt-bush, but here, not a vestige. Sand-hills running east and west. Distance, twenty-five miles.

Monday, August 9th, Desert.—Started at 8:30 a.m. on the same bearing, 190°; at five miles a change of country, the spinifex suddenly ceases, and low scrub takes its place—the sand-ridges are open, and the valleys widen. At seven miles, discovered some rock-water, with plenty of salt-bush and green grass, in the middle of a valley, and I shall give the horses the benefit of it, having been entirely without both for forty-eight hours. Observed where a horse had been some long time ago.

Tuesday, August 10th, Rock Water.—Started at 8:30 a.m., on a bearing 180°; camped; sixteen miles without water and little food. The dreary desert continued; and, after a mile from last night's camp, it became worse than before—the sand-hills higher, steeper, and closer together, the spinifex thicker and higher—and it was with difficulty we got the horses through. Rain during the night.

Wednesday, August 11th, Dense Scrub.—Left camp at 8 a.m., on the same bearing, 180°, at nine miles, am obliged to halt for the day; the horses being fatigued through the heavy sand-hills. Country same as yesterday. To the north, we noticed, yesterday and to-day, rising ground, which I should have examined, but our provisions are nearly exhausted, and our object now must be to reach Fowler's Bay for water; thence Streaky Bay, to endeavor to obtain some provisions to carry us home.

Thursday, August 12th, Dense Scrub.—Left at 8:15 a.m., bearing 165°; camped at ten miles; the horses now showing great weakness. The same dreary desert—no water.

Friday, August 13th, Dense Scrub.—Started at 8:30 a.m., on the same bearing, 165°; can only get ten miles out of the poor horses. The same dismal scrub. I must endeavor to strike Miller's Water.

Saturday, August 14th, Dense Scrub.—Started at 8:15 a.m., on the same bearing, 165°; at ten miles made some green feed, and gave the horses the rest of the day. For the last two miles we had no sand-hills, but dense mallee and tea-tree—salt-bush and pig-faces in abundance. Would have rested for another day, but want of water compelled us onward.

Sunday, August 15th, Dense Mallee and Scrub.—Started at 8:45 a.m., on the same bearing, 165°; at two and a-half miles changed our course to 225°, having met with some fresh horse tracks; at seven miles, camped for the day on some green feed. Distance actually travelled, fifteen miles.

Monday, 16th August, Dense Mallee.—Started at nine a.m., on a course of 205°; eight miles actual distance travelled, twelve miles to Miller's Water; intended to have given the horses two days, but found the water insufficient; they have nearly drunk it all, and will have to go short in the morning. The country passed through yesterday and to-day resembles the scrub between Franklin Harbor and Port Lincoln—mallee, with, occasionally, grassy plains—but the mallee here is longer, and the plains are met with at shorter intervals, and are of greater extent. I am not able to reach Fowler's Bay; our provisions are quite exhausted, and the horses also; I now shape for Streaky Bay to obtain something to eat.

Tuesday, August 17th, Miller's Water.—Watered our horses from a waterproof, with a quart pot. Started at a quarter past 9 a.m., course 160°; six miles to Belimah Gaip. For the first three miles the grassy plains are very good, and seem to run a considerable distance between belts of large mallee, varying in width—they seem connected by small gaps, and I think water could easily be obtained by digging. The last three miles to the coast is dense small mallee; actual distance, twelve miles; intend to rest the horses to-morrow; one of them, "Bonney," we have great difficulty to get onwards, even these short trips. We have been now for more than a month existing on two and a-half pounds of flour each per week, with but very little animal food. Latterly, we obtained a few kangaroo mice, of which we were glad to partake; we were anxious to find more, but soon got out of the country where they existed; one meal per day, and a very small one, we have been reduced to for five weeks—this has, of course, impaired our strength, and makes us almost incapable of exertion. We have now two meals left to take us into Streaky Bay, a distance of 100 miles. Tops of pig's-faces have been partly our sustenance, and, to a hungry man, are very palatable—if they were boiled in fresh water, would be a good vegetable. Yesterday's meal was accompanied by young sow-thistles, boiled, and we could have enjoyed more of them.

Wednesday, August 18th, Belimah Gaip.—Rested the horses, and obtained a few shellfish (periwinkles) from the beach, but not enough to satisfy our hunger.

Thursday, August 19th, Belimah Gaip.—Started at 8 a.m., on Mr. Eyre's track for Streaky Bay—managed to get thirty miles; still three day's hunger before us.

Friday, August 20th, Smoky Bay.—Started at a quarter to 7 a.m. Thirty-five miles. Mallee scrub in some places very dense, other parts good grassy plains, in which, I think, water could be had by digging, and, if followed up, might lead to open country inside. At twenty-five miles, rock-water.

Saturday, August 21st, Small grassy Plains.—Started at half-past 7 a.m. At eighteen miles got a little water in a limestone rock. General course south-east thirty-eight miles, through dense scrub. Camped on the shore at Streaky Bay at sundown; the last ten miles through dense scrub—some grassy plains at intervals.

Sunday, August 22nd, Shore of Streaky Bay.—Horses came up late. Started at 11 a.m., to make Mr. Gibson's station; during the morning shot a crow and had it for breakfast—quite welcome food, after being without for three days. Twenty-four miles to Mr. Gibson's station, who received us with the greatest kindness, for which we shall ever be thankful. It may be supposed that we greatly enjoyed a good supper.

Monday and Tuesday, August 23rd and 24th, Mr. Gibson's.—We were now completely prostrated; the sudden change from a state of starvation to good and plenty was too much for our reduced systems, and both of us were very unwell, especially Forster.

Wednesday, August 25th.—To Mr. Miller I am greatly indebted for supplying me with fore shoes for my horses; shall now prepare to make a start next week for Oratunga, by way of the Gawler Range.

Friday, September 3rd, From Mr. Gibson's.—After very severe illness, we are now so far recovered as to make another start. Came to Mr. Gibson's out-station (twenty-five miles) on the 1st, but found myself quite done up; unwell next day, and obliged to remain. This day, at half-past eight, started for Parla; made it at 1 p.m.; camped at ten miles beyond. Distance, twenty-five miles.

Saturday, September 4th.—Started at half-past eight, on an east bearing, twenty-three miles to Rock-water. Camped in very poor country. The Granite Range laid down in Mr. Hack's chart I do not find; I have come east from Parla, and should have crossed about the middle of it.

Sunday, September 5th, Rock-water.—I am shaping my course for Freeling Range, to see what that is made of. Started at half-past 7 a.m., on a bearing of 84°; twenty-two miles—rock-water, with plenty of grass—gave the horses the rest of the day. From this, Mount Sturt bears 10°; at about two miles on this bearing it cuts the west end of a number of salt lakes running to the north of east. The journey to-day has been through very poor country. There are three rock-waters between this and our starting point of this morning, and I can see more to the south of our line.

Monday, September 6th, South of Mount Sturt.—Started at a quarter to 8 a.m., on a bearing of 84°, twenty-five miles. Changed the bearing to 60°, three miles, to a fine plain covered with grass. Halted; no water. I can see nothing of the Freeling Range on the east course. I could see a very long distance nothing but sand-hills and a dense scrub. There are some high hills to the east-north-east, to which I have now changed my course. Our journey has been through a scrubby and sandy country—particularly the last fifteen miles, have been a dense scrub of mallee; there are a few patches of grass in the first ten miles. At six miles south there is a high table-topped hill, apparently granite; but the country as far as I could see did not appear to be good; and as I saw tracks of horses going to it, I deemed it useless to go to it. Distance, twenty-eight miles; no water.

Tuesday, September 7th, Freeling Range.—At 8 a.m., started for the range, on a bearing of 60°; at eleven miles ascended the south-west hill of the range. Mount Sturt bears 266°; changed the bearing to 96° to a granite hill; found a little water and halted for the day. This is anything but a good country; there are a few patches of open grassy plains—scrub predominates, and no appearance of permanent water; there are salt lakes to the west-south-west of the range with some salt upon them. Hills composed of granite, quartz, and ironstone. Distance, fifteen miles.

Wednesday, September 8th, Freeling Range.—Started at half-past 7 a.m. for Separation Camp, bearing 72°; halted at thirty-three miles. The first twenty-five miles was mallee scrub with patches of grass; the last eight miles elevated table-land, salt-bush, and a little grass, and patches of scrub.

Thursday, September 9th, Salt-bush Country.—Started at 9 a.m., on the same bearing, 72°, at fourteen miles. Changed to 110°, two and a-half miles; thence 80°, three miles, to a small creek where we can obtain water by digging in the sand. Camped. Distance, twenty miles. Did not see Separation Camp. It must be wrong placed on the map.

Friday, September 10th, Small Creek.—Started at 9 a.m., on a bearing of 110°, for Coroona; seventeen miles made Coroona. Camped fifteen miles beyond.

Saturday, September 11th.—Arrived at Mr. Thompson's station, at Mount Arden.

J. M. STUART.

2992

1858.

VICTORIA.

MINUTES

OF

DEPARTMENT OF AGRICULTURE.

RETURN TO AN ORDER OF THE LEGISLATIVE COUNCIL.

THE HONORABLE M. HERVEY.—7TH DECEMBER, 1858.

LAI'D UPON THE COUNCIL TABLE BY THE HONORABLE H. MILLÈR, AND ORDERED BY THE COUNCIL TO BE PRINTED, 14TH DECEMBER, 1858.

By Authority:

JOHN FERRES, GOVERNMENT PRINTER, MELBOURNE.

2994.

DEPARTMENT OF AGRICULTURE.

Pursuant to instructions received from the Honorable John O'Shanassy, Esq., M.L.A., Chief Secretary, a circular, of which the subjoined is a copy, was forwarded to the undermentioned gentlemen, viz. :—

The Hon. C. Gavan Duffy, Esq., M.L.A.
The Hon. Donald Kennedy, Esq., M.L.C.
P. Phelan, Esq., M.L.A.
Jos. Wilkie, Esq., M.L.A.
Sidney Ricardo, Esq., M.L.A.
Hy. S. Wills, Esq., M.L.A.
— Johnstone, Esq., M.L.A.
R. McDougall, Esq., M.L.A.
Wm. Lyall, Esq.

Dr. Rowe, &c., &c.
Rawdon Greene, Esq.
Jas. Mackintosh, Esq.
Wm. Wade, Esq.
Michl. Loeman, Esq.
Alexr. Patterson, Esq.
Peter McCracken, Esq.
Peter Snodgrass, Esq., M.L.A.

[Copy of Circular.]

SIR,

Department of Agriculture,
Melbourne, 29th March, 1858.

I am requested by the Honorable the Chief Secretary to acquaint you that he is desirous of obtaining the opinion of a number of gentlemen interested in promoting agriculture.

Funds having been voted by the Legislature for an "Experimental Farm," the Chief Secretary invites your co-operation in selecting a *site* for that purpose.

A meeting of gentlemen will be held at the Government House on Wednesday, 31st March, at twelve o'clock noon.

Awaiting your reply,

I have the honor to be,
Sir,

Your most obedient servant,
THOMAS SKILLING,
Director.

In reply to the above circular, the following communications were received :—

[Copy.]

MY DEAR SIR,

Geelong, 29th March, 1858.

In reply to your favor of the 27th instant, I have to express my regret that I have not at the moment time to devote to the object you mention.

I would observe, however, that a suitable site and soil for the vine should be the first consideration with those gentlemen whom the Chief Secretary honors with the attention with which I have been favored.

I remain, my dear Sir,
Truly yours,
H. S. WILLS.

Thomas Skilling, Esq.,
&c., &c.

[Copy.]

MY DEAR SIR,

Melbourne, 29th March, 1858.

As I leave town to-morrow on a visit to the country for the benefit of my health, I shall be unable to attend the meeting of the Agricultural Council on the 31st.

I informed the Chief Secretary that I should be happy to act, if he thinks that I can be of any service.

Yours, sincerely,
JOSEPH WILKIE.

— Skilling, Esq.

WEDNESDAY, 31st MARCH, 1858.

In accordance with the invitation issued, the following gentlemen were in attendance at the Government House, and waited on the Honorable the Chief Secretary at the hour named :—

The Hon. the Commissioner of Land and Works.
Patrick Phelan, Esq., M.L.A.
Sidney Ricardo, Esq., M.L.A.
R. McDougall, Esq.
Dr. Rowe, &c., &c.

Wm. Wade, Esq.
Jas. Mackintosh, Esq.
Peter McCracken, Esq.
J. K. Trainor, Esq., by the invitation of the Chief Secretary; and
The Director of the Experimental Farm.

The gentlemen comprising the meeting proceeded to the inspection of that portion of the Royal Park indicated in the Report of the Director (dated 28th January, 1858), and after a minute inspection, intimated their views as to its eligibility to the Honorable the Chief Secretary and the Commissioner of Land and Works; and at a meeting held subsequent to the departure of the gentlemen who had taken part in the day's proceedings, it was unanimously

Resolved :—“ That the Director of the Experimental Farm be requested to convey to the Honorable the Chief Secretary, on behalf of the agriculturists present, their appreciation of his efforts to promote the interests of agriculture, and their desire to co-operate with him in furtherance of his views.”

JOHN O'SHANASSY.

AGRICULTURAL CONFERENCE.

Melbourne, 6th July, 1858.

Formation of Council.

A meeting of the delegates of the various agricultural societies of Victoria was held at the Mechanics' Institution this day at noon, for the purpose of considering the best method of forming the proposed Agricultural Board.

The following delegates were present :—

- | | |
|--|---------------------------------------|
| Messrs. Wade, P. McCracken, Pat-
terson, McIntosh | } Port Phillip Farmers' Society. |
| Mr. Haines..... | Geelong and Western District Society. |
| Mr. Knight | Villiers and Heytesbury Society. |
| Mr. Sherwood | Victoria Agricultural Society. |
| Mr. Mackintosh..... | Ballaarat Agricultural Society. |
| Mr. Lyall | Mornington Society. |
| Mr. Riddell | Gisborne. |
| Mr. Wilson | Albury. |
| Mr. S. Windridge..... | Kyneton. |

Two or three gentlemen interested in agriculture also attended.

Mr. Skilling acted as Secretary to the Conference.

The Honorable W. C. Haines, Esq., was called to the chair, and opened the proceedings by reading the following circular, which had been dispatched to the Secretaries of the Agricultural Societies, to convene the meeting :—

[Copy of Circular.]

Port Phillip Farmers' Society,
Melbourne, 24th May, 1858.

SIR,

I am instructed by the Committee, on behalf of the above society, to intimate their desire to co-operate with all other Agricultural Societies in the Colony, with the view of securing the formation of a permanent Board or Council of Agriculture.

The importance of having an organized body established for the purpose of advancing the interests of agriculture generally is too obvious to require comment; and as the Committee are of opinion that the present is a very favorable opportunity for impressing those views on the attention of the Executive Government, they therefore propose that a meeting of representatives should be held in the Mechanics' Institute, Melbourne, on Tuesday, July 6th proximo, for the purpose of ascertaining the opinions of the various societies on the subject, and of considering the most judicious means of accomplishing the object contemplated.

I am further instructed to invite the attendance of a representative from your society on this occasion.

I have the honor to be,

Sir,
Your obedient servant,

THOMAS SKILLING,
Secretary.

Mr. Wade, one of the Committee of the Port Phillip Farmers' Society, explained that, when the grant of £10,000 in aid of agriculture was made, Capt. Clarke wrote to the societies to learn the manner in which it was proposed the money should be distributed. It was at first proposed to have a consultation with Capt. Clarke, but the letter inviting him to attend miscarried, and subsequently the following letter was transmitted to him :—

[Copy.]

Port Phillip Farmers' Society's Office,
82, Swanston-street.

To the Honorable the Surveyor General.

SIR,

According to promise, I have to submit to your consideration the subjoined summary of my views with reference to the best means for encouraging agricultural progress in this colony.

The admitted importance of this question, and the warm interest you evince concerning it, will, I trust, excuse my discussing the subject as fully as the limits of a letter will permit, and suggesting such measures as appear to me to be desirable for the due encouragement of agricultural interests. I may premise that, although the following are merely my individual opinions, the measures recommended are such as, I have reason to believe, if adopted, would obtain the hearty support of all classes interested in the issue.

I shall, in the first instance, proceed to indicate categorically the nature of these measures, and subsequently to adduce my reasons for recommending them.

Proposition A.—Board of Agriculture.

I am of opinion that the establishment of a Board of Agriculture is indispensable to the due distribution of the proposed grant in aid, and in accordance with the desires of the agricultural community.

Proposition B.—Constitution of this Board.

1. That His Excellency the Lieutenant-Governor, and the members of the Executive, shall be *ex officio* members of the Board.
2. That all existing Agricultural Societies in the Colony shall be empowered to elect and send representatives, the number of these to be arranged in proportion to the relative strength and importance of each society.
3. That the Professor of Natural History in the Melbourne University, and the Agricultural Chemist to the various farming societies, as formed, shall be *ex officio* members.
4. That this body shall have power to add to its number, by the election by ballot, from time to time, of members selected for their prominence as agricultural or pastoral improvers, or in the various departments of science bearing on agriculture, such as chemistry, geology, animal and vegetable physiology, &c.
5. That there shall be a paid resident Agricultural Commissioner for carrying on the business of the Board.

Proposition C.—Duties of the Board.

The duties and powers of the Board shall be as follows:—

1. The distribution of the funds in aid of, and supervision of all Agricultural Societies receiving the same.
2. The formation and direction of all model and experimental farm or farms and agricultural institutions.
3. The establishing and control of a National Museum.
4. The collection and preparation of all statistics and general information on subjects connected with agriculture, to be submitted to the Executive, the Legislature, and the public, when required.

With regard to the necessity for the formation of a Board of Agriculture, constituted as indicated in Proposition B, I need scarcely remark that this body would obviously comprise a perfect combination and representation of all classes interested in the agricultural prosperity of the colony, and thereby supplying a deficiency which must be felt proportionably in this or any other country as the practice of agricultural pursuits becomes the principal occupation of its inhabitants.

The Executive, as Commissioners of this Board, would, by witnessing the distribution of the grant, and taking part in the deliberations of this Board, have every facility for becoming thoroughly acquainted with the views and requirements of the agriculturists as a body; while, on the other hand, it would be impossible to overrate the importance of giving to the latter so favorable an opportunity of explaining them.

In all deliberations concerning the improvement of our agriculture we should have scientific and practical knowledge represented, which combined, form the true basis of agricultural progress; while, by the presence of representatives from the different local societies the legitimate distribution of the funds would be effectually secured.

I shall now proceed to discuss the nature of the institutions I have recommended should be established under the control of a Board of Agriculture.—First,

A Model Experimental Farm.

It will be apparent that there are in this colony increasing numbers engaged in agriculture, many of them hitherto quite unaccustomed to such pursuits; and that, as regards our educated farmers, however anxious they might be to improve our present systems and keep pace with the spirit of the age, the circumstances of this colony prevent experiment by means of private enterprise being carried on to any great extent; we must, therefore, rely on public support to aid us in establishing an institution, which, if properly managed, would be of infinite service to the interests of the colony, by enabling us to ascertain the real capabilities of its soil and climate. We should then be able to judge to what extent it might be advisable to imitate the systems of high farming adopted in Great Britain, and to become acquainted with the cultivation of new species of plants likely to become valuable as productions of the colony. This farm should also contain specimens of all the improved breeds of stock, and any desirable new varieties, and a careful record of all transactions and experiments should be collected and prepared under the auspices of the Board for general information.

From the nature of the manual operations and the minutæ of cultivation required in the working of a farm of this nature, it might with great advantage be combined with a reformatory for young criminals or orphanage; as, while labor could be satisfactorily performed, the classes employed could receive a useful training to habits of industry and cultivation of the soil. A combined institution of this sort would also serve as the basis for the introduction of a future system of agricultural education in schools.

An Agricultural Museum.

This museum, if established under the auspices of the Board of Agriculture in a suitable building, might be made to serve a variety of purposes; among the most important of which would be the collection of every object in interest illustrative of home and foreign agriculture, &c., and a general annual exhibition of produce, thereby demonstrating from year to year the improvements that take place in the most important branches of agriculture. As with reference to its containing a valuable collection of implements, I cannot do better than quote from the report of the Museum Committee of the Royal Dublin Society, now lying before me, as follows:—

“On the present state of the implement department there is abundant room for congratulation. Scarcely any improvement in agricultural machinery has taken place of late years of which the committee have not been placed in possession, and they can now point to a collection of implements which, in variety and instructiveness, is perhaps not to be equalled in the kingdom.”

When it is recollected that this collection consists solely of contributions from implement manufacturers, seedsmen, &c., in different parts of the kingdom, I have no doubt we should be likewise able to obtain a valuable collection from every part of Great Britain, America, &c., had we a museum established under the control of a recognised body, *i. e.*, of a Board of Agriculture. Even under present circumstances the Committee of the Port Phillip Farmers' Society, as you are aware, have taken the initiative, by placing a collection of samples of produce, grown by Victorian farmers, at the disposal of

the Manager of the University Museum. Were a National Agricultural Museum to be established, I entertain a confident hope that it would continue to exercise an increasing influence, and tend to diffuse enlarged views in agricultural practice, by affording knowledge which could not otherwise be obtained.

I need not at present discuss *in extenso* the details relating to the duties of the Agricultural Commissioner on the collection of statistics, &c., and have, in conclusion, merely to record my opinion that the expenses incidental to the formation of a Board of Agriculture would be more than counter-balanced by the encouragement extended to agricultural improvement, and the economy attained in the distribution of the grants in aid.

And I have the honor to remain, &c.,

THOMAS SKILLING,
Secretary.

Monday, 12th January, 1857.

Shortly afterwards a petition was presented to the Assembly, and a deputation from the Society had an interview with the then Chief Secretary, their present chairman. At a meeting of the Port Phillip Farmers' Society, held subsequently, the following resolutions were agreed to:—

Copy of Resolutions carried at the Special General Meeting of the Port Phillip Farmers' Society, 9th February, 1858.

First.—That this meeting cordially approves of the wish of the Government, as expressed in the circular addressed by the Honorable the Chief Secretary to the members of the Port Phillip Farmers' Society, viz.:—"That a body representing the agricultural interests of all parts of the colony should meet periodically in Melbourne, so as to form a ready means of communication upon all matters affecting those important interests, and ensure, as far as possible, the disbursement of the grant in aid of agriculture to the greatest advantage to the whole agricultural body."

Second.—That, in the opinion of this meeting, the objects comprised in the foregoing resolution will be most effectually accomplished by means of a Council or Board, consisting of representatives from all agricultural societies in the colony, whose powers and duties shall be as follows:—

- 1st. The equitable distribution of all grants in aid of agriculture.
- 2nd. The supervision of all agricultural societies receiving such aid.
- 3rd. The general control and direction of the Agricultural Museum and Experimental Farm.

Third.—That a deputation from this meeting shall be appointed to wait on the Chief Secretary for the purpose of definitely ascertaining the views of the Government with reference to the duties and powers of the Council or Board of Agriculture.

Fourth.—That the number of representatives to be sent by each society to the Council Board shall be arranged in proportion to the amount of its yearly revenue derived from private sources, and that this society feels itself entitled to send four members to represent them.

Scale of representation to be as follows:—Societies subscribing £50, one representative; ditto, £300, two representatives; ditto, £600, three representatives; ditto, £1000, four representatives; and an additional representative for every £500 above £1000.

No action was taken on those resolutions, because of the change of Ministry which then occurred; but the present Chief Secretary had since intimated that he would like to learn the wishes of the various societies with respect to the matter. That was the reason they were called together that day.

A letter was read from the Secretary of the Baringhap Society (Mr. G. Rigg), stating "that the members of that society fully appreciated the great benefits which must accrue to the agricultural interest of the country by the formation of a Central Board or Council of Agriculture," and conveying their regret that their distance from Melbourne, and consequent expense, prevented them sending a delegate.

Mr. Wade moved, That in the opinion of this meeting it is desirable to establish a Board or Council of Agriculture for the Colony.

Seconded by Mr. Mackintosh, and carried unanimously.

Mr. Mackintosh moved, "That the Board shall consist of representatives of all agricultural societies in the Colony participating in the Grant in Aid."

Mr. Knight seconded this motion.

Mr. Sherwood moved, as an amendment, "That the words 'participating in the Grant in Aid' be struck out."

Mr. Mackintosh seconded the amendment, which was carried.

Mr. Mackintosh moved, "That the basis of representation for each society shall be the amount of acres under cultivation by the members of such society."

Mr. Knight seconded this motion.

Mr. Mackintosh moved, as an amendment, "That the basis of representation be the amount of revenue derived from private sources by the society."

This amendment was carried by five votes to three.

Mr. Patterson moved, "That all societies subscribing less than £200 send one representative; more than £200 and less than £500, two representatives; more than £500 and less than £1000, three representatives; and for every additional £1000 subscribed, one additional representative."

Mr. Lyall seconded the motion.

Mr. Knight, as an amendment, moved "an adjournment of the Conference," which was seconded by Mr. Mackintosh, and negatived.

Mr. Knight moved, as an amendment, "That all societies subscribing not less than £50 nor more than £200 shall be entitled to send one representative; from £200 to £500, two representatives; from £500 to £1000 three representatives; from £1000 to £2000 four representatives; and no subscription beyond that sum shall entitle any society to any further representation."

Mr. Mackintosh seconded the amendment, which was put and carried.

Mr. Riddell moved, "That the foregoing resolutions be communicated to the various societies, and that they be requested to elect their representatives on the basis laid down."

Seconded by Mr. Windridge, and carried.

Mr. Riddell moved, "That, in the opinion of this meeting, the first meeting of the Council should take place on the 1st day of September, 1858."

Mr. Lyall seconded the motion, which was carried.

It was also resolved that a report of the day's proceedings should be forwarded to the Honorable the Chief Secretary.

The following letter from the Editor of the *Argus* was read by the Chairman :—

“ *To the Delegates of the Agricultural Societies of Victoria.* ”

“ GENTLEMEN,

“ The *Argus* Office,
“ Melbourne, 5th July.

“ I have the honor to inform you that a friend of agricultural progress resident in this Colony has placed at the disposal of the Editor of the *Argus* newspaper a gold cup, of the value of one hundred guineas, each year for the next five years.

“ It has been arranged, with the approval of the donor, that the first prize cup shall be presented to the person who shall be pronounced, by a jury appointed by the several agricultural societies of Victoria, to have rendered during the year ending 30th September, 1858, the best service to the cause of agriculture.

“ The meeting in Melbourne of delegates from the various agricultural societies of the Colony, appears to me to present a fitting occasion for bringing this liberal offer under the notice of the agricultural body, and I beg leave respectfully to suggest to the delegates assembled at this meeting that they should communicate with their several societies, and take such other steps as they may deem necessary, with a view to the appointment of a jury to allot the prize for the current year.”

Mr. Lyall moved, “ That the thanks of this meeting be conveyed to the Editor of the *Argus* for the letter he has forwarded to the delegates, with a request that he will express to the donor the high sense entertained by them of his liberal encouragement of agriculture. That the Editor of the *Argus* be informed that it is thought desirable that the appointment of the jury should be left to the Council, which it is hoped will meet in September.”

The above motion was adopted.

A vote of thanks to the Chairman closed the meeting of the Conference.

W. H. F. MITCHELL.

MINUTES OF MEETING OF COUNCIL OF AGRICULTURE, HELD IN MECHANICS' INSTITUTE, WEDNESDAY, 1st SEPTEMBER, 1858.

On the motion of Mr. Phelan, M.L.A., the Honorable — Mitchell, M.L.C., was unanimously voted to the chair.

At the request of the meeting, Mr. Skilling undertook to discharge the duties of Secretary.

The business of the day was commenced by the reading of the Minutes of the Proceedings at the Conference of Delegates held on the 6th ultimo, which being confirmed, the chairman called on the representatives present to notify the names of the societies by which they had been deputed to attend.

Subjoined is a list of the same, and the names of their representatives.

<i>Societies.</i>	<i>Representatives.</i>
Port Phillip Farmer's Society	Messrs. Cochrane, J. Mackintosh, and Phelan.
Geelong and Western District Agricultural and Horticultural Society }	Mr. D. McAndrew.
Villiers and Heytesbury	Messrs. Knight and Midgeley.
Victoria Agricultural Society	Messrs. Sherwood and Jas. Brown.
Ballaarat	Messrs. Morton and Jas. McIntosh.
Mornington	Mr. A. Patterson.
Gisborne	Mr. J. C. Riddle.
Albury	Mr. Jas. Wilson.
Kyneton	Messrs. Mitchell and Windridge.
Newstead	Mr. D. Johnston.
Kilmore	Messrs. McMartin and J. K. Trainor.
Hamilton	Mr. William J. Mollison.
Melton	Mr. W. Montgomery.
Burrumbet and Lake Learmonth ...	Mr. John Strachan.
Bacchus Marsh	Mr. James Young.
Carisbrook	Mr. Jessop.

Letters were read to the meeting from the Baringhap Society, declining to send a representative to the Board at present; and from the Carisbrook Society, approving of the Council, but stating that no circular had been received.

After some desultory conversations had taken place, and several motions and amendments made with reference to the necessity of scrutinizing the returns of revenue for each society submitted by the representatives, it was moved by Mr. Riddell, seconded by Mr. Morton, and carried, “ That, inasmuch as the finances of the various societies cannot be stated with any accuracy, it is resolved that the names of the delegates and the societies which they represent should merely be taken down.

The next resolution, moved by Mr. Knight, viz., “ That a Secretary be appointed, with a paid salary attached;” and that by Mr. McIntosh, Ballaarat, “ That Mr. Skilling be requested to accept the office,” were reserved for future consideration.

Moved by Mr. Mollison, seconded by Mr. Cochrane, and carried, “ That a deputation from the body should wait upon the Chief Secretary at half-past two o'clock to-morrow (Thursday, 2nd Sept.), for the purpose of ascertaining from him to what extent the Government will be disposed to co-operate with the Council in its objects, and whether they wish to be represented at its meetings.”

Moved by Mr. Mollison, seconded by Mr. Young, and carried, “ That a Committee, consisting of Messrs. Mackintosh, Knight, Phelan, Windridge, Cochrane, Young, Patterson, Montgomery, and the Secretary, be requested to meet at ten o'clock to-morrow morning, for the purpose of drawing up resolutions in connection with the foregoing, to be submitted to the General Committee at twelve o'clock.

Moved by Mr. Cochrane, seconded by Mr. Mackintosh, and carried, “ That the body now assembled shall in future be designated ‘ The Council of Agriculture.’ ”

Moved by Mr. Morton, seconded, and carried, “ That this meeting do adjourn until twelve o'clock to-morrow, Thursday, 2nd September.”

PROCEEDINGS OF COMMITTEE ASSEMBLED AT THE MECHANICS' INSTITUTE,
AT 12 O'CLOCK ON THURSDAY, 2ND SEPTEMBER, 1858.

Present:

James Young, Esq., in the chair.

Montgomery, Windridge, Patterson, Mackintosh, Cochrane, Esqs., and the Secretary.

The first subject brought before the meeting referred to the constitution of the Board.

It was moved by Mr. Mackintosh, seconded by Mr. Cochrane, "That, in addition to the representatives to be elected by the various societies on the basis already laid down, the Council shall comprise two members of the Executive Government, together with three scientific gentlemen to be nominated by the Government."

Carried unanimously.

The proposed powers and duties of the Council were then discussed, and agreed on as follows:—

First.—The distribution of the Grants in Aid of Agriculture, and supervision of the accounts of all agricultural societies receiving the same.

Second.—The general control and direction of the Agricultural Museum, Experimental Farm or Farms, and the supervision of any other agricultural institutions hereafter to be formed.

Third.—The collection and preparation of all statistics and general information on subjects connected with agriculture, to be submitted to the Executive, the Legislature, and the public.

Resolved.—"That the Executive Board shall consist of nine elected members and two selected by the Government from the general council."

It was resolved—"That the proposed expenditure of the Council for the ensuing year, exclusive of the cost of preparing statistics, should be considered, with the view of enabling the deputation appointed to meet the Chief Secretary to lay a definite estimate before him," and the following was agreed to, viz:—

Societies	£8,000
Experimental Farm and other institutions	6,000
Working expenses of the Board, including the secretary's salary and office rent	3,000
	<hr/>
	£17,000

Moved by Mr. Young, "That the Chief Secretary be requested to state whether a moderate amount cannot be placed at the disposal of the Council, to meet its current expenses."

Seconded by Mr. Morton, and carried.

THURSDAY, 2ND SEPTEMBER, 1858.

The Council of Agriculture met this day, the Honorable W. H. Mitchell, M.L.C., in the chair.

The Secretary read the previous minutes, which were confirmed.

The Chairman then stated that the Committee appointed on the previous day had met that morning at ten o'clock, and drawn up a series of resolutions as to the constitution and powers of the Council. These resolutions would be submitted to the Council for their consideration and approval.

Mr. James Young then moved the adoption of the first of the series of resolutions, which was as follows:—

"That, in addition to the representatives to be elected by the various societies on the basis already laid down, the Council shall comprise two members of the Executive Government, together with three scientific gentlemen to be nominated by the Government."

Mr. Cochrane seconded the motion.

Mr. James Brown moved as an amendment, "That, as it was necessary for the proper organization of a Council of Agriculture there should be a President and Vice-President, His Excellency Sir Henry Barkly be elected to the office of President, and the Chief Secretary to the office of Vice-President."

Several members expressed their disapproval of the amendment, as being at least premature, and the mover consented to withdraw it.

The original motion was then put and passed.

Mr. Cochrane, in the course of a few general observations in regard to each of the subjects in the next resolution, relating to the powers and duties of the Council, moved, "That the Council have the distribution of the grants in aid of agriculture, and the supervision of all the accounts of all agricultural societies receiving the same; the general control and direction of the Agricultural Museum and Experimental Farm or Farms, and the supervision of any other agricultural institution hereafter to be formed; the collection and preparation of all statistics and general information on subjects connected with agriculture to be submitted to the Executive and the public when required."

Mr. Midgeley seconded the motion.

An amendment moved by Mr. Sherwood was withdrawn.

Mr. Riddell called the attention of the Council to the fact that the carrying out of the third branch of the resolution would involve considerable expense, and if undertaken by the Council it would be necessary that they should have a paid secretary, and keep an office open during the sitting of Parliament.

Mr. Knight thought that the Statistics of Agriculture in this Colony had hitherto been far from correct; they should be furnished by the District Societies and Road Boards. As to the question of expense, he did not think there would be much, if any, additional expense to the country by the transfer of the collection of statistics under the Council from the Registrar General; as, with the transfer of the duty, there would also be transferred the funds necessary to secure its due performance.

Mr. Mollison remarked that the resolution only defined what subjects the Council ought to give its attention to, and included among these the collection of agricultural statistics.

After a short conversation the motion was put and passed.

Mr. Knight moved, "That the Executive Board shall consist of nine elected members, and two selected by Government from the General Council."

Mr. Windridge seconded the resolution.

The following amendments were proposed and negatived:—

- First.*—By Mr. Mackintosh of Ballarat, "That any member of Council shall have a seat at the Board when he may happen to be in town."
- Second.*—By Mr. McAndrew, "That there shall be no Board, but merely the General Council, with a quorum to be subsequently determined."—Withdrawn.
- Third.*—By Mr. Riddell, "That there shall be an Executive Board, of whom two shall be elected by Government."
- Fourth.*—By Mr. Montgomery, "That the Executive Board shall consist of twelve members elected by the Council, and three appointed by the Government, and that any representative shall have a seat, but not a vote, at the Board, if in town."
Seconded by Mr. Johnstone.
- Fifth.*—By Mr. Cochrane, "That the Executive Board shall consist of seven members, five to be elected by Council, and two to be selected by Government from the General Council, three to form a quorum."
- Sixth amendment.*—"That this Council or Board of Agriculture shall hold monthly committee meetings on the first Monday in each month, of which five shall form a quorum, and that the Director of the Experimental and Training Farm have a seat and vote in these meetings, and that these said Committees be chosen or determined in the following manner, viz.:—the names of the several gentlemen of which this Council consists be set down in divisions of five, and the monthly meetings set opposite each division; it being competent for any other member of the Council to attend any of these meetings."

The original motion was carried.

Fourth resolution moved by Mr. Cochrane, "That the Chief Secretary be requested to place on the Estimates for next year the sum of £17,000 for the purposes of the Council (exclusive of the expenses of collecting statistics), this amount to be apportioned as follows, viz.:—

District Societies.....	£8,000
Experimental Farms and other Institutions	6,000
Working expenses of the Board, including Secretary's } Salary, Office Rent, &c.....	3,000 "

Mr. McIntosh, of Ballarat, moved, "That the sum of £30,000 be asked for the use of the Board." The original motion was seconded and agreed to.

Fifth resolution moved by Mr. Young, "That the Chief Secretary be requested to state whether a moderate amount could not be placed at the disposal of the Council to meet their current expenses." Seconded and agreed to.

On the motion of Mr. Mollison, it was resolved, "That the Committee appointed on the previous day should wait as a deputation on the Chief Secretary, for the purpose of submitting to him the resolutions agreed to."

After some further unimportant business, the deputation to the Chief Secretary, consisting of Mr. Mollison, M.L.A., Mr. Phelan, M.L.A., Mr. Windridge, Mr. Cochrane, Mr. Mackintosh, Mr. Knight, Mr. Montgomery, and Mr. Skilling, proceeded to the Government offices.

Mr. Mollison introduced the members of the deputation to the Chief Secretary, and stated that their object was to lay before him a series of resolutions agreed to by "The Council of Agriculture," in reference to its constitution and powers, &c. These resolutions would be read by Mr. Skilling, who had kindly given the Council his services as secretary.

Mr. O'Shanassy said: He understood the distribution of the grant last year gave general satisfaction; but since that time new societies had come into existence, and of course would share in the grant that might be voted this year. Before the resolutions were read, he wished to state that it was the intention of the Government to bring in a short Act constituting the Council of Agriculture. The Attorney General was at present preparing the Bill; but its completion had been delayed until the conference should lay their views on the subject before the Government. By the proposed Bill the Council would have control over agricultural grants, and would aid in the management of experimental farms, and in any other way they should deem it necessary for the interests of agriculture they should act. It was also proposed that there should be two members of the Government *ex officio* members of the Council of Agriculture; and the object intended by their appointment was simply to keep up the chain of connection between the Government and the Council.

Mr. Skilling then read the resolutions agreed to at the meeting of the Council.

Mr. O'Shanassy said: That with respect to the granting of aid to meet current expenses, the Government could not now, since the passing of the "Audit Act," expend one pound till it was voted by the Legislature. The Parliament will re-assemble about the 7th October, and he did not expect the Council would be seriously inconvenienced by current expenses till then. He had sent in his estimates; but the sum he proposed for agricultural purposes was very much under that proposed in the resolutions that had been read by Mr. Skilling. In framing his estimates, he had been guided entirely by the distribution of the £5,000 voted last year—a sum which he believed had been more than sufficient, as several of the societies who shared in the amount had a portion of it still remaining in hands. He had not, therefore, put down so large an amount as that suggested by the Council; but the estimates were not yet finally framed, and he would lay the document read by Mr. Skilling before his colleagues, for the purpose of consulting with them whether his estimate should be increased, and to facilitate them in coming to conclusion, he hoped Mr. Skilling would draw up a detailed statement under the principal heads in one of the resolutions read by him.

A member of the deputation stated that one of the objects of the Council would be the introduction of stock, horses, &c., the expense for which was included in the estimate of £17,000.

Mr. O'Shanassy said that in the estimate he had framed, he did not contemplate the purchase of stock or horses at all by the society. He conceived that the great interest taken by stockholders in the importation of stock was a better guarantee for the maintenance of a good supply of the best stock and horses, than would be afforded by the Government contributing towards the importation of animals. He thought it would be sufficient that the Government should encourage importers and breeders by granting prizes.

Mr. Mollison stated that the Council, which met yesterday and to-day, wished to have the opinion of the Chief Secretary upon the views they had embodied in their resolution before they left town, and that was their reason for desiring an interview.

Mr. O'Shanassy said it afforded him much satisfaction to find that, in regard to the representation of the Government in the Council, the propositions of the Council were beyond those of the Government; and that in respect of the powers and duties of the Council they were so much agreed. He would lay the resolutions before the Attorney General, who would give them his consideration in drawing up the Bill on which he was now engaged, in regard to the constitution of the "Council of Agriculture."

Mr. Cochrane remarked that it would be necessary, he thought, the Council should have sufficient funds over the necessity for ordinary purposes, to enable them to introduce any important agricultural machinery, such as the steam plough, which might be brought to such a state of perfection as to render it valuable in the Colony. Such machinery might be tested on the Experimental Farm, and afterwards sold; so that, in fact, the society would be reimbursed for such expenditure.

Mr. O'Shanassy assured the deputation that such matters would receive the attention of the Government; but some of them were aware that the Legislature were strongly disposed to keep all votes at minimum amount required for absolutely necessary purposes.

Mr. Mollison then thanked the Chief Secretary for the courteous manner in which they had been received, and the deputation withdrew.

The Council resumed its meeting in the Mechanics' Institute at four o'clock, when Mr. Mollison briefly stated the result of the interview between the Chief Secretary and the deputation.

On the motion of Mr. Cochrane, the secretary was instructed to communicate in writing to the Chief Secretary the thanks of the Council for the courteous manner in which he had received the deputation.

Mr. Mollison then moved:—"That the Committee appointed on the previous day be re-appointed, for the purpose of communicating with the Government and representing the Council until its next meeting, with power to add to their number, three to form a quorum."

The motion was seconded and agreed to, after a short discussion; the effect of which was that any member of a district society who might be in town during any sitting of the Committee, should be entitled to take part in considering and voting on any subject brought before them.

On the motion of Mr. Trainor, Mr. Skilling was requested to act as Secretary till the constitution of the Council under Act of Parliament.

Mr. Skilling expressed his willingness to perform any services in his power for the interests of the Council.

The members present then contributed £1 each to defray the expenses incurred by the present meeting, and expenses that might be subsequently incurred till the passing of an Act for their legal constitution.

The following motion was then agreed to:—"That the committee be empowered to convene a meeting of the council, in the event of their considering it necessary to do so."

After a vote of thanks to the chairman, and to Mr. Skilling for his services as secretary, the council separated *sine die*.

With reference to a place of meeting for the committee it was resolved, "That the meetings of the committee be held in the office of the Port Phillip Farmers' Society."

[The minutes of the meeting of the committee, held on the 6th September, 1858, are not published, in consequence of the Hon. H. Miller having excepted them when laying the minutes on the Council Table.]

COUNCIL OF AGRICULTURE.—MEETING OF COMMITTEE HELD 18TH OCTOBER, 1858.

Present:

Messrs. Phelan, Montgomery, Patterson, Mackintosh, Cochrane, and the Secretary.

Mr. Johnston subsequently took his place at the committee.

Mr. Phelan was requested to occupy the chair.

The proceedings were opened with the reading of the minutes of the previous meeting, which having been confirmed, the secretary laid upon the table a copy of the Bill introduced into the Legislative Council for the formation of a board of agriculture by the Hon. Mr. Miller, as also copies of an advertisement inserted by order of the committee, calling upon all societies not represented at the last meeting of council to elect representatives for the next meeting, on the basis already established; and of an advertisement requesting competitors for the "Argus Gold Cup" to forward their claims to the office of the Port Phillip Farmers' Society on or before Friday, 1st October.

Moved by Mr. Montgomery, seconded by Mr. Mackintosh, "That the secretary be instructed, on behalf of the council, to draw the attention of the Honorable the Chief Secretary, or of the Attorney General, to the discrepancies in the title of the Bill introduced into Parliament by Government, and that agreed to at the last meeting of Council."

A discussion then arose with reference to the powers proposed to be conferred on the board, as contained in the sixth clause of the Bill, and the committee deeming them unsatisfactory, it was finally resolved that those members present should at once procure an interview with the Honorable the Attorney General for the purpose of having it amended in accordance with the resolution of Council, and further to remonstrate with him concerning the insufficiency of the amount placed on the estimates for the encouragement of agriculture during the ensuing year.

After hearing the views of the gentlemen composing the deputation, the Attorney General promised to lay them before his colleagues, and at the same time intimated his readiness to co-operate with the council in the matter.

On the return of the deputation, it was moved by Mr. Mackintosh, seconded by Mr. Patterson, and carried, "That an early meeting of the Council be held in Melbourne for the purpose of watching the progress of the Bill through the Legislature, and taking whatever steps may be thought necessary for the promotion of that object."

Moved by Mr. Cochrane, seconded by Mr. Patterson, "That the said meeting be held on the first Tuesday in November, in the office of the Port Phillip Farmers' Society."

Mr. Montgomery's amendment, "That the meeting take place on the Wednesday week following" was lost, and the original motion carried.

Proposed by Mr. Johnston, "That the meeting be summoned for the consideration of important business connected with the Bill now before the Legislature for the formation of a Board of Agriculture, to consider the insufficiency of the sum placed on the Estimates for the promotion of agriculture during the year 1859, and the transaction of important business, including the competition for the *Argus* Prize Cup."

Seconded by Mr. Cochrane, and passed *nem. con.*

Moved by Mr. Montgomery, seconded and carried, "That until the meeting of Council no further action be taken with reference to the adjudication for the cup."

Moved by Mr. Patterson, seconded by Mr. Johnston, and carried, "That Messrs. Cochrane, Phelan, Mackintosh, and Johnston, be a sub-committee for the purpose of waiting on and canvassing the support of as many members of the Legislative Council as might be known to them in favor of the Bill, and of watching its progress pending the next meeting of Council. The mover and the secretary were also requested to act with the foregoing; and on the day appointed for the second reading of the Bill, viz.: Tuesday, 19th instant, Messrs. Phelan, Patterson, Johnston, and the Secretary proceeded to wait on the members of the Upper House previous to the opening of the debate, at three o'clock p.m. After several interviews the Sub-Committee deemed it prudent to procure the adjournment of the second reading of the Bill until the arrival of the members of the Council in Melbourne, which was done accordingly.

WILL. J. MOLLISON.

TUESDAY, 2ND NOVEMBER, 1858.

A meeting of council was held in the office of the Port Phillip Farmers' Society this day, when the following gentlemen were present:—Messrs. Mollison, McIntosh, McMartin, McAndrew, Strachan, Jessop, Sim, A. Patterson, Jas. Young, Knight, J. Mackintosh (Moonee Ponds), Johnston, Riddell, Montgomery, McWilliams, Cochrane, and J. D. Brown.

Mr. Mollison was unanimously voted to the chair; and the minutes of the previous meeting having been read and confirmed, the secretary laid before the meeting communications received from the editor of the *Argus* relative to the adjudication of the Gold Cup; from Mr. Trainor, of Kilmore, apologizing for inability to attend; and from the applicants for the Cup, seven in number.

Moved by Mr. Phelan, seconded by Mr. Mackintosh, and carried, "That Mr. Jessop's name be inserted as a member of council for the Carisbrook Society."

Moved by Mr. McIntosh, seconded by Mr. Strachan, and carried, "That Mr. Sim's name be inserted as the second representative for the Ballarat Society on this occasion, in room of Mr. Morton, unable to attend."

Moved by Mr. McAndrew, seconded by Mr. Mackintosh, and carried, "That the name of Mr. McWilliams be inserted on the roll of members of the Council as the third representative for the Geelong Society."

The council then proceeded to the consideration of the Board of Agriculture Bill, brought into the Legislative Council by the Honorable Mr. Miller, and after some discussion it was moved by Mr. Phelan, seconded by Mr. J. Mackintosh, and carried, "That the constitution of the board, as given in the Bill, be approved of, as also the method of election."

A resolution, moved by Mr. Knight, and seconded by Mr. McIntosh, Ballarat, "That all sums of money voted by the Legislature in aid of agricultural societies be placed at the disposal of the Board of Agriculture," was withdrawn, as also an amendment by Mr. Montgomery, "That the Treasurer of Victoria be empowered to pay to the order of the Council all sums of money voted by the Legislature for agricultural purposes."

Mr. Phelan was requested to undertake to procure the insertion of certain words in the Estimates (*viz.*), to substitute for the words "in aid of," the words, "to be placed at the disposal of the Board of Agriculture."

The seventh clause was moved by Mr. Riddell, seconded by Mr. McWilliams, and passed.

Moved by Mr. Phelan, seconded by Mr. Riddell, and carried "That the secretary be instructed to communicate to the Honorable Mr. Miller the approval by this council of the Bill introduced into the Legislature."

Mr. Knight suggested that all future meetings of the council be either held on the Saturday or Monday.

On the motion of Mr. James Mackintosh the meeting was adjourned until six o'clock p.m., to the Albion Hotel, for the decision of the Argus Cup, and a vote of thanks to the chairman, moved by Mr. Phelan, and seconded by Mr. McAndrew, terminated the proceedings.

ADJOURNED MEETING HELD IN THE ALBION HOTEL, ACCORDING TO APPOINTMENT.

Present:

Messrs. Mollison, Riddell, Montgomery, Sim, McAndrew, Patterson, Strachan, McIntosh, McWilliams, Jas. Mackintosh, and C. Cochrane; the latter gentleman, however, retired previous to the adjudication.

The letter of the editor of the *Argus* having been read, it was moved by Mr. Riddell, seconded by Mr. Patterson, "That the letters of the competitors for the cup be now read, previous to any further adjournment, steps being taken in the adjudication."

Mr. Riddell, however, withdrew the motion, and proposed an adjournment, which was negatived; and Mr. Mollison having left the chair, Mr. Riddell was voted thereto, and the following applications were opened and registered:—

- No. 1. Mr. Wm. L. Morton.
- 2. Mr. H. Stevenson.
- 3. Mr. J. C. Cochrane.
- 4. Mr. J. Mackintosh, Moonee Ponds.
- 5. Peter Cummings and Sons, which was ordered to be expunged, the competition being confined to Victoria.
- 6. Mr. S. Ketson.
- 7. Mr. P. J. Burton.

Proposed by Mr. Patterson, seconded by Mr. Sim, "That, in order to decide the subject, three names be scored out, the three names being No. 2, No. 6, and No. 7."—Withdrawn.

Moved by Mr. Montgomery, "That the applications be re-sealed, and the decision left to the first meeting of the Council, due notice of which to be given by public advertisement."

Amendments were proposed by Messrs. McIntosh and McWilliams, with the view of proceeding with the adjudication, when, after considerable discussion, it was ultimately moved by Mr. McAndrew, seconded by Mr. McWilliams, and carried, "That this meeting be adjourned to the next meeting of Council."

WEDNESDAY, 3RD NOVEMBER.

Pursuant to arrangement, the following gentlemen assembled at the office on this day:— Messrs. H. S. Wills, Phelan, J. C. Cochrane, Mackintosh, J. McIntosh (Ballaarat), Patterson, Sim, Montgomery, Strachan, McWilliams, Riddell.

It was ruled, on the motion of Mr. Riddell, "That this meeting is not competent to proceed with business, inasmuch as it has not been properly convened;" and Mr. McIntosh's motion, "That the meeting proceed to business," negatived.

The Secretary was instructed to summon the next meeting of Council for the first Monday in December, for the adjudication of the *Argus* gold cup and other important business.

J. CARRE RIDDELL.

1858.

VICTORIA.

THE ABORIGINES.

CORRESPONDENCE ON THE SUBJECT OF CRIMES COMMITTED BY THE
NATIVES *INTER SE*, WITH AN OPINION OF THE ATTORNEY
GENERAL. (8TH NOVEMBER, 1858.)

LAI'D UPON THE COUNCIL TABLE BY THE HONORABLE H. MILLER, 9TH NOVEMBER, 1858,
AND ORDERED BY THE COUNCIL TO BE PRINTED, 14TH DECEMBER, 1858.

By Authority:

JOHN FERRES, GOVERNMENT PRINTER, MELBOURNE.

ABORIGINES.

ABORIGINAL CONVICTS.

MEMO.

(COPY.)

The accompanying letters from the Protector of the Aborigines referred to the Attorney General for his opinion.

(Signed) C. G. D.

Immediate.

(COPY.)

The Guardian of Aborigines to the Honorable the President of Land and Works, containing opinion of Law Officers on inter se cases of Aborigines.

58 | 5682.

District Police Court,

30th October, 1858.

SIR,

In communicating to your Honor the past day the arrival of two aboriginal natives under sentence of death,

2. I would submit to your Honor, without imputing any ill-feeling in the verdict or sentence, that the verdict given, and sentence passed, are both incompatible with aboriginal laws.

3. Early in 1839 I submitted an *inter se* case of homicide for the opinion of Mr. Attorney General Plunkett, of New South Wales, at that time the law officer of the Crown. His reply was to the purport, "that the Aborigines could not be amenable to our laws for crimes *inter se*."

4. The decision of Mr. Justice Willis, the first case of *inter se*, Bon-jon, for the murder of a black at Geelong, when put to the bar on the 28th August, 1841, the Judge would not go into the trial, declaring that our Court had no jurisdiction, although that murder was seen by Europeans.

5. The late Crown Prosecutor, Mr. Croke, maintained the same opinion.

6. In July, 1852, I again brought this subject before the Government, when, on the 20th October, the Colonial Secretary in a lengthened reply stated, "the Lieutenant-Governor had submitted the subject for the opinion of the law officers of the Crown, the present Sir William Stawell and Solicitor General, who had given the subject their attentive consideration, "that *inter se* homicides appear to be in obedience to laws and customs known only to the natives themselves, and could not be dealt with by our laws."

7. Some years back a Bill was passed in Sydney to admit aboriginal evidence, and if I recollect right, in a few months, two unfortunate Aborigines were executed on the evidence of another tribe. But as soon as the Bill arrived in England for the Queen's assent it was ignored, and justly so.

8. I feel it my duty to apprise your Honor of these facts, in order that the extreme sentence of the law might not be executed upon these Aborigines, who, I doubt not, were putting into force their own laws.

9. It would be impossible in this letter to go into detail of aboriginal laws of death.

Suffice it to state, that they have laws, and of all the homicides that have come under my knowledge, which have been many, the victim has by their laws merited punishment.

I have, &c.,

(Signed) WM. THOMAS.

(COPY.)

I have read the letter of Mr. Thomas questioning the competency of our Courts to deal with the Aborigines of this country in cases of homicide *inter se*, and I have no doubt that the opinions of former law officers which he cites are correct, so far as the native tribes living together and wholly apart from Europeans are concerned. So long as they continue in their

original condition, possibly having usages of their own sanctioning such homicides, they are not amenable to our laws; but where any of the Aborigines have abandoned their tribes, and are living among the European population under the protection of our laws, they are also subject to those laws, and consequently to the jurisdiction of our tribunals.

The natives to whom Mr. Thomas's communication refers come within the latter class; they had long been living among the European inhabitants of the Colony, and I cannot doubt that the Supreme Court had jurisdiction to deal with their offence.

As to the Acts to which Mr. Thomas alludes, an imperial statute has since been passed to admit the unsworn testimony of natives, if sanctioned by local enactments.

I think, however, that the question submitted to me is one which should not be left to the mere opinion of the law officers for the time being, and should another case occur while I am in office, I will take steps to get the points reserved for the opinion of the full Court.

(Signed) H. S. CHAPMAN.

8 | 11 | 58.

1858.

VICTORIA.

COMMISSION OF THE PEACE

(RECENT ADDITIONS TO).

RETURN TO AN ORDER OF THE LEGISLATIVE COUNCIL.

THE HONORABLE T. H. FELLOWS.—2ND NOVEMBER, 1858.

LAI'D UPON THE COUNCIL TABLE BY THE HONORABLE H. MILLER, 30TH NOVEMBER, 1858,

AND ORDERED BY THE COUNCIL TO BE PRINTED, 14TH DECEMBER, 1858.

By Authority:

JOHN FERRES, GOVERNMENT PRINTER, MELBOURNE.

3/210

A RETURN of all Persons added to the Commission of the Peace during the months of September and October, 1858, with their Places of Abode and Business, and their Trade or Calling.

Surnames.	Christian Names.	Places of		Trade or Calling.
		Abode.	Business.	
FOR THE CITY OF MELBOURNE.				
Bencraft	William	United Insurance Co.'s Fire Brigade station	Head station, Melbourne	superintendent and secretary.
Benjamin	Moses	Collins-st. east, Melbourne	36, Little Collins-street west, Melbourne	importer.
Caldwell	Robert	Alma terrace, St. Kilda	33, King-street, Melbourne	merchant.
Curtain	Michael	Victoria parade, Colling- wood	... ..	gentleman.
Early	Henry James, M.D.	Immigrants' Aid Society's Home	Immigrants' Home	resident secretary and superintendent.
Elles	William McLay	Bungalow, East Melbourne	Queen-street, Melbourne	acting manager, Oriental Bank.
Glass	Hugh	Flemington	20, a'Beckett-street, East Melbourne	merchant.
Harney	Richard	Apsley place, Melbourne	Elizabeth-street, Melbourne	wine merchant.
Hood	John, M.L.C.	St. Kilda	... ..	gentleman.
Hurst	William	Regent-street, Collingwood	67, Bourke-st. west, Melbourne	cattle salesman.
Jamieson	John	George-st., East Melbourne	Melbourne Fire Insurance Co.'s Office, 26, Collins-st. west	secretary.
Mackenzie	John	Burnett-street, St. Kilda	Queen-street, Melbourne	estate and land agent.
Macredie	William	Domain road, South Yarra	Hall of Commerce, Melbourne	secretary to the Austral- asian Fire and Life Insurance Company.
Montefiore	Eliezer Levi	Collins-st. east, Melbourne	54 and 56, William-street, Melbourne	merchant.
Nicholson	William	St. Kilda	13, Flinders-street west, Mel- bourne	merchant.
Phelan	Patrick, M.L.A.	Elizabeth-st., Melbourne	Elizabeth-street, Melbourne	wine merchant.
Robertson	James	Victoria parade, East Mel- bourne		
Ross	William Murray	Leal House, Prahran	Elizabeth-street, Melbourne	secretary to Liverpool and London Insurance Co.
Sutherland	Andrew	Barkly-street, St. Kilda	13, Flinders-street, Melbourne	merchant.
Symons	George	George-st., Collingwood	26, Collins-street, Melbourne	auctioneer.
Tierney	Daniel Joseph, M.L.C.	Apsley place, Melbourne	Near Prince's Bridge, Mel- bourne	doctor of medicine and deputy registrar of births, &c.
Tuckett	William Henry	Barkly-street, St. Kilda	12, Collins-st. east, Melbourne	merchant.
Williams	Benjamin, M.L.C.	St. Kilda	34, Bourke-st. west, Melbourne	wine merchant.
FOR THE TOWN OF GEELONG.				
Callan	Jn. Bartholomew	Geelong	Geelong	surgeon.
Myles	John, M.L.A.	Geelong	... ..	gentleman.
Tracy	Martin	... ..	At present in England	unknown.
FOR THE MUNICIPAL DISTRICTS OF BALLAARAT AND BALLAARAT EAST.				
Smith	William Collard	Sturt-street, Ballaarat	Ballaarat	auctioneer and land agent.
FOR THE MUNICIPAL DISTRICT OF DUNOLLY.				
Daly	Henry O'Brien	Dunolly	Dunolly	merchant.
FOR THE MUNICIPAL DISTRICT OF MARYBOROUGH.				
Campbell	Donald Kesson	Maryborough	Maryborough	merchant.
Fowler	Frederick	Maryborough	High-street, Maryborough	wholesale and retail ironmonger.
MUNICIPAL DISTRICT OF ST. KILDA.				
Spicer	Frederick	St. Kilda	St. Kilda	surgeon.
TERRITORIAL MAGISTRATES.				
Adams	Francis	Sunday Creek, near Seymour	Sunday Creek, near Seymour	settler.
Adams	John	Buninyong	Buninyong	auctioneer and store- keeper.
Aitken	William	Union Flour Mills, Bacchus Marsh	Bacchus Marsh	miller.
Allan	William Osborne	Allandale	Allandale, near Warrnambool	farmer.

RETURN of all Persons added to the Commission of the Peace, &c.—*continued.*

Surnames.	Christian Names.	Places of			Trade or Calling.
		Abode.	Business.		
Arbuckle	Alexander	Sale	Sale		surgeon and coroner. deputy registrar general. inspector of pounds.
Archer	William Henry	Hawthorn	Registrar General's Office		
Armstrong	David	Clarendon-st., East Melbourne	...	...
Bagott	Christopher Neville	Melbourne Club	...	...	squatter. surgeon.
Barnett	Adolphus	Sandhurst	Sandhurst		
Bath	Thomas	Burrumbeet	Burrumbeet		farmer.
Bear	Thomas Hutchings	Rockbeare, Alphington; and Chancery lane, Melbourne	...	...	gentleman.
Beckett	Alexander	Woolshed Creek	Woolshed		doctor of medicine.
Bell	Edward	Melbourne Club	...	...	esquire.
Bencroft	William	United Insurance Co.'s Fire Brigade Station	Head Station, Melbourne		superintendent and secretary.
Bourke	Lawrence	Campbellfield	...	...	landed proprietor.
Boyde	Henry Charles	Northwood station, Seymour	Seymour		squatter.
Brooke	John Henry, M.L.A.	Victorian Club	...	...	gentleman.
Browning	John	Portland	Portland		merchant.
Butler	George	Heidelberg	Heidelberg		doctor of medicine.
Butt	John William Sinclair	Dunolly	Dunolly		gold receiver.
Cadell	Francis	Echuca	Echuca		manager of South Australian Steam Navigation Co.
Cameron	Charles Francis	Castlemaine	Castlemaine		manager of the Old Pennyweight Hill Gold Washing Company.
Chambers	Henry	Corio terrace, Geelong	Corio terrace, Geelong		surgeon.
Cochran	James	Bealiba	Bealiba, near Dunolly		squatter.
Codd	Richard	Pleasant Creek	Pleasant Creek		shareholder in the Wimmera Quartz Crushing Mining Company.
Cook	Frederick	Union Bank, Melbourne	Union Bank, Melbourne		manager of Union Bank.
Cuthbert	James	Western Port	...	...	landed proprietor.
Day	William Collyns	Dunolly	Dunolly		storekeeper.
Depass	John	Lansdowne terrace, St. Kilda	Queen's-street, Melbourne		merchant.
Dobbyn	Wm. Augustus	Wangaratta	Wangaratta		surgeon and coroner.
Donovan	Stephen	Collingwood			
Early	Henry James, M.D.	Immigrants' Aid Society's Home	Immigrant's Home		resident secretary and superintendent.
Egan	Stephen	Vine Farm, Pentridge	Pentridge		farmer.
Everard	John, M.L.A.	Queensbury-street, North Melbourne	86, Flinders-lane west, Melbourne		merchant.
Fallen	John Thomas	Albury, N.S.W.	New South Wales		squatter.
Fenton	John	Spring Hill, near Korong	Spring Hill, near Korong		squatter.
Finn	Thomas	Portland	Julia-street, Portland		draper and silk-mercer.
Firebrace	Edward Bell	Moulamein, Deniliquin, N.S.W.	New South Wales		squatter.
Fitzgerald	John	Gardiner	...	...	gentleman.
Fitzgerald	John Brians	Portland	Portland		tanner.
Gamson	Frederick	Ararat	Barkly-street, Ararat		wholesale druggist.
Ganley	John	Sandhurst	Williamson-st., Sandhurst		squatter.
Glass	Hugh	Flemington	20, a Beckett-street, East Melbourne		merchant.
Gordon	Patrick Robertson	Peechelba, by Wangaratta	Peechelba station		squatter.
Gummow	Benjamin Wm.	Swan Hill	Swan Hill		surgeon and coroner.
Gwynne	Francis Anthony	Moulamein, N.S.W.	Moulamein		squatter.
Harker	Nathan	Sandhurst	Sandhurst		merchant.
Harney	Richard	Apsley place, Melbourne	Elizabeth-street, Melbourne		wine merchant.
Hart	Henri John	Lansdowne terrace, St. Kilda	...	...	gentleman.
Higgins	Patrick	Moonee Ponds	Near Prince's Bridge, Melbourne		railway contractor.
Holmes	George	Essendon	Victoria Club, Melbourne		railway contractor.
Hood	John	Port Albert	Port Albert		clerk and bookkeeper to Mr. D. Turnbull.
Hood	John, M.L.C.	St. Kilda	...	...	gentleman.
Hughes	Charles William	Cobram, Albury	Cobram, Albury		settler.
Hughes	Daniel Abraham, M.L.A.	Forest Hill House, South Yarra	9, Elizabeth-st., Melbourne		merchant, and managing director of the National Bank.
Humfray	John Basson, M.L.A.	Ballaarat	...	...	gentleman.
Jamieson	John	George st. East Melbourne	Melbourne Fire Insurance Co.'s Offices, 26, Collins-st., west		secretary to the Melbourne Fire Insurance Co.
Jenkins	Henry Eugene	Pleasant Creek	Pleasant Creek		gold receiver.
Jennings	Patrick Alfred	St. Arnaud	St. Arnaud		wholesale wine and spirit merchant.
Johnson	Philip	Clifton House, Richmond	Queen-street, Melbourne		notary public.
Johnstone	James Stewart	St. Kilda	...	...	gentleman.
Kearnon	John	Moonee Ponds	Moonee Ponds		farmer.

RETURN of all Persons added to the Commission of the Peace, &c.—*continued.*

Surnames.	Christian Names.	Places of		Trade or Calling.
		Abode.	Business.	
Keogh	Dennis Patrick	St. Kilda	Station at Beechworth	farmer.
Kerr	Robert	St. Kilda	41, Collins-st. east, Melbourne	grocer.
Knox	Holles	Gardiner's Creek	... ..	gentleman.
Laidman	Francis Mar- chant	Maryborough	Maryborough	surgeon and coroner.
Lamont	William			
Langdon	James Conway	Portarlington	Portarlington	farmer.
Lawrence	James Philip	Camperdown	Camperdown	surgeon and coroner.
Learmonth	Alexander	Portland	Portland	merchant.
Little	Charles J.	Burrumbeet	Miners' Rest Township	storekeeper.
Lloyd	Frederick	100, Elizabeth st. Melbourne	100, Elizabeth-street	surgeon.
Leoman	Michael	Glenloeman, Deep Creek	Glenloeman, Deep Creek	farmer.
Lowe	Frederick	Ararat	Barkly-street, Ararat	merchant.
Lumsden	Thomas	Benalla	Benalla	doctor of medicine.
Lyall	William	Yallock	Yallock, Western Port	squatter.
Macdonald	Archibald	Commercial road, Pleasant Creek	Pleasant Creek	surgeon and coroner.
Macdonald	Robert Stair Graham	Boomanormana, River Murray, Albury	Boomanormana	squatter.
Mackenzie	John	Bennett-street, St. Kilda	Queen-street, Melbourne	estate and land agent.
Macpherson	Dougald	Ballaarat	Bungeeltap west, near Ballan	squatter.
Macredie	William	Domain road, South Yarra	Hall of Commerce, Melbourne	secretary to Australasian Fire and Life Insurance Company.
Martin	Thomas Shannon	Gloucester terrace, St. Kilda	30, Flinders-lane west, Mel- bourne	merchant.
Mason	John, C.M.C.	Belfast	Belfast	contractor.
Mason	Thomas	Williamstown	Williamstown	shopkeeper.
Maxwell	John, the elder	Upper Goulburn	Upper Goulburn	settler.
Mayne	James			
McCaig	John	Colac	Colac	storekeeper.
McIntosh	James	Burrumbeet	Dowling Forest	farmer.
McIntosh	James	Moonee Ponds	Moonee Ponds	farmer.
McIntyre	John	High-street, Sandhurst	Sandhurst	chemist and gold broker.
McKillop	Peter	Somerton Hill		
McLandress	Alexander C.M.C.	Maryborough	High-street, Maryborough	boot and shoe ware- houseman.
McLeod	Murdock	Bank of Victoria, Mary- borough	Maryborough	manager of Bank of Victoria.
McPhillamy	John	Burrumbeet	Dowling Forest	farmer.
Montgomery	William	Keilor Plains	Keilor Plains	farmer.
Moore	Frederick	Lacely, near Wangaratta	Lacely Station	squatter.
Morton	George G.	Burrumbeet	Labona, Burrumbeet	farmer.
Myles	John, M.L.A.	Thomond, West Geelong	... ..	gentleman.
Napier	Thomas	Rose Bank, Moonee Ponds	... ..	gentleman.
Nicholson	William	Gray-street, St. Kilda	13, Flinders-street west, Mel- bourne	merchant.
O'Brien	Patrick, M.L.A.	Hawthorn	Elizabeth-street, Melbourne	chemist and druggist.
O'Connor	Nicholas	Richmond	100, Elizabeth-st., Melbourne	surgeon.
Palk	Robert	Coventry-st., Emerald Hill	Emerald Hill	gentleman.
Perry	Charles James Clowes, M.L.A.	Thompson-st., Williams- town	... ..
Peter	John	Barham-street, St. Kilda		
Phelan	Patrick, M.L.A.	Spring Park, near Keilor	Elizabeth-street, Melbourne	wine merchant.
Quinlan	Francis	Dunolly	Dunolly	surgeon and coroner.
Ricardo	Sidney	Templestowe	Templestowe	farmer.
Robertson	James	16 Victoria parade, East Melbourne		
Robertson	William	Wooling, near Gisborne	Wooling, near Gisborne	settler.
Robinson	Charles	Heathcote	Heathcote	surgeon.
Ross	William Murray	Leal House, Prahran	Liverpool and London Insu- rance Co.'s offices, Melbourne	secretary to Liverpool and London Insurance Co.
Russell	George	Back Creek, Creswick	Back Creek, Creswick	miner.
Rutherford	Gideon	Gardiner	122, Queen-street, Melbourne	cattle salesman.
Seal	Charles	Burrumbeet	Ascot	agent for W. J. T. Clarke, squatter.
Southee	Richard	Carisbrook	Carisbrook	surgeon.
Spurling	William	Kilmore	Sydney-street, Kilmore	corn merchant.
Stackpoole	William	Heathcote	High-street, Heathcote	storekeeper.
Stewart	James	Victoria parade, corner of Fitzroy-street	Elizabeth-street, Melbourne	wine merchant.
Strachan	John	Burrumbeet	Burrumbeet	farmer.
Stratton	John Alexander	Alberton		
Sullivan	James Forrester, C.M.C.	Mollison-street, Sandhurst	... ..	gentleman.
Sutherland	Andrew	Barkly-street, St. Kilda	13, Flinders-street, Melbourne.	merchant.
Symons	George	George-street, Collingwood	26, Collins-street, Melbourne	auctioneer.
Tiernan	Peter	Seymour	Seymour	storekeeper and miller.
Tierney	Thomas	Hopkin's River, Warrnam- bool	Hopkin's River, Warrnambool	farmer.

RETURN of all Persons added to the Commission of the Peace, &c.—*continued.*

Surnames.	Christian Names.	Places of		Trade or Calling.
		Abode.	Business.	
Tracy	Martin	... ..	At present in England	unknown.
Trainor	John	Donnybrook	Donnybrook	storekeeper.
Tuckett	William Henry	Barkly-street, St. Kilda	Collins-street, Melbourne	merchant.
Whitaker	James the Younger	Longlands, Harrow	Longlands, Harrow	settler.
Wilkie	David Elliott	106, Collins-street east, Melbourne	106, Collins-street east	doctor of medicine.
Wilkie	Joseph, M.L.A.	87, Bourke-street, west	Collins-street, Melbourne	music seller.
Williams	Benjamin, M.L.C.	St. Kilda	34, Bourke-st. west, Melbourne	wine merchant.
Williams	Joseph Henry	Sandhurst	Sandhurst	merchant.
Wilson	Thomas	Donnybrook	Donnybrook	doctor of medicine.
Wilson	William	Donnybrook	Donnybrook	farmer.
Wrixon	Edward	Maldon, Tarrangower	Maldon	gold receiver.
Young	James	Bower Flour Mills, Bacchus Marsh	Bacchus Marsh	miller.

The accompanying return is complete, except in the following respects :—

The places of business, trade or calling, of—

James Mayne, Melbourne.
 William Lamont, Melbourne.
 James Robertson, Melbourne.
 Stephen Donovan, Collingwood.
 Peter McKillop, Somerton.
 John Peter, Barham House, St. Kilda.
 John Alexander Stratton, Alberton.

1858.
VICTORIA.

APPROPRIATIONS

FOR

SCHOOL PURPOSES.

RETURN TO AN ORDER OF THE LEGISLATIVE COUNCIL.

THE HONORABLE M. HERVEY—20TH APRIL, 1858.

LAI D ON THE COUNCIL TABLE BY THE HONORABLE H. MILLER, AND ORDERED BY
THE COUNCIL TO BE PRINTED, 17TH DECEMBER, 1858.

By Authority:

JOHN FERRES, GOVERNMENT PRINTER, MELBOURNE.

RETURN of the ANNUAL EXPENDITURE of PUBLIC and of SUBSCRIBED MONEYS on DENOMINATIONAL SCHOOLS and on NATIONAL SCHOOLS since their establishment respectively in the Colony; distinguishing the Expenditure on each School in Buildings and Salaries; showing the conditions in each case attached to the Grant, and in what manner the several sites of each School Building are vested or held in trust; and showing also, in each case, whether any, and which, of such School Buildings are, or have been, used as places of Public Worship.

NATIONAL.

(1.) ANNUAL EXPENDITURE of PUBLIC AND SUBSCRIBED MONEYS on NATIONAL SCHOOLS since their Establishment in the Colony, distinguishing the Expenditure on each School in Buildings and Salaries.

SALARIES AND ALLOWANCES TO TEACHERS.

YEAR.	Melbourne Model and Training Schools.	Melbourne, Russell-street.	Melbourne, King-street.	Melbourne, North, Madeline-street.	Melbourne, South.	Melbourne Benevolent Asylum.	Melbourne, North.	Melbourne, North, Bouverie-street.	Melbourne, North, Errol-street.	Melbourne Immigrants' Home.	Altkin's Gap.
	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.
1852 ... ..	...	...	...	...	...	...	...	...	...	...	...
1853 ... ..	...	...	...	...	...	...	...	...	...	...	...
1854	1,199 14 5	...	...	...	18 0 0	62 12 8	...	...	...	...	...
1855	4,177 2 0	...	...	...	120 0 0	100 0 0	170 4 10	...	...	...	...
1856	5,963 2 10	131 3 4	138 11 0	116 11 4	274 13 5	124 6 6	34 3 4	20 5 4	...	...	25 0 0
1857	5,689 18 10	233 17 6	241 13 6	211 2 9	325 0 4	...	...	...	28 3 4	34 13 4	...
	17,029 18 1	365 0 10	380 4 6	327 14 1	737 13 9	286 19 2	204 8 2	20 5 4	28 3 4	34 13 4	25 0 0

YEAR.	Allansford.	Avoca.	Alma.	Broadmeadows.	Bacchus Marsh.	Benalla.	Bulla Bulla.	Ballaarat.	Ballaarat, Bakery Hill.	Ballaarat, Brown Hill.	Ballaarat, Red Hill.
	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.
1852 ... ..	...	...	...	...	66 13 4	25 6 4	...	...	...	...	...
1853 ... ..	...	...	...	...	154 3 4	110 0 0	...	...	...	36 7 6	88 18 8
1854 ... ..	...	...	...	...	163 6 8	161 18 7	106 8 11	...	...	106 14 7	131 11 5
1855 ... ..	...	...	81 0 0	158 11 10	118 4 6	261 0 0	147 4 5	...	...	120 0 0	128 10 1
1856 ... ..	...	33 6 8	58 6 8	182 0 3	96 1 9	255 10 0	130 0 0	...	226 11 11	115 0 0	149 9 7
1857	119 3 4	85 2 11	...	177 10 0	97 12 1	249 3 4	130 0 0	244 1 1	218 0 3	195 0 0	223 5 3
	119 3 4	118 9 7	139 6 8	518 2 1	696 1 8	1,062 18 3	513 13 4	244 1 1	444 12 2	573 2 1	721 15 0

YEAR.	Ballaarat, Sebastopol.	Ballaarat, Golden Point.	Buninyong.	Belvoir.	Collingwood, Bell-street.	Collingwood, East.	Collingwood, North.	Collingwood, Peel-street.	Collingwood, Rose-street.	Canvas Town.	Cambridge.
	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.
1852 ... ..	...	...	...	...	...	...	...	...	...	164 9 1	...
1853 ... ..	...	155 14 3	...	...	...	...	...	...	...	55 0 0	...
1854 ... ..	...	228 17 4	...	...	...	246 10 5	...	...	...	...	...
1855 ... ..	...	289 15 3	...	...	298 9 4	465 3 11	52 10 0	...	67 10 0	...	60 0 0
1856 ... ..	...	...	43 6 8	...	374 17 6	590 0 4	186 13 4	...	115 16 8	...	13 6 8
1857	34 13 4	...	27 1 8	13 6 8	442 5 0	598 12 11	325 4 1	62 16 8	206 13 4	...	...
	34 13 4	674 6 10	70 8 4	13 6 8	1,115 11 10	1,900 7 7	564 7 5	62 16 8	390 0 0	219 9 1	73 6 8

ANNUAL EXPENDITURE, &c., ON NATIONAL SCHOOLS.

SALARIES AND ALLOWANCES TO TEACHERS — *continued.*

YEAR.	Camperdown.	Carlsruhe.	Cavendish.	Colac.	Castlemaine.	Castlemaine, Forest Creek.	Castlemaine, Fryerstown.	Castlemaine, Campbell's Creek.	Creswick.	Castlemaine, Muckleford.	Dunkeld.
	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.
1852 ... ..	...	...	75 4 0	17 10 0	...	...	...	...	...	...	...
1853 ... ..	...	...	87 14 10	105 19 10	...	207 12 4	273 2 6	...	...	...	...
1854	50 0 0	...	180 0 0	208 2 4	...	120 0 0	210 0 0	135 0 0	46 19 4	...	...
1855	120 0 0	38 8 9	150 0 0	180 0 0	68 15 0	136 8 4	210 0 0	157 18 8	90 0 0	...	25 0 0
1856	142 10 0	91 4 0	97 0 5	180 0 0	38 9 8	161 6 3	180 0 0	155 3 7	209 11 8	125 9 1	130 0 0
1857	180 0 0	28 9 10	139 3 4	177 1 0	242 13 7	188 10 0	128 9 2	179 19 2	295 0 0	21 13 4	123 3 11
	492 10 0	158 2 7	729 2 7	868 13 2	349 18 3	813 16 11	1,001 11 8	628 1 5	641 11 0	147 2 5	278 3 11

YEAR.	Dunolly.	Emerald Hill.	Eltham.	Geelong, Ashby.	Geelong, Belmont.	Geelong, Newtown.	Geelong, St. Alban's.	Gisborne.	Hawthorn.	Heidelberg.	Hamilton.
	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.
1852 ... ..	...	...	...	...	...	...	...	...	...	...	23 8 4
1853 ... ..	...	...	...	...	...	...	...	25 0 0	86 15 2	...	126 13 4
1854 ... ..	...	169 5 0	...	...	...	...	...	180 0 0	309 12 3	83 10 10	180 0 0
1855 ... ..	...	270 0 0	...	...	...	...	...	165 0 0	298 3 1	272 4 7	180 0 0
1856	52 18 4	229 0 3	58 19 5	73 6 8	...	100 16 8	...	174 5 8	408 10 11	209 10 0	180 0 0
1857	168 9 4	268 2 3	110 0 0	120 0 0	112 13 4	154 16 8	22 6 8	216 13 4	480 16 4	245 0 0	141 15 2
	221 7 8	936 7 6	168 19 5	193 6 8	112 13 4	255 13 4	22 6 8	760 19 0	1,583 17 9	810 5 5	831 16 10

YEAR.	Heywood.	Horsham.	Heathcote.	Kilmore.	Kyneton.	Maddingley.	Merri Creek.	Oakleigh.	Pascoevale.	Pentridge.	Prahran, Chapel-street.
	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.
1852 ... ..	...	...	...	...	...	...	...	...	117 10 0	...	...
1853 ... ..	...	...	4 3 10	...	...	...	...	...	197 8 4	113 4 10	...
1854 ... ..	...	...	170 0 0	...	...	...	...	...	191 7 3	375 0 0	...
1855 ... ..	...	...	...	10 16 8	...	25 0 0	...	...	210 0 0	339 3 4	180 0 0
1856	49 7 3	...	116 13 0	130 0 0	147 8 8	142 14 8	...	...	193 12 11	325 14 9	217 12 8
1857	8 6 8	104 13 6	208 6 8	130 0 0	222 1 8	154 0 0	43 6 8	33 10 0	6 15 11	332 10 6	310 13 4
	57 13 11	104 13 6	499 3 6	270 16 8	369 10 4	321 14 8	43 6 8	33 10 0	916 14 5	1,485 13 5	708 6 0

ANNUAL EXPENDITURE, &c., ON NATIONAL SCHOOLS.
SALARIES AND ALLOWANCES TO TEACHERS—continued.

YEAR.	Plenty.	Point Nepean.	Portland.	Richmond, Stanley-street.	Sandridge.	St. Kilda.	Sale.	Seymour.	St. Alban's.	Somerton.	Sandhurst, Eagle Hawk.
	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.
1852 ... ..	...	...	...	...	...	...	...	...	...	45 0 0	...
1853	78 6 8	...	...	...	...	...	...	...	...	143 6 8	...
1854	180 0 0	...	...	...	...	...	90 0 0	...	...	127 10 0	...
1855	180 0 0	70 17 5	...	...	...	...	183 6 8	...	...	150 8 4	120 0 0
1856	89 0 0	109 0 11	39 3 4	...	...	154 5 8	210 13 4	...	...	151 13 4	125 15 0
1857	121 13 4	156 5 0	216 13 4	77 14 2	36 0 0	384 16 8	224 13 11	40 19 5	33 10 0	171 13 4	131 13 4
	649 0 0	336 3 4	255 16 8	77 14 2	36 0 0	539 2 4	708 13 11	40 19 5	33 10 0	789 11 8	377 8 4

YEAR.	Sandhurst, Bendigo Creek.	Sandhurst, View Point.	Sandhurst, White Hills.	Taradale.	Tarraville.	Tower Hill Lake.	Wangaratta.	Warrnambool.	Woodford.	Woodend.	Wangoon.	TOTAL SALARIES, &c., TO TEACHERS.
	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.
1852 ... ..	...	...	...	...	...	...	20 13 4	86 7 2	...	...	...	477 12 6
1853	206 4 0	207 18 0	157 1 4	...	...	...	121 15 6	137 10 0	...	...	...	2,989 10 0
1854	165 0 0	175 0 0	158 1 3	...	...	...	180 0 0	188 6 8	87 7 2	...	...	6,440 17 1
1855 ... ..	...	...	165 0 0	135 0 0	...	...	158 0 8	218 6 8	100 0 0	50 16 8	...	11,414 1 0
1856 ... ..	...	...	51 14 7	198 14 9	43 18 0	...	186 13 0	222 1 8	100 0 0	100 0 0	...	15,548 18 6
1857 ... ..	...	...	...	136 10 4	175 0 0	18 18 10	246 13 4	208 10 3	125 0 0	122 6 8	100 16 8	18,255 18 1
	371 4 0	382 18 0	531 17 2	470 5 1	218 18 0	18 18 10	913 15 10	1,061 2 5	412 7 2	73 3 4	100 16 8	55,126 17 2

BUILDINGS, REPAIRS, &c.

YEAR.	Model and Training Schools.	Melbourne, South.	Collingwood, East.	Collingwood, Bell street.	Alberton.	Allansford.	Avoca.	Bacchus Marsh.	Benalla.	Belvoir.	Bulla Bulla.
	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.
1852 ... ..	...	...	...	...	...	...	...	15 2 2	...	...	250 0 0
1853	5,250 0 0	...	500 0 0	...	...	...	...	30 12 0	...	...	...
1854	20,067 1 1	...	2,426 17 0	...	...	...	...	93 12 0	...	...	747 10 0
1855	17,716 1 3	608 4 0	43 13 6	150 0 0	...	...	...	461 18 10	...	...	7 10 6
1856	4,205 13 1	191 16 0	161 9 6	...	...	270 10 0	150 0 0	114 0 0	...	...	40 0 0
1857	254 12 0	35 0 0	...	...	60 0 0	474 10 0	213 8 0	...	...	248 7 6	...
	47,493 7 5	835 0 0	3,132 0 0	150 0 0	60 0 0	745 0 0	363 8 0	715 5 0	...	248 7 6	1,045 0 6

ANNUAL EXPENDITURE, &c., ON NATIONAL SCHOOLS.
BUILDINGS, REPAIRS, &c.—continued.

YEAR.	Ballaarat Township.	Ballaarat.	Broadmeadows.	Canvas Town.	Camperdown.	Carlsruhe.	Cavendish.	Colac.	Castlemaine.	Creswick.	Campbell's Creek.
	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.
1852 ...	...	...	...	...	...	...	80 0 0	...	...	...	...
1853 ...	...	...	...	177 14 11	...	...	...	...	...	...	...
1854 ...	100 0 0	...	745 17 0	...	...	...	...	...	...	300 0 0	...
1855 ...	...	...	171 2 0	...	300 0 0	...	175 0 0	...	...	30 0 0	50 0 0
1856 ...	1,490 0 0	222 12 6	84 15 9	...	...	16 5 0	100 0 0	...	1,508 8 11	...	260 0 0
1857 ...	196 13 6	171 5 6	...	...	600 0 0	26 0 0	75 0 0	249 0 0	...	100 0 0	10 0 0
	1,786 13 6	403 18 0	1,001 14 9	177 14 11	900 0 0	42 5 0	430 0 0	249 0 0	1,508 8 11	430 0 0	320 0 0
YEAR.	Forest Creek.	Fryer's Creek.	Geelong.	Dunkeld.	Eltham.	Emerald Hill.	Gisborne.	Hawthorn.	Hamilton.	Heathcote.	Heidelberg.
	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.
1852 ...	...	...	...	...	...	...	...	...	98 1 11	...	...
1853 ...	...	...	...	...	...	...	...	...	...	...	...
1854 ...	...	...	...	...	...	138 4 1	524 13 4	1,160 2 0	...	...	700 0 0
1855 ...	...	200 0 0	...	...	...	626 14 8	100 10 6	426 16 0	300 0 0	...	900 0 0
1856 ...	12 14 6	115 3 9	1,216 10 0	...	76 8 9	598 1 7	100 10 6	193 15 8	...	310 10 0	495 0 0
1857 ...	10 0 0	...	2,860 15 6	750 0 0	195 9 8	121 9 0	220 4 6	28 14 0	...	313 13 0	...
	22 14 6	315 3 9	4,077 5 6	750 0 0	271 18 5	857 14 8	166 0 6	...	28 3 3	6 14 0	...
									426 5 2	630 17 0	2,095 0 0
YEAR.	Horsham.	Kyneton.	Maddingley.	Narrawong.	Pentridge.	Pascoevale.	Plenty.	Portland.	Point Nepean.	Sandridge.	Sale.
	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.
1852 ...	...	...	...	...	...	...	...	...	...	...	...
1853 ...	...	...	...	...	860 7 8	390 0 0	555 0 0	...	...	...	...
1854 ...	...	...	...	...	...	150 0 0	65 0 0	...	...	...	549 0 0
1855 ...	...	800 0 0	...	...	136 2 8	...	10 0 0	600 0 0	17 0 0	75 0 0	239 7 6
1856 ...	50 0 0	400 0 0	...	15 0 0	17 0 0	...	65 0 0	600 0 0	5 0 0	...	10 0 0
1857 ...	579 10 0	...	120 0 0	...	298 9 2	...	50 0 0	300 0 0	...	4 4 0	...
	629 10 0	1,200 0 0	120 0 0	15 0 0	1,311 19 6	540 0 0	745 0 0	1,500 0 0	22 0 0	79 4 0	798 7 6

ANNUAL EXPENDITURE, &c., ON NATIONAL SCHOOLS.
BUILDINGS, REPAIRS, &c.—continued.

YEAR.	Somerton.	Sandhurst, Eagle Hawk.	Taradale.	Tarraville.	Tower Hill Lake.	Wangaratta.	Wangoon.	Warrnambool.	Woodford.	Woodend.	Temporary Schools, Gold Fields.	TOTAL BUILDINGS, REPAIRS, &c.
	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.
1852 ... ..	...	...	...	...	...	...	...	...	...	...	75 0 0	268 4 1
1853 ... ..	...	...	...	...	...	65 18 0	...	...	...	...	1,505 9 3	11,733 3 10
1854	87 3 4	...	80 0 0	...	...	...	...	120 3 4	490 0 0	...	376 7 9	28,940 6 3
1855 ... ..	...	...	418 9 0	...	...	450 6 0	10 0 0	58 3 1	91 0 0	455 0 0	221 3 7	24,842 19 8
1856 ... ..	...	200 0 0	34 12 0	504 0 0	...	2 0 0	537 0 0	...	9 8 6	...	...	13,829 8 9
1857 ... ..	...	60 0 0	24 10 0	...	750 0 0	...	...	...	...	...	...	8,917 12 7
	87 3 4	260 0 0	557 11 0	504 0 0	750 0 0	518 4 0	547 0 0	178 6 5	590 8 6	455 0 0	2,178 0 7	88,531 15 2

MISCELLANEOUS EXPENDITURE.

YEAR.	School Books and Requisites.	Inspection.	Office Department.	Iron School Houses.	Teachers, Drawing and Vocal Music.	Teachers' Travel- ling Expenses.	Premiums to Teachers.	General Expendi- ture connected with the Model and Training Schools.	General Miscellaneous Ex- penditure.	General Furniture.	TOTAL MISCELLANEOUS EXPENDITURE.
	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.
1852	562 17 9	...	654 18 11	...	...	...	...	...	...	30 15 0	1,248 11 8
1853	174 2 1	...	1,085 0 4	...	...	143 0 0	...	...	110 16 5	...	1,512 18 10
1854	1,500 9 5	983 6 8	1,826 7 10	2,910 10 0	...	269 5 6	...	41 11 0	635 3 6	...	8,166 13 11
1855	1,224 14 3	1,851 9 0	1,505 13 8	...	...	7 0 0	...	442 9 0	1,177 3 0	108 10 0	6,316 18 11
1856	598 16 6	1,686 5 6	1,490 14 2	...	602 0 0	501 4 0	...	1,272 8 11	657 6 2	40 0 0	6,848 15 3
1857	677 5 2	2,100 0 0	1,624 13 3	...	600 0 0	277 17 10	130 0 0	1,400 8 4	608 16 2	...	7,419 0 9
	4,738 5 2	6,621 1 2	8,187 8 2	2,910 10 0	1,202 0 0	1,198 7 4	130 0 0	3,156 17 3	3,189 5 3	179 5 0	31,512 19 4

S U M M A R Y.

Salaries and Allowances to Teachers	...	...	...	£55,126 17 2
Buildings, Repairs, &c.	...	...	...	88,531 15 2
Miscellaneous Expenditure	...	...	...	31,512 19 4
				£175,171 11 8
			General Total	...

(2.) ANNUAL EXPENDITURE of PUBLIC and SUBSCRIBED MONEY on BUILDINGS (including enlargement and repairs) connected with NATIONAL SCHOOLS since their establishment in the Colony, showing the Conditions in each case attached to the Grant.

SCHOOL.	YEAR.	ANNUAL EXPENDITURE.			TOTAL EXPENDITURE.			Conditions attached to the Grant.
		Public Money.	Subscribed Money.	Total.	Public Money.	Subscribed Money.	Total.	
		£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	
Model and Training Schools	1852	No local subscriptions were required towards these schools.
	1853	5,250 0 0	...	5,250 0 0	...	...	...
	1854	20,067 1 1	...	20,067 1 1	...	...	...
	1855	17,716 1 3	...	17,716 1 3	...	...	...
	1856	4,205 13 1	...	4,205 13 1	...	...	...
	1857	254 12 0	...	254 12 0	...	...	...
Melbourne, South	1852	47,493 7 5	...	47,493 7 5	Grants made out of the Vote for 1854, in the proportion of £3 to £1. £14 17s. 6d. to be paid by the patrons to adjust the accounts.
	1853	...	...	...	...	...	...
	1854	...	...	...	...	...	...
	1855	471 0 6	137 3 6	608 4 0	...	...	...
	1856	143 17 0	47 19 0	191 16 0	...	...	...
	1857	26 5 0	8 15 0	35 0 0	641 2 6	193 17 6	835 0 0	
Collingwood, East	1852	In 1853, £1500 was granted, to meet £500 subscribed. In 1854, £1000 additional was granted, to meet £333 6s. 8d. to be subscribed, for which a guarantee was received from the patrons. Of the latter grant £1132 has been spent, of which the patrons should pay £283; whereas, they have only paid £90; thereby owing £193, which is to be paid in to the Commissioners, and subsequently disbursed upon the school building.
	1853	...	500 0 0	500 0 0	...	...	...
	1854	2,336 17 0	90 0 0	2,426 17 0	...	...	...
	1855	43 13 6	...	43 13 6	...	...	...
	1856	161 9 6	...	161 9 6	...	...	...
	1857	...	...	...	2,542 0 0	590 0 0	3,132 0 0
Collingwood, Bell-street ...	1852	This was a loan granted, which is to be repaid.
	1853	...	...	...	...	...	...
	1854	...	...	...	...	...	...
	1855	150 0 0	...	150 0 0	...	...	...
	1856	...	...	...	...	...	...
	1857	...	...	...	150 0 0	...	150 0 0
Alberton	1852	In 1857, a free grant of £100 was made towards the completion of this school, and £50 was also promised to meet an equivalent amount, of which this expenditure forms a portion.
	1853	...	...	...	...	...	...
	1854	...	...	...	...	...	...
	1855	...	...	...	...	...	...
	1856	...	...	...	...	...	...
	1857	10 0 0	50 0 0	60 0 0	10 0 0	50 0 0	60 0 0	

6

323

ANNUAL EXPENDITURE, &c., ON NATIONAL SCHOOLS.
BUILDINGS, INCLUDING ENLARGEMENT AND REPAIRS—*continued.*

SCHOOL.	YEAR.	ANNUAL EXPENDITURE.			TOTAL EXPENDITURE.			Conditions attached to the Grant.
		Public Money.	Subscribed Money.	Total.	Public Money.	Subscribed Money.	Total.	
		£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	
Allansford	1852	Grant made out of funds for 1854—£430 to meet £215.
	1853	...	...	...	...	...	...
	1854	...	...	...	...	...	...
	1855	...	...	...	...	...	...
	1856	170 10 0	200 0 0	370 10 0	430 0 0	315 0 0	745 0 0	
	1857	259 10 0	115 0 0	374 10 0	...	...	...
Avoca	1852	Grant made out of funds for 1854—£272 11s. to meet £90 17s.
	1853	...	...	...	...	...	...
	1854	...	...	...	...	...	...
	1855	...	...	...	...	...	...
	1856	59 3 0	90 17 0	150 0 0	272 11 0	90 17 0	363 8 0	
	1857	213 8 0	...	213 8 0	...	...	...
Bacchus Marsh... ..	1852	15 2 2	...	15 2 2	Of the total amount disbursed, £159 14s. 2d. was expended in rent, without any local contribution being required. The Board promised in 1855 to erect one of the iron school houses obtained from England, provided the patrons would pay in £200, which was done.
	1853	30 12 0	...	30 12 0	...	...	...
	1854	93 12 0	...	93 12 0	...	...	...
	1855	261 18 10	200 0 0	461 18 10	515 5 0	200 0 0	715 5 0	
	1856	114 0 0	...	114 0 0	...	...	...
	1857	...	...	...	...	...	...
Benalla	1852	A grant of £13 6s. 8d. was made in 1853 to meet one half the amount, £6 13s. 4d., which was paid by the patrons direct.
	1853	13 6 8	...	13 6 8	...	...	...
	1854	...	...	...	...	...	...
	1855	...	...	...	...	...	...
	1856	...	...	...	...	...	...
	1857	...	...	...	13 6 8	...	13 6 8
Belvoir	1852	£124 3s. 9d. expended to meet an equivalent amount paid in out of a grant of £200.
	1853	...	...	...	...	...	...
	1854	...	...	...	...	...	...
	1855	...	...	...	...	...	...
	1856	...	...	...	...	...	...
	1857	124 3 9	124 3 9	248 7 6	124 3 9	124 3 9	248 7 6	

ANNUAL EXPENDITURE, &c., ON NATIONAL SCHOOLS.
BUILDINGS, INCLUDING ENLARGEMENT AND REPAIRS—*continued.*

SCHOOL.	YEAR.	ANNUAL EXPENDITURE.			TOTAL EXPENDITURE.			Conditions attached to the Grant.
		Public Money.	Subscribed Money.	Total.	Public Money.	Subscribed Money.	Total.	
		£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	
Bulla Bulla... ..	1852	...	250 0 0	250 0 0	£750 granted to meet £250 in 1853. £20 granted to meet £20 in 1856; and £5 0s. 6d. a free grant.
	1853	...	...	...	...	...	...
	1854	747 10 0	...	747 10 0	...	...	...
	1855	7 10 6	...	7 10 6	...	...	...
	1856	20 0 0	20 0 0	40 0 0	...	...	...
	1857	...	...	...	775 0 6	270 0 0	1,045 0 6
Ballaarat (township) ...	1852	Grant made in 1854 at a rate not to exceed £3 to £1 subscribed.
	1853	...	...	...	...	...	...
	1854	...	100 0 0	100 0 0	...	...	...
	1855	...	...	...	...	...	...
	1856	1,090 0 0	400 0 0	1,490 0 0	...	...	...
	1857	166 13 6	30 0 0	196 13 6	1,256 13 6	530 0 0	1,786 13 6	
Ballaarat (exclusive of township)	1852	Grants made for temporary schools. No absolute conditions as to local subscriptions.
	1853	...	...	...	...	...	...
	1854	...	...	...	...	...	...
	1855	...	...	...	...	...	...
	1856	182 12 6	50 0 0	232 12 6	...	...	...
	1857	171 5 6	...	171 5 6	353 18 0	50 0 0	403 18 0	
Broadmeadows	1852	£750 granted in 1854 to meet £250. £1 14s. 9d. free grant.
	1853	...	...	...	...	...	...
	1854	495 17 0	250 0 0	745 17 0	...	...	...
	1855	171 2 0	...	171 2 0	...	...	...
	1856	84 15 9	...	84 15 9	...	...	...
	1857	...	...	...	751 14 9	250 0 0	1,001 14 9
Canvas Town	1852	Grant for a temporary tent school. No local subscriptions required.
	1853	177 14 11	...	177 14 11	...	...	...
	1854	...	...	...	...	...	...
	1855	...	...	...	...	...	...
	1856	...	...	...	...	...	...
	1857	...	...	...	177 14 11	...	177 14 11

3225

32526

ANNUAL EXPENDITURE, &c., ON NATIONAL SCHOOLS.
BUILDINGS, INCLUDING ENLARGEMENT AND REPAIRS—*continued.*

SCHOOL.	YEAR.	ANNUAL EXPENDITURE.			TOTAL EXPENDITURE.			Conditions attached to the Grant.
		Public Money.	Subscribed Money.	Total.	Public Money.	Subscribed Money.	Total.	
		£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	
Camperdown	1852	Payments on account of grant of £900, made in 1854, to meet £300.
	1853	...	...	...	...	...	...
	1854	...	...	...	...	...	...
	1855	...	300 0 0	300 0 0	...	...	...
	1856	...	...	...	...	...	...
	1857	600 0 0	...	600 0 0	600 0 0	300 0 0	900 0 0	
Carlsruhue	1852	Grants for rent, made irrespective of local contributions.
	1853	...	...	...	...	...	...
	1854	...	...	...	...	...	...
	1855	...	...	...	...	...	...
	1856	16 5 0	...	16 5 0	42 5 0	...	42 5 0	
	1857	26 0 0	...	26 0 0	...	...	...
Cavendish	1852	5 0 0	75 0 0	80 0 0	Grant for furniture and repairs in 1852. £100 granted in 1855 to meet an equivalent amount, and a free grant of £100 made in 1856.
	1853	...	...	...	...	...	...
	1854	...	...	...	...	...	...
	1855	75 0 0	100 0 0	175 0 0	255 0 0	175 0 0	430 0 0	
	1856	100 0 0	...	100 0 0	...	...	...
	1857	75 0 0	...	75 0 0	...	...	...
Colac	1852	Grant in 1857 of £150 to meet an equivalent amount. Account not yet adjusted.
	1853	...	...	...	...	...	...
	1854	...	...	...	...	...	...
	1855	...	...	...	...	...	...
	1856	...	...	...	...	...	...
	1857	105 6 9	143 13 3	249 0 0	105 6 9	143 13 3	249 0 0	
Castlemaine	1852	£1010 7s. 7d., granted out of funds for 1854, to meet £505 3s. 9d., or half the amount. The patrons have to pay £7 2s. 5d.
	1853	...	...	...	...	...	...
	1854	...	...	...	...	...	...
	1855	...	...	...	...	...	...
	1856	1,010 7 7	498 1 4	1,508 8 11	1,010 7 7	498 1 4	1,508 8 11	
	1857	...	...	...	...	...	...

ANNUAL EXPENDITURE, &c., ON NATIONAL SCHOOLS.
BUILDINGS, INCLUDING ENLARGEMENT AND REPAIRS—continued.

A 7.-d.

SCHOOL.	YEAR.	ANNUAL EXPENDITURE.			TOTAL EXPENDITURE.			Conditions attached to the Grant.
		Public Money.	Subscribed Money.	Total.	Public Money.	Subscribed Money.	Total.	
		£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	
Creswick	1852	£200 grant to meet £100 in 1854. £22 10s., to meet £7 10s., same year, and free grant of £100 made in 1856.
	1853	...	...	...	...	...	...
	1854	200 0 0	100 0 0	300 0 0	322 10 0	107 10 0	430 0 0	
	1855	22 10 0	7 10 0	30 0 0	...	...	...
	1856	...	...	...	...	...	...
	1857	100 0 0	...	100 0 0	...	...	...
Campbell's Creek	1852	£200 granted to meet £100 in 1854, and £10 to meet £10 in 1855.
	1853	...	...	...	...	...	...
	1854	...	...	...	...	...	...
	1855	...	50 0 0	50 0 0	...	...	...
	1856	200 0 0	60 0 0	260 0 0	...	...	...
	1857	10 0 0	...	10 0 0	...	...	...
Forest Creek	1852	210 0 0	110 0 0	320 0 0	Free grant of £12 14s. 6d. for repairs in 1856, and £5 to meet £5 for furniture, &c., in 1857.
	1853	...	...	...	...	...	...
	1854	...	...	...	...	...	...
	1855	...	...	...	...	...	...
	1856	12 14 6	...	12 14 6	...	...	...
	1857	5 0 0	5 0 0	10 0 0	...	...	...
Fryers' Creek	1852	17 14 6	5 0 0	22 14 6	£150 granted in 1854, to meet £50. Free grant of £15 3s. 9d. for repairs, and of £100 for erection of teacher's residence in 1856.
	1853	...	...	...	...	...	...
	1854	...	...	...	...	...	...
	1855	150 0 0	50 0 0	200 0 0	...	...	...
	1856	115 3 9	...	115 3 9	...	...	...
	1857	...	...	...	...	...	...
Geelong	1852	265 3 9	50 0 0	315 3 9	Grant made in 1854. £3,000 to meet £1,000, and in 1857 £200 to meet £200.
	1853	...	...	...	...	...	...
	1854	...	...	...	...	...	...
	1855	...	...	...	...	...	...
	1856	1,089 9 6	127 0 6	1,216 10 0	...	...	...
	1857	1,937 18 7	922 16 11	2,860 15 6	3,027 8 1	1,049 17 5	4,077 5 6	

327

82328

ANNUAL EXPENDITURE, &c., ON NATIONAL SCHOOLS.
BUILDINGS, INCLUDING ENLARGEMENT AND REPAIRS—*continued.*

SCHOOL.	YEAR.	ANNUAL EXPENDITURE.			TOTAL EXPENDITURE.			Conditions attached to the Grant.
		Public Money.	Subscribed Money.	Total.	Public Money.	Subscribed Money.	Total.	
		£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	
Gisborne	1852	Grant made in 1854 and 1855 in the proportion of £3 to £1. The patrons have to expend £10 10s. 2d. to adjust the account.
	1853	311 4 4	213 9 0	524 13 4	...	...	...
	1854	626 14 8	...	626 14 8	...	...	...
	1855	100 10 6	...	100 10 6	...	...	...
	1856	86 4 6	134 0 0	220 4 6	...	...	...
	1857	114 8 10	51 11 8	166 0 6	...	...	...
Dunkeld	1852	1,239 2 10	399 0 8	1,638 3 6	Grant of £500 made in 1854 to meet £250.
	1853	...	...	...	...	...	...
	1854	...	...	...	...	...	...
	1855	...	...	...	...	...	...
	1856	...	...	...	...	...	...
	1857	509 5 0	240 15 0	750 0 0	...	...	...
Eltham	1852	509 5 0	240 15 0	750 0 0	Grant of £150 to meet an equivalent amount. Account not yet adjusted.
	1853	...	...	...	...	...	...
	1854	...	...	...	...	...	...
	1855	...	...	...	...	...	...
	1856	...	76 8 9	76 8 9	...	...	...
	1857	140 17 5	54 12 3	195 9 8	...	...	...
Emerald Hill	1852	140 17 5	131 1 0	271 18 5	Grant towards erection of new schoolhouse, irrespective of local subscriptions.
	1853	...	...	...	...	...	...
	1854	138 4 1	...	138 4 1	...	...	...
	1855	593 1 7	5 0 0	598 1 7	...	...	...
	1856	121 9 0	...	121 9 0	...	...	...
	1857	...	...	...	...	...	...
Hawthorn	1852	852 14 8	5 0 0	857 14 8	This account is not closed. The total amount of public money disbursed upon the Hawthorn school is £1986 0s. 8d, besides £134 17s. free grant for rent, &c., to temporary schoolhouse, and the amount subscribed altogether is £705 13s. 10d., being considerably more than one-fourth of the total expenditure. Grant made in 1854, £3 to meet £1.
	1853	710 2 0	450 0 0	1,160 2 0	...	...	...
	1854	376 16 0	50 0 0	426 16 0	...	...	...
	1855	168 15 8	25 0 0	193 15 8	...	...	...
	1856	28 14 0	...	28 14 0	...	...	...
	1857	...	...	...	1,284 7 8	525 0 0	1,809 7 8

ANNUAL EXPENDITURE, &c., ON NATIONAL SCHOOLS.
BUILDINGS, INCLUDING ENLARGEMENT AND REPAIRS—*continued.*

SCHOOL.	YEAR.	ANNUAL EXPENDITURE.			TOTAL EXPENDITURE.			Conditions attached to the Grant.
		Public Money.	Subscribed Money.	Total.	Public Money.	Subscribed Money.	Total.	
		£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	
Hamilton	1852	98 1 11	...	98 1 11	£98 1s. 11d. was repayment made on account of the New South Wales Board.
	1853	...	...	...	...	...	...
	1854	300 0 0	...	300 0 0	...	...	...
	1855	...	...	...	...	...	...
	1856	...	...	...	...	...	...
	1857	28 3 3	...	28 3 3	426 5 2	...	426 5 2	
Heathcote	1852	A grant made in 1854 of £3 to £1.
	1853	...	...	...	...	...	...
	1854	...	...	...	...	...	...
	1855	150 10 0	160 0 0	310 10 0	...	...	...
	1856	313 13 0	...	313 13 0	...	...	...
	1857	6 14 0	...	6 14 0	470 17 0	160 0 0	630 17 0	
Heidelberg... ..	1852	This was a grant made by the board in 1853 of £3 to £1, but is not yet adjusted.
	1853	450 0 0	250 0 0	700 0 0	...	...	...
	1854	800 0 0	100 0 0	900 0 0	...	...	...
	1855	495 0 0	...	495 0 0	...	...	...
	1856	...	...	...	...	...	...
	1857	...	...	...	1,745 0 0	350 0 0	2,095 0 0
Horsham	1852	Grant made in 1856, to an amount equal to the local subscriptions.
	1853	...	...	...	...	...	...
	1854	...	...	...	...	...	...
	1855	...	...	...	...	...	...
	1856	...	50 0 0	50 0 0	...	...	...
	1857	309 6 0	270 4 0	579 10 0	309 6 0	320 4 0	629 10 0	
Kyneton	1852	Grant of £900 made in 1854 to meet £300.
	1853	...	...	...	...	...	...
	1854	...	...	...	...	...	...
	1855	500 0 0	300 0 0	800 0 0	...	...	...
	1856	400 0 0	...	400 0 0	...	...	...
	1857	...	...	...	900 0 0	300 0 0	1,200 0 0

221/330

ANNUAL EXPENDITURE, &c., ON NATIONAL SCHOOLS.
BUILDINGS, INCLUDING ENLARGEMENT AND REPAIRS—*continued.*

SCHOOL.	YEAR.	ANNUAL EXPENDITURE.			TOTAL EXPENDITURE.			Conditions attached to the Grant.
		Public Money.	Subscribed Money.	Total.	Public Money.	Subscribed Money.	Total.	
		£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	
Maddingley	1852	Grant in 1856 of £75, to meet an equivalent amount.
	1853	...	...	...	...	...	...
	1854	...	...	...	...	...	...
	1855	...	...	...	...	...	...
	1856	...	...	...	...	...	...
	1857	45 0 0	75 0 0	120 0 0	45 0 0	75 0 0	120 0 0	
Narrawong... ..	1852	Rent of temporary school house. No local subscriptions required.
	1853	...	...	...	...	...	...
	1854	...	...	...	...	...	...
	1855	...	...	...	...	...	...
	1856	15 0 0	...	15 0 0	15 0 0	...	15 0 0	
	1857	...	...	...	...	...	...
Pentridge	1852	Grant in 1853 at the rate of £3 to £1. Account not yet adjusted.
	1853	660 7 8	200 0 0	860 7 8	...	...	...
	1854	...	...	...	...	...	...
	1855	136 2 8	...	136 2 8	...	...	...
	1856	17 0 0	...	17 0 0	...	...	...
	1857	238 9 2	60 0 0	298 9 2	1,051 19 6	260 0 0	1,311 19 6	
Pascoevale	1852	Grant in 1853 at the rate of £3 to £1.
	1853	249 9 0	140 11 0	390 0 0	...	...	...
	1854	130 0 0	20 0 0	150 0 0	...	...	...
	1855	...	...	...	...	...	...
	1856	...	...	...	...	...	...
	1857	...	...	...	379 9 0	160 11 0	540 0 0
Plenty... ..	1852	Grant in 1853 at the rate of £3 to £1, not yet adjusted.
	1853	416 5 0	138 15 0	555 0 0	...	...	...
	1854	60 0 0	5 0 0	65 0 0	...	...	...
	1855	...	10 0 0	10 0 0	...	...	...
	1856	35 0 0	30 0 0	65 0 0	...	...	...
	1857	...	50 0 0	50 0 0	511 5 0	233 15 0	745 0 0	

ANNUAL EXPENDITURE, &c., ON NATIONAL SCHOOLS.
BUILDINGS, INCLUDING ENLARGEMENT AND REPAIRS—continued.

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SCHOOL.	YEAR.	ANNUAL EXPENDITURE.			TOTAL EXPENDITURE.			Conditions attached to the Grant.
		Public Money.	Subscribed Money.	Total.	Public Money.	Subscribed Money.	Total.	
		£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	
Portland	1852	£900 granted in 1854 to meet £300, and £150 granted in 1856 to meet £150.
	1853	...	...	...	...	...	...
	1854	...	...	...	...	...	...
	1855	300 0 0	300 0 0	600 0 0	...	...	...
	1856	600 0 0	...	600 0 0	...	...	...
	1857	150 0 0	150 0 0	300 0 0	1,050 0 0	450 0 0	1,500 0 0	
Point Nepean	1852	In this case the patrons built the school at their own expense, the Commissioners providing furniture.
	1853	...	...	...	...	...	...
	1854	...	...	...	...	...	...
	1855	17 0 0	...	17 0 0	...	...	...
	1856	5 0 0	...	5 0 0	...	...	...
	1857	...	...	...	22 0 0	...	22 0 0
Sandridge	1852	These were amounts paid under the sanction of the Government, a contract having been entered into for the erection of a school house, which the Commissioners were unable to carry out, owing to the impossibility of obtaining a site.
	1853	...	...	...	...	...	...
	1854	...	...	...	...	...	...
	1855	75 0 0	...	75 0 0	...	...	...
	1856	...	...	...	...	...	...
	1857	4 4 0	...	4 4 0	79 4 0	...	79 4 0	
Sale	1852	In this case the Commissioners supplied an iron school house, which the patrons erected.
	1853	...	...	...	...	...	...
	1854	517 0 0	32 0 0	549 0 0	...	...	...
	1855	239 7 6	...	239 7 6	...	...	...
	1856	10 0 0	...	10 0 0	...	...	...
	1857	...	...	...	776 7 6	32 0 0	798 7 6
Somerton	1852	A free grant made in 1854 for repairs and furniture.
	1853	...	...	...	...	...	...
	1854	87 3 4	...	87 3 4	...	...	...
	1855	...	...	...	...	...	...
	1856	...	...	...	...	...	...
	1857	...	...	...	87 3 4	...	87 3 4

332332

ANNUAL EXPENDITURE, &c. ON NATIONAL SCHOOLS.
BUILDINGS, INCLUDING ENLARGEMENT AND REPAIRS—continued.

SCHOOL.	YEAR.	ANNUAL EXPENDITURE.			TOTAL EXPENDITURE.			Conditions attached to the Grant.
		Public Money.	Subscribed Money.	Total.	Public Money.	Subscribed Money.	Total.	
		£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	
Sandhurst, Eagle Hawk ...	1852	£133 6s. 8d. granted in 1855 to meet £66 13s. 4d.
	1853	...	...	...	...	...	...
	1854	...	...	...	...	...	...
	1855	...	...	...	...	...	...
	1856	133 6 8	66 13 4	200 0 0	133 6 8	126 13 4	260 0 0	
	1857	...	60 0 0	60 0 0	...	...	...
Taradale	1852	A grant made in 1854 at the rate of £3 to £1, not yet adjusted.
	1853	...	...	...	...	...	...
	1854	80 0 0	...	80 0 0	...	...	...
	1855	303 9 0	115 0 0	418 9 0	...	...	...
	1856	34 12 0	...	34 12 0	...	...	...
	1857	24 10 0	...	24 10 0	442 11 0	115 0 0	557 11 0	
Tarraville	1852	A grant made in 1855 at the rate of £2 to £1.
	1853	...	...	...	...	...	...
	1854	...	...	...	...	...	...
	1855	...	...	...	...	...	...
	1856	327 0 0	177 0 0	504 0 0	...	...	...
	1857	...	...	...	327 0 0	177 0 0	504 0 0
Tower Hill Lake	1852	A grant made in 1854 of £2 to £1—£500 to meet £250.
	1853	...	...	...	...	...	...
	1854	...	...	...	...	...	...
	1855	...	...	...	...	...	...
	1856	...	...	...	...	...	...
	1857	500 0 0	250 0 0	750 0 0	500 0 0	250 0 0	750 0 0	
Wangaratta	1852	A free grant for furniture in 1853 of £65 18s. A grant at the rate of £3 to £1, in 1855; and a free grant of £2 in 1856.
	1853	65 18 0	...	65 18 0	...	...	...
	1854	...	...	...	...	...	...
	1855	337 14 6	112 11 6	450 6 0	...	...	...
	1856	2 0 0	...	2 0 0	...	...	...
	1857	...	...	...	405 12 6	112 11 6	518 4 0

ANNUAL EXPENDITURE, &c., ON NATIONAL SCHOOLS.
BUILDINGS, INCLUDING ENLARGEMENT AND REPAIRS—continued.

SCHOOL.	YEAR.	ANNUAL EXPENDITURE.			TOTAL EXPENDITURE.			Conditions attached to the Grant.
		Public Money.	Subscribed Money.	Total.	Public Money.	Subscribed Money.	Total.	
		£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	
Wangoon	1852	Grant made in 1854 of £3 to £1; account not yet adjusted.
	1853	...	...	...	...	...	...
	1854	...	...	...	...	...	...
	1855	...	10 0 0	10 0 0	...	...	...
	1856	480 18 0	56 2 0	537 0 0	...	...	...
	1857	...	...	...	480 18 0	66 2 0	547 0 0
Warrnambool	1852	In 1854 a grant of £66 13s. 4d., to meet £33 6s. 8d. subscribed, and a free grant of £20 13s. 4d. for repairs. In 1855, £29 1s. 6d. was granted to meet an equivalent amount.
	1853	...	...	...	...	...	...
	1854	86 16 8	33 6 8	120 3 4	...	...	...
	1855	29 1 6	29 1 7	58 3 1	...	...	...
	1856	...	...	...	115 18 2	68 8 3	178 6 5
	1857	...	...	...	...	...	...
Woodford	1852	Grant of £3 to meet £1, in 1854; accounts not yet adjusted.
	1853	...	...	...	...	...	...
	1854	490 0 0	...	490 0 0	...	...	...
	1855	45 10 0	45 10 0	91 0 0	...	...	...
	1856	4 14 3	4 14 3	9 8 6	...	...	...
	1857	...	...	...	540 4 3	50 4 3	590 8 6
Woodend	1852	Grant of £3 to meet £1, in 1854; accounts not yet adjusted.
	1853	...	...	...	...	...	...
	1854	...	...	...	...	...	...
	1855	350 0 0	105 0 0	455 0 0	...	...	...
	1856	...	...	...	...	...	...
	1857	...	...	...	350 0 0	105 0 0	455 0 0
Temporary Schools, Gold Fields	1852	75 0 0	...	75 0 0	Free grants, irrespective of local subscriptions.
	1853	1,150 10 9	354 18 6	1,505 9 3	...	...	...
	1854	376 7 9	...	376 7 9	...	...	...
	1855	190 13 7	30 10 0	221 3 7	...	...	...
	1856	...	...	...	...	...	...
	1857	...	...	...	1,792 12 1	385 8 6	2,178 0 7



(3).—MANNER in which the SITES of each SCHOOL BUILDING are vested or held in Trust.

1.	Model and Training Schools	...	In the Commissioners.
2.	Melbourne—Russell-street	...	Private property.
3.	King-street	...	Private property.
4.	Madeline-street	...	Private property.
5.	South...	...	In the Commissioners.
6.	Benevolent Asylum...	...	In the Trustees of the Asylum.
7.	North	...	Private property.
8.	Bouverie-street	...	Private property.
9.	Geelong—Ashby	...	Private property.
10.	Newtown	...	Private property.
11.	Collingwood—Bell-street	...	Private property.
12.	East	...	In the Commissioners.
13.	North	...	Private property.
14.	Rose-street...	...	Private property.
15.	Broadmeadows	...	In the Commissioners.
16.	Emerald Hill	...	In the Commissioners.
17.	Hawthorn	...	In the Commissioners.
18.	Heidelberg	...	In the Commissioners.
19.	Pascoevale	...	In the Commissioners.
20.	Pentridge	...	In the Commissioners.
21.	Prahran—Chapel-street	...	Private property.
22.	St. Kilda	...	Private property.
23.	Geelong—Belmont...	...	In the Commissioners.
24.	Richmond—Stanley-street	...	Private property.
25.	Canvas Town	...	In the Commissioners.
26.	Collingwood—Peel-street	...	Private property.
27.	Melbourne—Errol-street	...	Private property.
28.	Oakleigh	...	Private property.
29.	Melbourne Immigrants' Home	...	In the Crown.
30.	Sandridge	...	Private property.
31.	St. Alban's	...	Private property.
32.	Bacchus Marsh	...	In the Commissioners.
33.	Benalla	...	In the Commissioners.
34.	Bulla Bulla	...	In the Commissioners.
35.	Cambridge	...	In the Commissioners.
36.	Carlsruhe	...	In the Commissioners.
37.	Cavendish	...	In the Commissioners.
38.	Colac	...	In the Commissioners.
39.	Dunkeld	...	In the Commissioners.
40.	Gisborne	...	In the Commissioners.
41.	Hamilton	...	In the Commissioners.
42.	Heywood	...	Private property.
43.	Kilmore	...	Private property.
44.	Maddingley	...	In the Commissioners.
45.	Plenty	...	In the Commissioners.
46.	Point Nepean	...	In the Commissioners.
47.	Sale	...	In the Commissioners.
48.	Somerton	...	In the Commissioners.
49.	Taradale	...	In the Commissioners.
50.	Camperdown	...	In the Commissioners.
51.	Wangaratta...	...	In the Commissioners.
52.	Warrnambool	...	In the Commissioners.
53.	Woodend	...	In the Commissioners.
54.	Woodford	...	In the Commissioners.
55.	Kyneton	...	In the Commissioners.
56.	Portland	...	In the Commissioners.
57.	Tarraville	...	In the Commissioners.
58.	Eltham	...	In the Commissioners.
59.	Allansford	...	In the Commissioners.
60.	Horsham	...	In the Commissioners.
61.	Wangoon	...	In the Commissioners.
62.	Merri Creek...	...	In the Commissioners.
63.	Seymour	...	In the Commissioners.
64.	Tower Hill Lake	...	In the Commissioners.
65.	Castlemaine...	...	In the Commissioners.
66.	Forest Creek	...	In the Commissioners.
67.	Fryer's Town	...	In the Commissioners.
68.	Campbell's Creek	...	In the Commissioners.
69.	Muckleford	...	Private property.
70.	Ballaarat—Golden Point	...	Private property.
71.	Bakery Hill	...	Private property.
72.	Brown Hill	...	Private property.
73.	Red Hill	...	Private property.

74.	Creswick	...	...	...	In the Commissioners.
75.	Sandhurst—Eagle Hawk	...	...	...	In the Commissioners.
76.	Avoca	...	...	...	In the Commissioners.
77.	Heathcote	...	...	...	In the Commissioners.
78.	Buninyong	...	...	...	Private property.
79.	Dunolly	...	...	...	Private property.
80.	Ballaarat—Sebastopol	...	...	...	Private property.
81.	Ballaarat	...	...	...	In the Commissioners.
82.	Belvoir	...	...	...	In the Commissioners.
83.	Sandhurst—View Point	...	...	...	In the Crown.
84.	Aitkin's Gap	...	...	...	Private property.
85.	Sandhurst—Bendigo Creek	...	...	...	Private property.
86.	White Hills	...	...	...	Private property.
87.	Alma	...	...	...	Private property.

N.B.—All Schools, the sites of which are Private Property, are non-vested Schools.

BENJ. F. KANE.

National Education Offices, Melbourne,
14th December, 1858.

(4.)—WHETHER any and which of such SCHOOL BUILDINGS are, or have been used as PLACES OF PUBLIC WORSHIP.

The Rules of the Board expressly prohibit the use of School Buildings as Places of Public Worship.

BENJ. F. KANE.

National Education Offices, Melbourne,
13th December, 1858.

ANNUAL EXPENDITURE OF

SCHOOL-HOUSE.	Used for Public Worship now or formerly.	Site obtained by Purchase, Private Gift, or Grant from the Crown.	Conveyance, or Bond, subject to Rule of the Denominational School Board, or otherwise.	ANNUAL EXPENDITURE OF		
				1851.	1852.	1853.
			£ s. d.	£ s. d.	£ s. d.	
CHURCH OF ENGLAND.*						
St. James's	Not used	Grant from the Crown	90 0 0	202 12 2	478 2	
St. John's	Not used	Grant from the Crown	60 0 0	120 0 0	270 0	
St. Matthew's	Used	Grant from the Crown	...	...	...
St. Mary's	Used	Grant from the Crown	...	...	18 8
St. Peter's	Not used	Grant from the Crown	...	...	...
St. Mark's	Used formerly	Private Gift	95 0 0	210 0 0	463 15	
Abbotsford, E. C.	Yes: occasionally	Private Gift	...	...	...
Cambridge-street	No	Private Property	...	...	...
Simpson's-road	Yes: occasionally	Grant from the Crown	...	...	...
Richmond	No	Purchase	35 0 0	102 10 9	288 1	
Cremorne-street	Yes	Purchase	...	...	...
St. Paul's, Melbourne	No	Grant from the Crown	...	...	...
St. Kilda	Yes: formerly	Grant from the Crown	35 0 0	62 11 1	162 10	
Orphan Asylum	No	Grant from the Crown	...	...	...
Sandridge	No	Grant from the Crown	...	...	73 11
Prahran	Yes	Purchase	...	...	77 10
Malvern	Yes	Grant from the Crown	...	...	...
Brighton	No	Private Gift	40 0 0	76 2 6	188 2	
East Brighton	Yes	Private Gift	...	40 0 0	108 2	
Little Brighton	Yes	Private Gift	...	...	50 0
Cheltenham	Yes	Private Gift	...	...	...
Gipsy Village	Yes	Private Gift	...	...	...
Jamieson's Survey	No	Private Gift	...	...	...
Dandenong	Yes	Grant from the Crown	...	...	...
Frankston	No	Grant from the Crown	...	...	...
Schnapper Point	Used	Grant from the Crown	...	...	...
Tootgarook	No	Grant from the Crown	...	...	...
Williamstown	Yes: formerly	Grant from the Crown	35 0 0	52 6 10	145 15	
Footsray	Yes: occasionally	Grant from the Crown	...	...	...
Albion	Yes: formerly	Rented Building	...	...	...
Flemington	Yes: occasionally	Grant from the Crown	...	...	8 10
Phillipstown	Yes: formerly	Private Gift	...	...	78 15
East Brunswick	Yes: formerly	Private Property	...	...	...
Essendon	Yes	Grant from the Crown	...	...	...
Broadmeadows	No	Grant from the Crown	26 5 0	...	43 10	
Bulla	Yes: formerly	Rented Building	...	...	18 16
Keilor	Yes	Grant from the Crown	...	...	...
Pentridge	No school building	School held in the Church	35 0 0	...	...
Lyndhurst	Yes: occasionally	Private Gift	...	...	...
Box Forest	Yes: occasionally	Private Gift	...	...	...
Preston	No	Private Gift	...	...	63 6
Ivanhoe	Yes	Private Gift	...	...	101 5
Bulleen	No	Private Gift	30 0 0	80 0 0	...	
Templestowe	Yes	Grant from the Crown	...	...	...
Anderson's Creek	No	Crown Land	...	...	76 13
Epping	Yes	Grant from the Crown	...	...	37 18
Little Eltham	Yes: formerly	Private Gift	...	...	...
Kew	Yes	Private Gift	...	...	...
Greenborough	Yes: formerly	Private Gift	...	...	...
Whittlesea	Yes	Grant from the Crown	...	...	...
Yan Yean	No	Rented Building	...	...	...
Aitken's Gap	Yes	Grant from the Crown	...	...	85 0
Kilmore	Yes	Private Gift	30 0 0	50 0 0	...	
Avenel	No	Rented Building	...	...	...
Euroa	No	Grant from the Crown	...	...	...
Broadford	No	Private Property	...	...	...
Sutherland's Creek	No	...	...	...	...
Murchison	Closed	Grant from the Crown	...	...	...
Rushworth	Not opened as yet	Grant from the Crown	...	...	...
Wyndham	Not used	Rented Building	...	...	271 10
Christ Church	No	Grant from the Crown	90 0 0	157 3 6	...	
St. Paul's, Geelong	No	Grant from the Crown	...	...	...
East Geelong	Yes: occasionally	Grant from the Crown	...	...	115 0
Ashby, Kildare	Yes	Grant from the Crown	35 0 0	60 0 0	185 0	
Newtown	Yes	Private Gift	30 0 0	80 0 0	...	
Chilwell	Yes: formerly	Private Gift	...	...	78 15
Point Henry	Yes	Grant from the Crown	30 0 0	40 0 0	75 11	
Breakwater	Yes: formerly	Grant from the Crown	...	15 0 0	...	

Crown grants of land, for school purposes only, are held by the Board to be legally secured for the specific purposes of public education. In the case of conveyances of private land, the Board has ascertained, in most instances with legal advice, that the sites are secured for the sole purposes of public education. In some special cases, a bond to return the money in the event of the building being diverted to other purposes, has been accepted with the approval of the Board's solicitor.

* Information on these schools occupies pp. 22, 23, 24, 25, 26, 27.

NATIONAL.
DENOMINATIONAL SCHOOLS.

GOVERNMENT AID.

SALARIES.					BUILDINGS.			
1854.	1855.	1856.	1857.	TOTAL.	1852.	1853.	1854.	1855.
£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.
80 0 0	659 19 11	729 19 11	1261 18 7	4102 13 11	300 0 0	2931 0 7	100 0 0	353 2 11
76 19 9	307 10 0	385 0 0	605 7 2	2124 16 11	...	...	500 0 0	54 15 0
...	34 0 0	255 0 0	364 8 6	653 8 6	...	...	...	20 0 0
17 12 1	420 0 0	439 19 11	458 12 11	1654 12 11	...	103 5 6	900 0 0	139 10 0
...	127 4 11	415 13 3	651 19 3	1194 17 5	...	...	...	27 0 0
04 13 4	738 15 0	961 10 5	1224 0 0	4397 13 9	400 0 0	809 15 10	433 6 8	100 0 0
...	31 6 8	185 15 0	197 10 0	414 11 8	...	...	...	750 9 0
...	21 15 5	172 10 0	210 10 0	404 15 5	...	...	...	...
...	24 5 0	172 11 0	254 0 6	450 16 6	...	...	...	...
85 2 5	517 9 11	685 3 9	783 4 7	2796 12 6	500 0 0	720 13 10	500 0 0	...
...	...	...	69 14 4	69 14 4	...	...	...	...
...	...	...	150 0 0	150 0 0	...	...	...	...
10 0 0	210 0 0	210 0 0	220 0 0	1110 1 1	...	426 5 0	280 0 0	80 0 0
...	...	77 6 1	201 0 11	278 7 0	...	...	...	...
40 16 7	180 0 0	220 0 0	223 13 8	838 1 8	...	...	...	...
06 18 7	457 10 0	391 14 1	455 1 7	1588 14 3	...	200 0 0	2533 6 8	582 6 9
57 10 0	130 0 0	165 12 0	154 15 0	507 17 0	...	...	...	...
58 13 4	167 10 0	190 0 0	176 11 0	946 19 4	...	...	...	...
40 0 0	137 10 0	142 10 0	136 15 5	704 18 1	...	...	...	65 18 0
50 0 0	160 0 0	140 0 0	140 0 0	640 0 0	...	...	100 0 0	...
25 0 0	100 0 0	100 0 0	100 0 0	325 0 0	...	...	200 0 0	...
...	32 5 1	80 0 0	43 4 9	155 9 10	...	...	...	...
...	...	40 0 0	...	40 0 0	...	...	...	...
...	15 9 8	100 0 0	160 0 0	275 9 8	...	...	...	...
...
...	...	88 15 10	107 10 0	196 5 10	...	...	...	...
...	7 10 6	105 0 0	71 17 6	184 8 0	...	...	...	...
5 0 0	176 15 5	210 0 0	295 0 0	1059 17 6	...	...	...	433 6 8
0 0 0	147 14 7	135 0 0	124 12 3	427 6 10	...	...	...	385 16 8
...	80 0 0	120 0 0	150 0 0	350 0 0	...	...	...	...
0 0 0	127 16 11	21 12 3	125 0 0	407 19 7	...	240 0 0	...	...
19 11	152 10 0	130 0 0	131 11 6	672 16 5	...	450 0 0	...	...
...	...	63 3 4	199 10 0	262 13 4	...	...	...	...
...	44 1 8	145 0 0	225 0 0	414 1 8	...	...	...	58 15 3
16 6	112 16 11	155 0 0	160 0 0	589 9 4	...	...	...	...
19 10	116 17 1	130 0 0	120 0 0	499 16 11	...	...	...	...
0 0 0	100 0 0	107 10 0	150 0 0	476 6 4	...	400 0 0	...	104 18 0
...	...	151 8 11	212 10 0	398 18 11	...	...	...	...
10 6	126 6 8	140 0 0	170 0 0	443 17 2	...	...	...	290 0 0
16 1	130 0 0	140 0 0	153 6 8	438 2 9	...	...	...	...
10 0	110 19 10	117 10 0	135 0 0	450 19 10	...	...	200 0 0	...
15 0	130 0 0	132 10 0	80 0 0	549 11 8	...	500 0 0	...	94 0 0
0 0 0	130 0 0	118 11 5	118 15 0	693 11 5	...	...	...	...
7 9	131 13 4	131 9 11	137 10 0	412 1 0	...	...	...	78 13 4
...	...	7 15 10	115 0 0	122 15 10	...	...	...	...
12 6	93 0 0	112 8 4	100 0 0	480 14 2	...	200 0 0	...	70 4 4
10 0	115 0 0	80 0 0	76 5 0	431 13 0	...	120 0 0	...	...
...	...	60 0 0	138 6 8	198 6 8	...	...	700 0 0	...
...	68 17 9	135 0 0	140 0 0	343 17 9	...	370 0 0	...	50 10 0
...	25 0 0	135 0 0	137 10 0	297 10 0	...	...	...	375 0 0
...	...	60 0 0	30 0 0	90 0 0	...	...	...	...
...	...	...	98 14 9	98 14 9	...	...	...	...
0 0 0	160 0 0	167 10 0	189 18 10	857 8 10	...	...	...	...
...	...	81 7 4	150 0 0	231 7 4	...	...	...	...
...	...	70 6 4	107 6 7	177 12 11	...	...	...	...
...	...	...	51 5 0	51 5 0	...	...	...	...
...	...	...	58 6 8	58 6 8	...	...	...	...
...	...	...	16 18 1	16 18 1	...	...	...	...
...
10 0 0	40 0 0	60 0 0	...	100 0 0	...	...	...	...
7 0 0	402 10 0	410 0 0	445 0 0	2,239 1 0	...	...	...	...
1 1	271 6 4	393 2 2	553 4 7	1,385 0 1	...	...	400 0 0	...
0 0 0	130 0 0	122 10 0	140 0 0	456 11 1	...	...	250 0 0	...
0 0 0	177 10 0	152 10 0	220 0 0	950 0 0	...	...	...	...
0 0 0	190 0 0	180 0 0	241 13 3	1,136 13 3	...	1,000 0 0	...	...
1 11	209 19 9	210 0 0	227 10 0	717 11 8	...	...	1,200 0 0	400 0 0
0 0 0	80 0 0	92 10 0	100 5 6	504 0 6	...	...	...	...
0 0 0	130 0 0	130 0 0	122 10 0	588 1 9	...	280 0 0	66 13 4	...

SCHOOL-HOUSE.	Used for Public Worship now or formerly.	Site obtained by Purchase, Private Gift, or Grant from the Crown.	Conveyance, or Bond, subject to Rule of the Denominational School Board, or otherwise.	GOVERNMENT AID								
				BUILDINGS.		Grants in 1857, for Building, unclaimed to 8th November, 1858.						
				1856.	1857.							
CHURCH OF ENGLAND.				£	s.	d.	£	s.	d.	£	s.	d.
St. James's...	Not used	Grant from the Crown	In	125	0	0	242	7	11	7	12	1
St. John's ...	Not used	Grant from the Crown	the	50	0	0	...	18	0	0	...	...
St. Matthew's ...	Used	Grant from the Crown	case	50	0	0	...	...	...	...	...	...
St. Mary's ...	Used	Grant from the Crown	of	375	0	0	...	...	...	...	...	...
St. Peter's ...	Not used	Grant from the Crown	public	53	3	6	121	0	0	...	...	...
St. Mark's ...	Used formerly	Private Gift	purposes	...	...	...	25	0	0	...	...	...
Abbotsford, E. C.	Yes: occasionally	Private Gift	of	...	...	...	...	...	...	...	...	...
Cambridge-street ...	No	Private Property	the	573	14	0	3	0	0	...	...	...
Simpson's-road ...	Yes: occasionally	Grant from the Crown	sites	375	0	0	755	19	3	...	...	...
Richmond ...	No	Purchase	are	...	...	...	127	0	0	...	...	...
Cremorne-street ...	Yes	Purchase	secured	1,553	15	8	125	0	0	...	...	...
St. Paul's, Melbourne	No	Grant from the Crown	for	...	...	...	...	...	...	...	...	...
St. Kilda ...	Yes: formerly	Grant from the Crown	the	...	...	...	...	...	...	...	...	...
Orphan Asylum ...	No	Grant from the Crown	money	85	3	3	...	...	...	...	...	...
Sandridge ...	No	Grant from the Crown	in	...	...	...	275	0	0	...	...	...
Prahran ...	Yes	Purchase	the	...	...	...	700	0	0	...	...	...
Malvern ...	Yes	Grant from the Crown	Board	...	...	...	...	...	...	...	...	...
Brighton ...	No	Private Gift	to	...	...	...	...	...	...	...	...	...
East Brighton ...	Yes	Private Gift	be	...	...	...	...	...	...	...	...	...
Little Brighton ...	Yes	Private Gift	legally	25	0	0	10	0	0	...	...	...
Cheltenham ...	Yes	Private Gift	secured	94	13	3	...	...	...	...	...	...
Gipsy Village ...	Yes	Private Gift	with	65	19	3	...	...	...	...	...	...
Jamieson's Survey ...	No	Private Gift	legal	165	0	0	...	...	...	...	...	...
Dandenong ...	Yes	Grant from the Crown	advice,	85	0	0	...	...	...	...	...	...
Frankston ...	No	Grant from the Crown	that	156	18	6	129	6	6	...	...	...
Schnapper Point ...	Used	Grant from the Crown	the	200	0	0	...	...	...	...	...	...
Tootgarook ...	No	Grant from the Crown	event	...	...	...	...	...	...	...	...	...
Williamstown ...	Yes: formerly	Grant from the Crown	of	...	...	...	...	...	...	...	...	...
Footscray ...	Yes: occasionally	Grant from the Crown	the	...	...	...	...	...	...	...	...	...
Albion ...	Yes: formerly	Rented Building	building	7	10	0	...	...	...	...	...	...
Flemington ...	Yes: occasionally	Grant from the Crown	being	10	0	0	6	16	0	...	...	...
Phillipstown ...	Yes: formerly	Private Gift	diverted	17	5	0	...	...	...	...	...	...
East Brunswick ...	Yes: formerly	Private Property	to	...	...	...	50	0	0	...	...	...
Essendon ...	Yes	Grant from the Crown	other	...	...	...	...	...	...	...	...	...
Broadmeadows ...	No	Grant from the Crown	purposes	...	...	...	...	...	...	...	...	...
Bulla ...	Yes: formerly	Rented Building	of	...	...	...	...	...	...	...	...	...
Keilor ...	Yes	Grant from the Crown	the	...	...	...	...	...	...	...	...	...
Pentridge ...	No school building	School held in the Church	Board	20	0	0	...	...	...	...	...	...
Lyndhurst ...	Yes: occasionally	Private Gift	to	50	0	0	50	0	0	...	...	...
Box Forest ...	Yes: occasionally	Private Gift	be	110	1	0	...	...	...	...	...	...
Preston ...	No	Private Gift	legally	...	...	...	...	...	...	...	...	...
Ivanhoe ...	Yes	Private Gift	secured	...	...	...	...	...	...	...	...	...
Bulleen ...	No	Private Gift	with	...	...	...	10	0	0	...	...	...
Templestowe ...	Yes	Grant from the Crown	legal	10	0	0	...	...	...	...	...	...
Anderson's Creek ...	No	Crown Land	advice,	8	10	0	12	10	0	...	...	...
Epping ...	Yes	Grant from the Crown	that	...	...	...	...	...	...	...	...	...
Little Eltham ...	Yes: formerly	Private Gift	the	...	...	...	...	...	...	...	...	...
Kew ...	Yes	Private Gift	money	...	...	...	...	...	...	...	...	...
Greenborough ...	Yes: formerly	Private Gift	in	...	...	...	11	0	0	...	...	...
Whittlesea ...	Yes	Grant from the Crown	the	...	...	...	75	0	0	...	...	...
Yan Yean ...	No	Rented Building	Board	...	...	...	...	...	...	...	...	...
Aitken's Gap ...	Yes	Grant from the Crown	to	200	0	0	37	5	9	41	...	...
Kilmore ...	Yes	Private Gift	be	...	...	...	2	0	0	...	...	...
Avenel ...	No	Rented Building	legally	...	...	...	...	...	...	...	...	...
Euroa ...	No	Grant from the Crown	secured	...	...	...	127	18	6	22	...	...
Broadford ...	No	Private Property	with	...	...	...	...	...	...	...	...	...
Sutherland's Creek ...	No	...	the	...	...	...	...	...	...	...	...	...
Murchison ...	Closed	Grant from the Crown	case	...	...	...	...	...	...	...	...	...
Rushworth ...	Not opened as yet	Grant from the Crown	of	...	...	...	...	...	...	...	...	...
Wyndham ...	Not used	Rented Building	public	...	...	...	40	0	0	...	...	...
Christ Church ...	No	Grant from the Crown	education.	...	...	...	...	...	...	...	...	...
St. Paul's, Geelong	No	Grant from the Crown	In	...	...	...	...	...	...	...	...	...
East Geelong ...	Yes: occasionally	Grant from the Crown	some	44	7	3	...	...	...	...	...	...
Ashby, Kildare ...	Yes	Grant from the Crown	special	...	...	...	...	...	...	...	...	...
Newtown ...	Yes	Private Gift	cases,	...	...	...	...	...	...	...	...	...
Chilwell ...	Yes: formerly	Private Gift	a	45	5	0	...	...	...	...	...	...
Point Henry ...	Yes	Grant from the Crown	bond	76	12	6	...	...	...	...	...	...
Breakwater ...	Yes: formerly	Grant from the Crown	to	100	0	0	35	0	0	...	...	...

NATIONAL.

DENOMINATIONAL SCHOOLS.

SCHOOL FEES.								
TOTAL.	1851.	1852.	1853.	1854.	1855.	1856.	1857.	TOTAL.
£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.
3,934 3 6	102 5 1	212 12 3	498 15 8	551 3 3	533 9 0	439 9 2	508 9 7	2,846 4 0
679 15 0	56 12 10	65 2 3	160 1 11	205 10 10	206 2 10	227 10 4	288 2 0	1,209 3 0
88 0 0	...	...	...	...	12 5 9	180 5 8	184 17 9	377 9 2
1,192 15 6	...	...	9 2 0	339 16 9	384 18 4	269 14 6	265 4 7	1,268 16 2
402 0 0	...	...	...	...	80 4 6	152 2 9	222 10 1	454 17 4
1,917 6 0	96 9 9	344 5 10	548 0 4	602 18 10	430 12 2	629 19 10	683 9 11	3,335 16 8
775 0 0	...	...	...	...	11 10 9	77 12 4	102 1 2	191 4 3
...	...	...	...	...	18 0 6	80 12 6	71 12 6	170 5 6
576 14 0	...	...	...	...	26 1 6	90 12 5	97 8 3	214 2 2
2,851 13 1	24 8 6	105 7 3	194 16 5	413 10 0	416 19 6	462 6 0	470 14 1	2,088 1 9
127 0 0	...	...	...	...	...	...	54 4 2	54 4 2
1,678 15 8	...	...	...	...	...	...	99 11 6	99 11 6
786 5 0	24 15 3	85 11 3	188 19 3	273 13 9	235 17 6	235 4 9	197 10 9	1,241 12 6
...
...	...	...	70 9 3	126 17 3	153 12 9	137 18 3	112 17 6	601 15 9
3,400 16 8	...	...	70 3 0	195 2 1	290 12 7	221 17 5	259 5 0	1,037 0 1
275 0 0	...	...	...	46 2 0	95 14 3	91 4 0	71 10 9	304 11 0
700 0 0	34 11 4	52 8 2	80 12 4	154 1 0	121 15 0	105 3 6	80 5 6	628 16 10
165 18 0	...	48 7 9	83 19 9	79 13 7	47 15 2	37 15 4	34 10 9	332 2 4
100 0 0	...	...	35 5 8	104 5 9	67 13 1	43 0 6	51 19 6	302 4 6
235 0 0	...	...	...	6 4 3	27 14 6	16 3 0	18 14 6	68 16 3
94 13 3	...	...	...	...	7 19 0	18 2 0	14 14 0	40 15 0
65 19 3	...	...	...	...	...	6 3 8	...	6 3 8
165 0 0	...	...	...	...	8 17 6	35 17 2	40 0 6	84 15 2
85 0 0	...	...	...	...	...	...	...	...
286 5 0	...	...	...	...	...	14 3 6	51 3 3	65 6 9
200 0 0	...	...	...	...	0 5 0	31 4 6	33 2 0	64 11 6
433 6 8	78 10 8	36 9 1	102 1 8	106 4 0	88 5 6	110 12 0	151 6 9	673 9 8
385 16 8	...	...	...	16 7 0	105 9 9	84 10 7	58 12 3	264 19 7
...	...	...	...	...	66 9 0	53 1 0	58 1 10	177 11 10
247 10 0	...	...	3 17 0	85 16 6	65 8 6	13 16 0	58 15 9	227 13 9
466 16 0	...	...	88 0 2	77 16 6	94 3 4	59 19 9	54 18 3	374 18 0
17 5 0	...	...	...	...	...	36 2 11	137 0 0	173 2 11
108 15 3	...	...	...	...	15 17 6	60 14 6	69 15 6	146 7 6
...	15 19 10	...	18 3 6	64 5 3	56 16 0	44 11 6	62 18 0	262 14 1
...	...	...	...	43 5 6	57 13 0	72 13 0	74 19 0	248 10 6
504 18 0	...	...	8 0 0	53 2 0	50 11 6	34 7 0	69 16 3	215 16 9
20 0 0	26 6 0	...	...	...	...	53 5 6	122 11 0	202 2 6
390 0 0	...	...	...	4 9 0	36 4 2	44 0 2	55 16 6	140 9 10
110 1 0	...	...	...	0 2 0	51 11 5	71 1 0	69 3 8	191 18 1
200 0 0	...	...	...	44 5 7	46 4 4	41 6 5	47 8 0	179 4 4
94 0 0	...	...	74 19 0	119 14 6	117 5 3	110 15 10	42 11 0	465 5 7
10 0 0	32 12 6	30 12 6	29 9 8	64 16 2	98 15 9	59 8 0	40 0 0	355 14 7
88 13 4	...	...	...	6 2 6	74 8 0	51 4 3	47 5 6	179 0 3
21 0 0	...	...	...	...	...	...	49 16 9	49 16 9
70 4 4	...	...	62 2 0	50 18 4	42 13 0	39 14 4	26 13 1	222 0 9
20 0 0	...	...	19 17 0	44 13 0	24 3 6	26 17 6	22 9 0	138 0 0
00 0 0	...	...	...	...	...	53 16 2	108 4 8	162 0 10
31 10 0	...	...	...	...	62 15 0	74 19 6	50 3 0	187 17 6
50 0 0	...	...	...	...	15 0 0	98 3 9	48 17 6	162 1 3
...	...	...	...	...	...	33 17 6	4 11 3	38 8 9
78 7 8	...	...	...	...	...	...	55 14 0	55 14 0
12 0 0	16 17 2	23 2 3	48 16 5	89 5 6	62 2 6	54 14 0	73 0 0	367 17 10
...	...	...	...	...	...	42 1 3	54 2 6	96 3 9
50 0 0	...	...	...	...	...	24 15 0	44 2 0	68 17 0
...	...	...	...	...	...	...	19 7 0	19 7 0
...	...	...	...	...	...	...	28 19 0	28 19 0
...	...	...	...	...	...	...	11 9 0	11 9 0
...
...	...	...	...	...	...	17 13 0	...	17 13 0
...	100 16 10	116 10 2	167 11 3	291 0 8	288 15 4	318 13 0	276 8 10	1,559 16 1
...	...	...	...	163 0 6	225 7 0	248 15 10	190 12 6	827 15 10
...	...	...	...	53 10 0	92 7 0	41 16 0	45 13 7	233 6 7
...	29 10 4	45 17 9	96 11 9	151 11 11	93 6 2	78 4 8	104 15 1	599 17 8
...	24 16 0	50 2 0	86 5 11	63 16 11	106 19 0	117 8 6	95 16 0	545 4 4
...	...	...	...	41 10 0	130 2 6	155 12 0	121 17 0	449 1 6
...	18 10 4	24 8 4	32 15 2	53 15 3	39 0 9	32 15 3	26 17 9	228 2 10
...	...	12 9 0	68 4 0	102 7 0	95 17 0	84 15 6	43 16 0	407 8 6

SCHOOL-HOUSE.	Used for Public Worship now or formerly.	Site obtained by Purchase, Private Gift, or Grant from the Crown.	Conveyance or Bond, subject to Rule of the Denominational School Board, or otherwise.	LOCAL CONTRIBUTIONS		
				1852.	1853.	1854.
CHURCH OF ENGLAND.				£ s. d.	£ s. d.	£ s. d.
St. James's... ..	Not used	Grant from the Crown	150 0 0	1,475 10 4	50 0 0	
St. John's	Not used	Grant from the Crown	...	...	300 0 0
St. Matthew's	Used	Grant from the Crown	...	...	...
St. Mary's	Used	Grant from the Crown	...	59 5 6	450 0 0	
St. Peter's	Not used	Grant from the Crown	...	...	...
St. Mark's	Used formerly	Private Gift	200 0 0	404 17 11	216 13 4	
Abbotsford, E. C. ...	Yes: occasionally	Private Gift	...	...	...
Cambridge-street ...	No	Private Property	...	...	...
Simpson's-road	Yes: occasionally	Grant from the Crown	...	...	...
Richmond	No	Purchase	250 0 0	369 6 2	250 0 0	
Cremorne-street	Yes	Purchase	...	...	...
St. Paul's, Melbourne	No	Grant from the Crown	...	...	...
St. Kilda	Yes: formerly	Grant from the Crown	...	213 2 6	168 0 0	
Orphan Asylum	No	Grant from the Crown	...	...	...
Sandridge	No	Grant from the Crown	...	...	...
Prahran	Yes	Purchase	...	100 0 0	1,266 13 4	
Malvern	Yes	Grant from the Crown	...	...	...
Brighton	No	Private Gift	...	...	...
East Brighton	Yes	Private Gift	...	...	...
Little Brighton	Yes	Private Gift	...	...	55 0 0
Cheltenham	Yes	Private Gift	...	...	102 0 0
Gipsy Village	Yes	Private Gift	...	...	...
Jamieson's Survey ...	No	Private Gift	...	...	...
Dandenong	Yes	Grant from the Crown	...	...	...
Frankston	No	Grant from the Crown	...	...	...
Schnapper Point	Used	Grant from the Crown	...	...	...
Tootgarook	No	Grant from the Crown	...	...	...
Williamstown	Yes: formerly	Grant from the Crown	...	...	...
Footscray	Yes: occasionally	Grant from the Crown	...	...	...
Albion	Yes: formerly	Rented Building	...	...	...
Flemington	Yes: occasionally	Grant from the Crown	...	120 0 0	...	
Phillipstown	Yes: formerly	Private Gift	...	225 0 0	...	
East Brunswick	Yes: formerly	Private Property	...	...	...
Essendon	Yes	Grant from the Crown	...	...	...
Broadmeadows	No	Grant from the Crown	...	...	...
Bulla	Yes: formerly	Rented Building	...	...	...
Keilor	Yes	Grant from the Crown	...	200 0 0	...	
Pentridge	No school building	School held in the Church	...	...	...
Lyndhurst	Yes: occasionally	Private Gift	...	...	...
Box Forest	Yes: occasionally	Private Gift	...	...	116 0 0
Preston	No	Private Gift	...	...	...
Ivanhoe	Yes	Private Gift	...	250 0 0	...	
Balleen	No	Private Gift	...	...	...
Templestowe	Yes	Grant from the Crown	...	...	...
Anderson's Creek	No	Crown Land	...	...	...
Epping	Yes	Grant from the Crown	...	100 0 0	...	
Little Eltham	Yes: formerly	Private Gift	...	60 0 0	...	
Kew	Yes	Private Gift	...	...	352 18
Greenborough	Yes: formerly	Private Gift	...	185 0 0	...	
Whittlesea	Yes	Grant from the Crown	...	...	...
Yan Yean	No	Rented Building	...	...	...
Aitken's Gap	Yes	Grant from the Crown	...	...	...
Kilmore	Yes	Private Gift	...	...	...
Avenel	No	Rented Building	...	...	...
Euroa	No	Grant from the Crown	...	...	...
Broadford	No	Private Property	...	...	...
Sutherland's Creek ...	No	...	...	...	...
Murchison	Closed	Grant from the Crown	...	...	...
Rushworth	Not opened as yet	Grant from the Crown	...	...	...
Wyndham	Not used	Rented Building	...	...	...
Christ Church	No	Grant from the Crown	...	...	240 0 0
St. Paul's, Geelong ...	No	Grant from the Crown	...	...	131 0 0
East Geelong	Yes: occasionally	Grant from the Crown	...	...	...
Ashby, Kildare	Yes	Grant from the Crown	...	...	...
Newtown	Yes	Private Gift	...	540 0 0	600 0 0	
Chilwell	Yes: formerly	Private Gift	...	...	...
Point Henry	Yes	Grant from the Crown	55 9	
Breakwater	Yes: formerly	Grant from the Crown	...	140 0 0	...	

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NATIONAL.
DENOMINATIONAL SCHOOLS.

TOWARDS SCHOOL BUILDINGS.				MISCELLANEOUS.																		
1855.		1856.		1857.		TOTAL.		1853.		1854.		1855.		1856.		1857.		TOTAL.				
£	s.	d.	£	s.	d.	£	s.	d.	£	s.	d.	£	s.	d.	£	s.	d.	£	s.	d.		
195	10	3	...	...	...	1,871	0	7	...	...	...	...	...	...	30	0	0	30	0	0
54	15	0	125	0	0	479	15	0	...	...	...	...	...	...	46	8	6	46	8	6
20	0	0	50	0	0	88	0	0	...	...	...	...	...	...	5	0	0	5	0	0
139	10	0	50	0	0	698	15	6	...	...	...	...	...	...	...	...	...	...	...	...
27	0	0	375	0	0	402	0	0	...	...	...	...	...	...	39	2	0	39	2	0
50	0	0	53	3	6	1,045	17	9	...	...	...	...	...	...	50	17	0	50	17	0
750	0	0	...	...	25	0	0	775	0	0	...	...	...	...	...	...	...	...	...	...
...		
...	...	...	573	14	0	3	0	0	576	14	0	...	...	...	2	4	0	2	4	0
...	...	...	375	0	0	755	19	3	2,000	5	5	...	...	...	7	2	0	7	2	0
...	...	...	...	...	127	0	0	127	0	0	...	...	...	...	...	...	...	...	...	...
...	...	...	1,553	15	8	125	0	0	1,678	15	8	...	...	...	...	...	...	...	...	...
03	18	0	...	...	...	485	0	6	...	...	...	...	...	...	...	...	...	...	...	...
...	9	18	2	9	18	2
...	
67	6	9	85	3	3	1,819	3	4	...	...	...	...	...	...	44	11	0	44	11	0
...	...	...	...	...	275	0	0	275	0	0	...	...	...	...	1	18	6	1	18	6
...	...	...	...	...	700	0	0	700	0	0	...	...	...	...	...	...	...	...	...	...
165	18	0	...	...	...	165	18	0	...	...	...	...	...	...	...	...	...	...	...	...
...	...	...	...	...	...	55	0	0	...	...	...	...	...	...	18	19	0	18	19	0
...	...	...	25	0	0	10	10	0	137	10	0	...	...	...	...	...	...	...	...	...
...	...	...	94	13	3	...	...	94	13	3	...	...	...	...	...	...	...	...	...	...
...	...	...	65	19	3	...	...	65	19	3	...	...	...	...	...	...	...	...	...	...
...	...	...	165	0	0	...	...	165	0	0	...	...	...	...	...	...	...	...	...	...
...	...	...	85	0	0	...	...	85	0	0	...	...	...	...	...	...	...	...	...	...
...	...	...	156	18	6	29	6	6	186	5	0	...	...	...	...	...	...	...	...	...
...	...	...	200	0	0	...	...	200	0	0	...	...	...	...	...	...	...	...	...	...
16	13	4	...	...	...	216	13	4	...	...	...	...	...	...	5	15	6	5	15	6
04	3	4	...	...	...	204	3	4	...	...	...	...	...	...	...	...	...	...	...	...
...		
...	...	...	7	10	0	...	...	127	10	0	...	...	...	...	5	0	0	5	0	0
...	...	...	10	0	0	6	16	0	241	16	0	...	...	...	2	15	0	2	15	0
...	...	...	17	5	0	...	...	17	5	0	...	...	...	...	8	17	6	8	17	6
58	15	3	...	...	50	0	0	108	15	3	...	...	...	...	17	16	0	17	16	0
...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	67	10	0	67	10	0
...	10	0	0	10	0	0
67	1	9	...	...	...	267	1	9	...	...	...	...	...	...	...	...	...	...	...	...
...	...	...	20	0	0	...	...	20	0	0	...	...	...	...	...	...	...	...	...	...
90	0	0	...	...	...	290	0	0	...	...	...	...	...	...	...	...	...	...	...	...
...	...	...	110	1	0	...	...	110	1	0	...	...	...	...	...	...	...	...	...	...
...	...	...	...	...	...	116	0	0	...	...	...	...	...	...	...	...	...	...	...	...
94	0	0	...	...	...	344	0	0	...	...	...	...	...	...	...	...	...	...	...	...
...	...	...	...	...	10	0	0	10	0	0	...	...	...	...	5	0	0	10	0	0
39	6	8	10	0	0	...	...	49	6	8	...	...	...	...	...	...	...	...	...	...
...	...	...	8	10	0	10	0	0	18	10	0	...	...	...	...	...	...	...	...	...
35	2	3	...	...	...	135	2	3	...	...	...	...	...	...	...	...	...	...	...	...
...	...	...	...	...	...	60	0	0	...	...	...	...	...	...	...	...	...	...	...	...
...	...	...	...	...	...	352	18	0	...	...	...	...	...	...	...	...	...	...	...	...
50	10	0	...	...	11	0	0	246	10	0	...	...	...	...	...	...	...	...	...	...
75	0	0	...	...	...	375	0	0	...	...	...	...	...	...	...	...	...	...	...	...
...		
...	...	...	200	0	0	37	5	9	237	5	9	...	...	...	17	3	4	1	10	0
...	...	...	...	...	2	0	0	2	0	0	...	...	...	...	...	...	...	18	13	4
...	...	...	...	...	127	18	6	127	18	6	...	...	...	...	...	...	...	...	...	...
...		
...		
...	...	...	...	...	65	12	4	65	12	4	...	...	...	...	...	...	...	10	0	0
...	...	...	...	...	...	240	0	0	...	...	...	...	...	...	...	...	...	1	0	3
...	...	...	44	7	3	...	...	175	7	3	...	...	...	...	...	...	...	...	...	...
...		
...	...	...	...	...	...	540	0	0	...	...	...	...	...	...	...	...	...	...	...	...
0	0	0	45	5	0	...	...	845	5	0	...	...	...	...	...	...	...	...	...	...
...	...	...	76	12	6	...	...	76	12	6	...	...	...	...	...	...	...	...	...	...
...	...	...	...	...	35	0	0	230	9	6	...	...	...	...	...	...	...	27	1	2

SCHOOL-HOUSE.	Used for Public Worship now or formerly.	Site obtained by Purchase, Private Gift, or Grant from the Crown.	Conveyance, or Bond, subject to Rule of the Denominational School Board, or otherwise.	1851.			1852.			1853.			
				£	s.	d.	£	s.	d.	£	s.	d.	
CHURCH OF ENGLAND*													
<i>—continued.</i>													
Barrabool Hills	Yes: formerly	Private Gift	In the case of public grants of land for school purposes only are held by the Board to be legally secured for the specific purposes of public education. In some special cases a bond to return the money, in the event of the building being diverted to other purposes, has been accepted, with the approval of the Board's solicitor.	35	0	0	50	0	0	90	0	0	
Kensington	Yes: occasionally	Grant from the Crown	
Highton	Yes	Grant from the Crown	
Modewarre	Yes: occasionally	Grant from the Crown		75	11	9
Duneed	Yes: occasionally	Grant from the Crown		37	18	0
Batesford	Yes	Private Gift		6	15	0
Queenscliff	Yes	Grant from the Crown	
Bellarine	Yes	Grant from the Crown	
East Bellarine	Yes	Grant from the Crown	
Station Peak	Yes	Private Gift	
Murgheboluc	Yes	Grant from the Crown	
Cowie's Creek	No	Private Property	
Belmont	Closed	Rented Building	
Gnarwarre	Yes	Grant from the Crown	
Winchelsea	Yes	Grant from the Crown	
Meredith	No	Crown Land	
Little River	Yes	Private Gift	
Pitfield	Yes	Grant from the Crown	
Bacchus Marsh	No	Private Gift	
Ballan	Yes	Grant from the Crown	
Mount Egerton	Occasionally	Crown Land	
Kyneton	Used formerly	Grant from the Crown		137	7	..
Carisbrook	Used	Grant from the Crown	
Malmesbury	Used	Grant from the Crown	
Maryborough	Used	Grant from the Crown	
Avoca	Used	Grant from the Crown	
Dunolly	Used	Grant from the Crown	
Bet Bet	Not in operation
Mount Korong	Occasionally	Grant from the Crown	
Burnt Creek	Occasionally	Crown Land	
Moliagul	Occasionally	Crown Land	
Kingower	Occasionally	Crown Land	
Golden Point	Not used	Grant from the Crown	
Simmon's Reef	Formerly	Crown Land	
Castlemaine	Formerly	Grant from the Crown		187	18	..
Muckleford	Used	Private Gift	
Elphinstone	Formerly	Grant from the Crown	..	..	..	..	..	..	..	..	..	..
Daylesford	Used	Grant from the Crown	..	..	..	..	..	..	..	..	..	..
Maldon	Used	Grant from the Crown	..	..	..	..	..	..	..	..	..	..
Sandhurst	Formerly	Grant from the Crown	..	..	..	..	..	..	..	..	..	..
Myer's Flat	Occasionally	Grant from the Crown	..	..	..	..	..	..	..	..	..	..
White Hills	Used	Grant from the Crown	..	..	..	..	..	..	..	..	..	..
Sailor's Gully	Occasionally	Crown Land	..	..	..	..	..	..	..	..	..	..
Long Gully	Occasionally	Grant from the Crown	..	..	..	..	..	..	..	..	..	..
Epsom	Occasionally	Crown Land	..	..	..	..	..	..	..	..	..	..
Spring Gully	Occasionally	Crown Land	..	..	..	..	..	..	..	..	..	..
Wellington Gully	Yes: occasionally	Crown Land	..	..	..	..	..	..	..	..	..	..
Jackass Flat	Yes: occasionally	Crown Land	..	..	..	..	..	..	..	..	..	..
Irishtown	Yes: occasionally	Crown Land	..	..	..	..	..	..	..	..	..	..
Robinson Crusoe	Yes: occasionally	Crown Land	..	..	..	..	..	..	..	..	..	..
Echuca	Not finished	Crown Grant	..	..	..	..	..	..	..	..	..	..
Sheepwash	Not used	Private Gift	..	..	..	..	..	..	..	..	..	..
Bakery Hill	Yes	Crown Land	..	..	..	..	..	..	..	..	..	..
Ballaarat Township	Yes: formerly	Grant from the Crown	..	..	..	..	..	..	..	..	..	..
Creswick	Yes	Grant from the Crown	..	..	..	..	..	..	..	..	..	..
Magpie Gully	Closed	Crown Land	..	..	..	..	..	..	..	..	..	..
Red Hill, Ballaarat	No	Crown Land	..	..	..	..	..	..	..	..	..	..
Plank-road, Ballaarat	Yes: occasionally	Crown Land	..	..	..	..	..	..	..	..	..	..
Spring Vale	Closed	Crown Land	..	..	..	..	..	..	..	..	..	..
Black Lead	Yes	Crown Land	..	..	..	..	..	..	..	..	..	..
Smythe's Creek	Yes	Crown Land	..	..	..	..	..	..	..	..	..	..
Linton's Diggings	Yes	Crown Land	..	..	..	..	..	..	..	..	..	..
Hard Hills	Not used	Crown Land	..	..	..	..	..	..	..	..	..	..
Amherst	Yes	Grant from the Crown	..	..	..	..	..	..	..	..	..	..
Durham Lead	No	Crown Land	..	..	..	..	..	..	..	..	..	..
Corduoy	No	Grant from the Crown	..	..	..	..	..	..	..	..	..	..
Buninyong	Yes	Grant from the Crown	..	..	..	..	..	..	..	..	..	..
View Point	Yes	Crown Land	..	..	..	..	..	..	..	..	..	..
New Rush	Formerly	Crown Land	..	..	..	..	..	..	..	..	..	..
Musical Gully	Formerly	Crown Land	..	..	..	..	..	..	..	..	..	..

* Information on these Schools occupies pp. 28, 29, 30, 31, 32, 33.

DENOMINATIONAL SCHOOLS—continued.

GOVERNMENT AID.

SALARIES.					BUILDINGS.				
1854.	1855.	1856.	1857.	TOTAL.	1852.	1853.	1854.	1855.	
£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.					
127 3 6	130 0 0	135 0 0	155 0 0	722 3 6	...	...	...	...
75 0 0	115 0 0	115 0 0	130 0 0	435 0 0	...	300 0 0	...	...
76 18 10	115 0 0	147 10 0	180 0 0	519 8 10	...	600 0 0	...	...
100 0 0	100 0 0	100 0 0	111 2 6	486 14 2	...	...	...	250 0 0
130 0 0	115 0 0	88 1 4	120 13 10	491 13 2	...	...	...	...
32 10 0	130 0 0	130 0 0	130 0 0	429 5 0	...	...	400 0 0	...
30 10 9	80 0 0	107 9 5	99 14 1	317 14 3	...	...	...	400 0 0
68 10 10	150 0 0	135 0 0	142 10 0	496 0 10	...	250 0 0	...	150 0 0	
15 5 6	...	...	86 13 4	101 18 10	...	...	...	400 0 0
...	80 12 10	130 0 0	128 9 4	339 2 2	...	...	...	110 0 0
...	34 8 2	100 0 0	97 0 10	231 9 0	...	...	...	...
...	20 0 0	80 0 0	72 10 0	172 10 0	...	...	...	...
...	...	15 0 0	...	15 0 0	...	...	...	...
...	...	20 19 4	115 0 0	135 19 4	...	...	...	124 0 0
34 3 4	107 10 0	80 0 0	68 6 8	290 0 0	...	...	...	76 17 6
...	...	...	71 8 6	71 8 6	...	...	...	...
...	...	...	30 0 0	30 0 0	...	...	...	...
...	...	...	42 11 7	42 11 7	...	...	...	...
...	41 13 4	100 0 0	124 11 9	266 5 1	...	...	...	...
...	83 1 3	100 0 0	123 16 8	306 17 11	...	...	...	...
...	...	113 10 11	133 9 4	247 0 3	...	...	...	...
44 2 2	126 12 0	...	64 13 6	472 14 11	...	100 0 0	...	...
...	20 0 0	89 19 10	139 3 4	249 3 2	...	...	...	...
...	84 16 7	120 0 0	132 10 0	337 6 7	...	...	...	...
...	16 15 5	130 5 10	117 0 9	264 2 0	...	...	...	...
...	...	...	211 4 2	211 4 2	...	...	...	...
...	...	...	49 7 0	49 7 0	...	...	...	...
...	...	...	15 0 0	15 0 0	...	...	...	...
...	...	...	110 0 0	110 0 0	...	...	...	...
...	...	...	84 11 3	84 11 3	...	...	...	...
...	...	...	68 0 0	68 0 0	...	...	...	...
...	
...	34 13 4	126 9 0	160 0 0	321 2 4	...	...	...	95 0 0
...	20 19 4	150 0 0	175 0 0	345 19 4	...	...	...	...
0 0 0	234 4 0	176 12 5	216 5 0	1,044 19 9	...	86 3 0	100 0 0	400 0 0	
...	40 12 10	130 0 0	160 0 0	330 12 10	...	...	...	125 0 0
...	...	66 7 9	15 0 0	81 7 9	...	...	...	...
...	...	...	115 9 0	115 9 0	...	...	...	...
...	...	...	213 17 1	213 17 1	...	...	...	...
0 0 0	101 13 8	264 19 11	467 7 3	834 0 10	...	...	...	345 0 0
...	120 0 0	170 16 8	187 10 0	508 6 8	...	...	100 0 0	75 0 0
...	113 9 2	250 0 0	240 0 0	603 9 2	...	...	...	160 0 0
...	61 10 0	220 0 0	195 0 0	476 10 0	...	...	...	90 0 0
...	...	160 11 2	240 0 0	400 11 2	...	...	...	150 0 0
...	...	80 16 8	245 0 0	325 16 8	...	...	...	...
...	...	80 0 0	175 0 0	255 0 0	...	...	...	...
...	...	56 13 4	154 11 0	211 4 4	...	...	...	...
...	...	49 5 11	80 9 11	129 15 10	...	...	...	...
...	
...	...	...	5 16 8	5 16 8	...	...	...	...
...	
12 10	243 18 10	216 2 5	324 15 9	805 9 10	...	...	100 0 0	250 0 0
...	...	280 0 0	343 0 8	623 0 8	...	...	...	...
0 6	240 0 0	250 0 0	225 16 8	749 17 5	...	...	...	...
...	17 18 6	149 6 1	61 1 1	228 5 8	...	...	...	25 0 0
...	...	45 0 0	197 10 0	242 10 0	...	...	...	...
...	...	41 4 5	147 3 3	188 7 8	...	...	...	...
...	...	...	70 19 11	70 19 11	...	...	...	...
...	...	...	112 4 2	112 4 2	...	...	...	...
...	...	90 0 0	115 0 0	205 0 0	...	...	...	...
...	...	30 0 0	184 19 10	214 19 10	...	...	...	...
...	...	...	50 11 3	50 11 3	...	...	...	...
...	...	101 0 11	265 0 0	366 0 11	...	...	...	...
...	...	...	134 12 4	134 12 4	...	...	...	...
...	...	...	53 7 5	53 7 5	...	...	...	...
...	...	...	262 12 0	262 12 0	...	...	...	...
...	...	...	202 14 10	202 14 10	...	...	...	...
...	...	35 0 0	79 10 9	114 10 9	...	...	...	...
...	...	27 10 0	112 16 5	140 6 5	...	...	...	...

ANNUAL EXPENDITURE OF

SCHOOL-HOUSE.	Used for Public Worship now or formerly.	Site obtained by Purchase, Private Gift, or Grant from the Crown.	Conveyance, or Bond, subject to Rule of the Denominational School Board, or otherwise.	GOVERNMENT ANNUAL EXPENDITURE										
				BUILDINGS.		Grants in 1857, for Building, unclaimed to 8th November, 1858.								
				1856.	1857.									
				£	s.	d.	£	s.	d.	£	s.	d.		
CHURCH OF ENGLAND <i>—continued.</i>														
Barrabool Hills	Yes: formerly	Private Gift	In the case of conveyances of private land, the Board has ascertained, in most instances with legal advice, that the sites are secured for the sole purposes of public education. In some special cases a bond to return the money, in the event of the building being diverted to other purposes, has been accepted, with the approval of the Board's solicitor.	...	...	...	...	...	...	300	0	0	
Kensington	Yes: occasionally	Grant from the Crown		...	...	...	...	...	...	...	...	...	...
Highton	Yes	Grant from the Crown		...	...	...	...	...	...	...	...	...	...
Modewarre	Yes: occasionally	Grant from the Crown		...	...	...	...	...	...	...	...	...	...
Duned	Yes: occasionally	Grant from the Crown		...	...	...	...	...	...	...	...	...	...
Batesford	Yes	Private Gift		...	...	...	...	...	...	...	...	...	...
Queenscliff	Yes	Grant from the Crown		...	...	...	...	...	...	...	...	...	...
Bellarine	Yes	Grant from the Crown		...	...	...	...	...	31	10	0	...	...
East Bellarine	Yes	Grant from the Crown		...	...	...	...	...	...	...	...	...	...
Station Peak	Yes	Private Gift		...	...	...	...	...	37	8	6	100	0
Murgheboluc	Yes	Grant from the Crown		...	...	...	...	...	...	...	...	100	0
Cowic's Creek	No	Private Property		...	...	...	...	...	...	...	...	...	...
Belmont	Closed	Rented Building		...	...	...	...	...	...	...	...	...	...
Gnarwarre	Yes	Grant from the Crown		...	...	...	...	...	...	...	...	...	...
Winchelsea	Yes	Grant from the Crown		...	...	...	...	...	37	2	11	...	...
Meredith	No	Crown Land		...	...	...	...	...	...	...	...	...	...
Little River	Yes	Private Gift		...	...	...	...	...	75	0	0	...	...
Pitfield	Yes	Grant from the Crown		...	...	...	...	...	75	0	0	...	...
Bacchus Marsh	No	Private Gift		...	...	...	...	...	116	10	0	...	...
Ballan	Yes	Grant from the Crown		...	...	...	...	...	370	0	0	...	...
Mount Egerton	Occasionally	Crown Land		...	...	...	...	...	...	...	...	...	...
Kyneton	Used formerly	Grant from the Crown		...	...	...	...	...	...	...	...	...	...
Carisbrook	Used	Grant from the Crown		80	19	0	162	10	0
Malmesbury	Used	Grant from the Crown		290	0	0	35	0	0
Maryborough	Used	Grant from the Crown		...	...	...	...	...	...	...	...	...	...
Avoca	Used	Grant from the Crown		...	...	...	...	...	317	10	0	...	...
Dunolly	Used	Grant from the Crown		100	0	0	100	0	0
Bet Bet	Not in operation	...		...	...	...	...	...	...	...	...	...	...
Mount Korong	Occasionally	Grant from the Crown	...	...	...	...	...	...	100	0	0	...	
Burnt Creek	Occasionally	Crown Land	...	...	...	...	...	...	100	0	0	...	
Moliagul	Occasionally	Crown Land	...	...	...	...	...	...	...	...	...	...
Kingower	Occasionally	Crown Land	...	...	...	...	...	...	100	0	0	...	
Golden Point	Not used	Grant from the Crown	...	...	...	...	...	...	...	...	...	...
Simmon's Reef	Formerly	Crown Land	...	...	...	...	...	89	10	0	...	...
Castlemaine	Formerly	Grant from the Crown	...	...	...	...	...	100	0	0	...	...
Muckleford	Used	Private Gift	...	...	...	...	...	157	12	0	...	...
Elphinstone	Formerly	Grant from the Crown	...	...	...	...	...	...	...	...	...	...
Daylesford	Used	Grant from the Crown	...	...	...	...	...	250	0	0	211	0	0
Maldon	Used	Grant from the Crown	...	...	...	...	...	300	0	0	97	5	6
Sandhurst	Formerly	Grant from the Crown	...	...	...	...	...	300	0	0	158	15	0
Myer's Flat	Occasionally	Grant from the Crown	...	...	...	...	...	60	0	0	20	0	0
White Hills	Used	Grant from the Crown	...	...	...	...	...	100	0	0	4	15	0
Sailor's Gully	Occasionally	Crown Land	...	...	...	...	...	60	0	0	55	15	0
Long Gully	Occasionally	Grant from the Crown	...	...	...	...	...	...	...	...	60	0	0
Epsom	Occasionally	Crown Land	...	...	...	...	...	117	10	0	15	3	6
Spring Gully	Occasionally	Crown Land	...	...	...	...	...	100	0	0	42	10	0
Wellington Gully	Yes: occasionally	Crown Land	...	...	...	...	...	100	0	0	20	0	0
Jackass Flat	Yes: occasionally	Crown Land	...	...	...	...	...	100	0	0	15	0	0
Irishtown	Yes: occasionally	Crown Land	...	...	...	...	...	...	...	...	...	...
Robinson Crusoe	Yes: occasionally	Crown Land	...	...	...	...	...	...	100	0	0	...	
Echuca	Not finished	Crown Grant	...	...	...	...	...	...	...	...	220	0	
Sheepwash	Not used	Private Gift	...	...	...	...	...	...	132	0	0	175	5
Bakery Hill	Yes	Crown Land	...	...	...	...	...	...	20	0	0	20	0
Ballaarat Township	Yes: formerly	Grant from the Crown	...	...	...	...	...	200	0	0	20	0	0
Creswick	Yes	Grant from the Crown	...	...	...	...	...	150	0	0	...	...
Magpie Gully	Closed	Crown Land	...	...	...	...	...	...	...	...	...	...
Red Hill, Ballaarat	No	Crown Land	...	...	...	...	...	60	0	0	...	...
Plank-road, Ballaarat	Yes: occasionally	Crown Land	...	...	...	...	...	70	0	0	30	0	0
Spring Vale	Closed	Crown Land	...	...	...	...	...	...	...	...	...	...
Black Lead	Yes	Crown Land	...	...	...	...	...	...	100	0	0	...	
Smythe's Creek	Yes	Crown Land	...	...	...	...	...	...	100	0	0	...	
Linton's Diggings	Yes	Crown Land	...	...	...	...	...	100	0	0	...	...
Hard Hills	Not used	Crown Land	...	...	...	...	...	...	60	0	0	...	
Amherst	Yes	Grant from the Crown	...	...	...	...	...	200	0	0	16	5	0
Durham Lead	No	Crown Land	...	...	...	...	...	...	...	...	...	...
Corduroy	No	Grant from the Crown	...	...	...	...	...	...	...	...	...	...
Buninyong	Yes	Grant from the Crown	...	...	...	...	...	350	0	0	140	10	7
View Point	Yes	Crown Land	...	...	...	...	...	200	0	0	20	6	8
New Rush	Formerly	Crown Land	...	...	...	...	...	94	15	0	...	...
Musical Gully	Formerly	Crown Land	...	...	...	...	...	100	0	0	60	1	7

DENOMINATIONAL SCHOOLS—continued.

SCHOOL FEES.								
TOTAL.	1851.	1852.	1853.	1854.	1855.	1856.	1857.	TOTAL.
£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.
300 0 0	16 17 5	46 8 4	100 1 4	110 10 6	78 3 8	65 10 4	124 19 0	542 11 5
300 0 0	43 17 6	59 2 6	54 18 11	77 5 11	235 4 10
600 0 0	101 2 0	92 9 0	63 11 5	76 8 9	333 11 2
267 16 0	85 0 0	105 0 0	70 0 0	50 0 0	25 0 0	335 0 0
181 4 0	18 9 10	29 18 0	7 17 11	29 13 1	65 6 10	151 5 8
500 0 0	...	4 12 0	...	16 18 0	52 17 0	44 1 0	54 18 0	173 6 0
470 0 0	18 3 6	40 5 6	40 4 0	42 16 6	141 9 6
451 10 0	39 5 0	55 2 9	10 1 8	57 11 3	162 0 8
400 0 0	2 18 6	...	...	36 15 4	39 13 10
247 8 6	21 18 6	59 19 10	60 4 0	142 2 4
260 0 6	10 5 0	38 4 10	26 12 3	75 2 1
...	12 10 0	26 14 6	23 16 0	63 0 6
...
124 0 0	6 1 0	47 13 11	53 19 11
114 0 5	12 4 0	34 14 0	33 17 6	28 3 0	108 18 6
...	27 9 6	27 9 6
75 0 0	5 18 4	5 18 4
75 0 0	17 17 0	17 17 0
116 10 0	25 19 0	57 0 6	43 7 0	126 6 6
370 0 0	44 8 9	57 9 6	90 1 0	191 19 3
...	43 17 6	70 6 6	114 4 0
100 0 0	...	29 17 3	121 15 6	114 12 4	101 15 2	...	22 15 6	390 15 9
283 15 2	15 8 0	63 0 0	123 14 6	202 2 6
325 0 0	48 4 0	77 13 6	143 16 8	269 14 2
...	24 6 6	121 3 0	60 16 4	206 5 10
317 10 0	113 12 6	113 12 6
300 0 0	17 7 0	17 7 0
...	3 17 0	3 17 0
100 0 0	63 6 0	63 6 0
100 0 0	56 9 6	56 9 6
...	34 2 6	34 2 6
100 0 0
95 0 0	6 10 6	55 17 0	50 11 6	112 19 0
89 10 0	7 14 0	53 18 3	51 1 6	112 13 9
686 3 0	172 8 0	155 17 6	189 12 0	123 3 6	154 16 6	795 17 6
292 12 0	11 4 6	46 5 0	25 12 6	83 2 0
...	35 7 0	...	35 7 0
61 0 0	82 17 3	82 17 3
97 5 6	171 6 2	171 6 2
63 15 0	56 12 0	184 19 0	288 4 3	529 15 3
55 0 0	20 13 6	120 2 0	81 18 9	94 6 0	317 0 3
64 15 0	67 19 0	155 14 0	109 16 6	333 9 6
05 15 0	22 11 0	130 8 0	112 0 3	264 19 3
85 0 0	80 11 6	111 5 6	191 17 0
47 13 6	51 15 6	117 16 0	169 11 6
42 10 0	33 10 6	51 7 6	84 18 0
61 10 0	36 5 6	64 6 6	100 12 0
5 0 0	25 17 0	21 12 0	47 9 0
...
...	1 13 6	1 13 6
...
...
...	10 16 6	174 10 0	136 13 0	189 9 0	511 8 6
...	236 13 6	324 2 0	560 15 6
...	27 11 6	118 10 6	107 18 0	91 0 0	345 0 0
...	4 13 0	78 3 6	43 7 0	126 3 6
...	44 5 9	159 7 0	203 12 9
...	26 17 0	91 2 6	117 19 6
...	36 10 6	36 10 6
...	38 10 9	38 10 9
...	38 11 0	59 16 0
...	21 5 0	62 9 4	81 9 10
...	19 0 6	21 13 6	21 13 6
...	61 9 0	269 5 6
...	50 12 0	50 12 0
...	14 3 0	14 3 0
...	84 17 9	84 17 9
...	29 15 0	91 4 0	120 19 0
...	10 16 6	21 18 0	32 14 6
...	18 14 0	71 8 6	90 2 6

ANNUAL EXPENDITURE ON

SCHOOL-HOUSE.	Used for Public Worship now or formerly.	Site obtained by Purchase, Private Gift, or Grant from the Crown.	Conveyance, or Bond, subject to Rule of the Denominational School Board, or otherwise.	LOCAL CONTRIBUTIONS		
				1852.	1853.	1854.
				£	s.	d.
CHURCH OF ENGLAND <i>—continued.</i>						
Barrabool Hills	Yes: formerly	Private gift	In	£	s.	d.
Kensington	Yes: occasionally	Grant from the Crown	the	...	...	...
Highton	Yes	Grant from the Crown	case	190	0	0
Modewarre	Yes: occasionally	Grant from the Crown	of	300	0	0
Dunecd	Yes: occasionally	Grant from the Crown	public	...	...	...
Batesford	Yes	Private Gift	education.	...	...	...
Queenscliff	Yes	Grant from the Crown	In	...	...	...
Bellarine	Yes	Grant from the Crown	most	125	0	0
East Bellarine	Yes	Grant from the Crown	instances	...	...	...
Station Peak	Yes	Private Gift	with	...	...	...
Murgheboluc	Yes	Grant from the Crown	legal	...	...	...
Cowie's Creek	No	Private Property	advice,	...	...	...
Belmont	Closed	Rented Building	that	...	...	...
Gnarwarre	Yes	Grant from the Crown	the	...	...	...
Winchelsea	Yes	Grant from the Crown	sites	...	...	...
Meredith	No	Crown Land	are	...	...	...
Little River	Yes	Private Gift	secured	...	...	...
Pitfield	Yes	Grant from the Crown	for	...	...	...
Bacchus Marsh	No	Private Gift	the	...	...	...
Ballan	Yes	Grant from the Crown	sole	...	...	...
Mount Egerton	Occasionally	Crown Land	purposes	...	...	...
Kyneton	Used formerly	Grant from the Crown	of	...	...	...
Carisbrook	Used	Grant from the Crown	public	...	...	...
Malmesbury	Used	Grant from the Crown	education.	...	...	...
Maryborough	Used	Grant from the Crown	In	...	...	...
Avoca	Used	Grant from the Crown	most	...	...	...
Dunolly	Used	Grant from the Crown	instances	...	...	...
Bet Bet	Not in operation	...	with	...	...	...
Mount Korong	Occasionally	Grant from the Crown	legal	...	...	...
Burnt Creek	Occasionally	Crown Land	advice,	...	...	...
Moliagul	Occasionally	Crown Land	that	...	...	...
Kingower	Occasionally	Crown Land	the	...	...	...
Golden Point	Not used	Grant from the Crown	sites	...	...	...
Simmon's Reef	Formerly	Crown Land	are	...	...	...
Castlemaine	Formerly	Grant from the Crown	secured	...	...	...
Muckleford	Used	Private Gift	for	...	...	...
Elphinstone	Formerly	Grant from the Crown	the	...	...	...
Daylesford	Used	Grant from the Crown	case	...	...	...
Maldon	Used	Grant from the Crown	of	...	...	...
Sandhurst	Formerly	Grant from the Crown	public	...	...	...
Myer's Flat	Occasionally	Grant from the Crown	education.	...	...	...
White Hills	Used	Grant from the Crown	In	...	...	...
Sailor's Gully	Occasionally	Crown Land	some	...	...	...
Long Gully	Occasionally	Grant from the Crown	special	...	...	...
Epsom	Occasionally	Crown Land	cases,	...	...	...
Spring Gully	Occasionally	Crown Land	a	...	...	...
Wellington Gully	Yes: occasionally	Crown Land	bond	...	...	...
Jackass Flat	Yes: occasionally	Crown Land	to	...	...	...
Irishtown	Yes: occasionally	Crown Land	return	...	...	...
Robinson Crusoe	Yes: occasionally	Crown Land	the	...	...	...
Echuca	Not finished	Crown Grant	money,	...	...	...
Sheepwash	Not used	Private Gift	in	...	...	...
Bakery Hill	Yes	Crown Land	the	...	...	...
Ballaarat Township	Yes: formerly	Grant from the Crown	event	...	...	...
Creswick	Yes	Grant from the Crown	of	...	...	...
Magpie Gully	Closed	Crown Land	building	...	...	...
Red Hill, Ballaarat	No	Crown Land	being	...	...	...
Plank-road, Ballaarat	Yes: occasionally	Crown Land	diverted	...	...	...
Spring Vale	Closed	Crown Land	to	...	...	...
Black Lead	Yes	Crown Land	other	...	...	...
Smythe's Creek	Yes	Crown Land	purposes,	...	...	...
Linton's Diggings	Yes	Crown Land	has	...	...	...
Hard Hills	Not used	Crown Land	been	...	...	...
Amherst	Yes	Grant from the Crown	accepted,	...	...	...
Durham Lead	No	Crown Land	with	...	...	...
Corduroy	No	Grant from the Crown	the	...	...	...
Buninyong	Yes	Grant from the Crown	case	...	...	...
View Point	Yes	Crown Land	of	...	...	...
New Rush	Formerly	Crown Land	public	...	...	...
Musical Gully	Formerly	Crown Land	education.	...	...	...

DENOMINATIONAL SCHOOLS—continued.

TOWARDS SCHOOL BUILDINGS.				MISCELLANEOUS.					
1855.	1856.	1857.	TOTAL.	1853.	1854.	1855.	1856.	1857.	TOTAL.
£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.
...	...	...	190 0 0	...	...	...	...	...	...
...	...	...	300 0 0	...	...	...	...	...	...
258 17 0	17 16 0	...	276 13 0	...	...	...	...	...	...
...	181 4 0	...	181 4 0	...	...	...	...	...	...
...	...	...	200 0 0	...	...	...	15 0 0	39 3 4	54 3 4
200 0 0	70 0 0	...	270 0 0	...	...	...	19 0 7	3 5 0	22 5 7
79 10 0	20 0 0	31 10 0	256 0 0	...	...	...	...	1 0 0	1 0 0
200 0 0	...	...	200 0 0	...	...	...	...	0 13 6	0 13 6
110 0 0	...	40 0 3	150 0 3	...	...	...	...	...	...
...	160 0 0	...	160 0 0	...	...	...	...	...	...
...
124 0 0	...	...	124 0 0	...	...	...	...	...	...
76 18 0	...	37 3 0	114 1 0	...	...	...	...	...	...
...	...	...	...	...	...	...	...	2 10 0	2 10 0
...	...	95 0 0	95 0 0	...	...	...	...	...	...
...	...	75 0 0	75 0 0	...	...	...	...	...	...
...	...	116 10 0	116 10 0	...	...	...	...	3 4 6	3 4 6
...	370 0 0	...	370 0 0	...	...	...	...	...	...
...	...	...	...	...	...	...	...	2 0 0	2 0 0
...	80 19 0	162 10 0	243 9 0	...	...	...	...	5 0 0	5 0 0
...	290 0 0	35 0 0	325 0 0	...	...	...	...	...	...
...	...	...	...	...	...	...	...	2 5 0	2 5 0
...	317 10 0	...	317 10 0	...	...	...	...	5 0 0	5 0 0
...	...	100 0 0	100 0 0	...	...	...	...	...	...
...
...
107 0 0	...	...	107 0 0	...	...	...	...	...	...
...	89 10 0	...	89 10 0	...	...	...	...	...	...
400 0 0	100 0 0	...	500 0 0	...	...	...	...	7 3 6	7 3 6
125 0 0	157 12 0	...	282 12 0	...	...	...	...	142 10 0	142 10 0
...
...	250 0 0	211 13 10	461 13 10	...	...	...	...	...	...
...	300 0 0	102 14 6	402 14 6	...	...	...	...	11 13 6	11 13 6
45 0 0	300 0 0	158 15 0	803 15 0	...	...	...	...	...	...
80 0 0	...	20 0 0	100 0 0	...	...	...	...	...	...
160 0 0	100 0 0	4 15 0	264 15 0	...	...	...	...	...	...
90 0 0	...	55 15 0	145 15 0	...	...	...	...	...	...
70 0 0	...	60 0 0	230 0 0	...	...	...	...	...	...
...	17 10 0	15 3 0	32 13 6	...	...	...	...	...	...
...	...	43 10 0	43 10 0	...	...	...	...	...	...
...
...	...	15 0 0	15 0 0	...	...	...	...	...	...
...
...
60 0 0	...	132 0 0	132 0 0	...	...	...	...	...	...
...	...	20 0 0	280 0 0	...	...	...	...	...	...
...	200 0 0	10 0 0	210 0 0	...	...	...	...	...	...
...	150 0 0	...	150 0 0	...	...	...	...	6 15 0	6 15 0
...
...
...
...	...	...	...	...	...	...	...	2 14 0	2 14 0
...
...	200 0 0	16 5 0	216 5 0	...	...	...	...	...	...
...
...	...	...	...	...	...	...	...	2 12 3	2 12 6
...	350 0 0	140 10 7	490 10 7	...	...	...	...	2 17 6	2 17 6
...	100 0 0	10 3 4	110 3 4	...	...	...	2 7 9	...	2 7 9
...	...	...	...	...	...	...	3 0 6	5 10 6	8 11 0
...	...	49 11 11	49 11 11	...	...	...	1 15 0	10 0 0	11 15 0

SCHOOL-HOUSE.	Used for Public Worship now or formerly.	Site obtained by Purchase, Private Gift, or Grant from the Crown.	Conveyance, or Bond, subject to Rule of the Denominational School Board, or otherwise.	1851.			1852.			1853.		
				£	s.	d.	£	s.	d.	£	s.	d.
CHURCH OF ENGLAND* <i>—continued.</i>												
Armstrong's Diggings ...	Occasionally	Crown Land	In	...	...	...	...	...	...	...	...	...
Mount Ararat ...	Yes	Crown Land	the	...	...	...	...	...	...	...	...	...
Heathcote ...	Yes	Grant from the Crown	specific	...	...	...	...	...	...	...	...	...
Yackandandah ...	Yes	Grant from the Crown	purposes	...	...	...	...	...	...	...	...	...
Woolsheds ...	Yes	Grant from the Crown	of	...	...	...	...	...	...	...	...	...
Osborne's Flat ...	Formerly	Grant from the Crown	public	...	...	...	...	...	...	...	...	...
Sebastopol Flat ...	Formerly	Grant from the Crown	education.	...	...	...	...	...	...	...	...	...
Beechworth ...	Yes	Grant from the Crown	In	...	...	...	...	...	...	...	...	...
Reid's Creek ...	Formerly	Grant from the Crown	the	...	...	...	...	...	...	...	...	...
Hiscock's Diggings ...	No	Crown Land	sites	...	...	...	...	...	...	...	...	...
Digby ...	Yes	Grant from the Crown	are	...	...	...	...	...	...	...	...	...
Casterton ...	Yes	Grant from the Crown	secured	...	...	...	...	...	...	...	...	...
Coleraine ...	Yes	Grant from the Crown	for	...	...	...	...	...	...	...	...	...
Belfast ...	No	Private Gift	the	50	0	0	100	0	0	228	2	2
Tower Hill ...	No	Grant from the Crown	sole	...	...	...	11	5	0	...	...	...
Rosebrook ...	Yes	Leasehold	purposes	...	...	...	...	...	...	...	...	...
Portland ...	Yes: formerly	Grant from the Crown	of	35	0	0	70	0	0	146	5	0
South Portland ...	No	A hired Building	being	...	...	...	...	...	...	...	...	...
Portland (Sub.), West ...	No	A hired Building	diverted	...	...	...	...	...	...	...	...	...
Warrnambool ...	No	Rented Building	to	...	...	...	...	...	...	...	...	...
Port Albert ...	Not used	Grant from the Crown	other	...	...	...	...	...	...	16	13	4
Branxholme ...	Not used	Grant from the Crown	purposes	...	...	...	...	...	...	...	...	...
Ovens District ...	Occasionally	Grant from the Crown	of	...	...	...	...	...	...	...	...	...
Clunes ...	No	Crown Land	public	...	...	...	...	...	...	...	...	...
Steiglitz ...	Yes	Crown Land	education.	...	...	...	...	...	...	...	...	...
Nine Mile Creek ...	No	Grant from the Crown	In	...	...	...	...	...	...	...	...	...
Chinaman's Flat ...	Occasionally	Crown Land	the	...	...	...	...	...	...	...	...	...
Simpson's-road East ...	Yes	Rented Building	specific	...	...	...	...	...	...	...	...	...
Glen Darrival ...	Yes	Leasehold	purposes	...	...	...	...	...	...	...	...	...
Derrimut ...	Yes	Private Property	of	...	...	...	...	...	...	...	...	...
Jones's Creek ...	Occasionally	Crown Land	public	...	...	...	...	...	...	...	...	...
Charcoal Gully ...	Not used	Crown Land	education.	...	...	...	...	...	...	...	...	...
Spring Hill ...	No	Purchase	In	...	...	...	...	...	...	...	...	...
White Flat ...	No	Crown Land	the	...	...	...	...	...	...	...	...	...
Little Bendigo ...	Yes	Crown Land	sites	...	...	...	...	...	...	...	...	...
Yuille's Swamp ...	No	Private Property	are	...	...	...	...	...	...	...	...	...
Pennyweight Flat... ..	No	Crown Land	secured	...	...	...	...	...	...	...	...	...
Sandy Creek ...	Occasionally	Crown Land	for	...	...	...	...	...	...	...	...	...
Mount Misery ...	Closed	Crown Land	the	...	...	...	...	...	...	...	...	...
Fyan's Ford ...	Yes	Grant from the Crown	sole	...	...	...	...	...	...	...	...	...
Buckland ...	No	Grant from the Crown	purposes	...	...	...	...	...	...	...	...	...
East Durham ...	No	Crown Land	of	...	...	...	...	...	...	...	...	...
Long Point, Creswick ...	No	Crown Land	public	...	...	...	...	...	...	...	...	...
Mount Pleasant ...	Yes	Crown Land	education.	...	...	...	...	...	...	...	...	...
Spring Grove ...	Closed	Private Gift	In	...	...	...	...	...	...	...	...	...
Mount Macedon ...	Yes	Rented Building	the	...	...	...	...	...	...	...	...	...
Pyalong ...	No	Private Property	sites	...	...	...	...	...	...	...	...	...
Carngham ...	Yes: formerly	Crown Land	are	...	...	...	...	...	...	...	...	...
Trial Saw-mills ...	Yes	Crown Land	secured	...	...	...	...	...	...	...	...	...
Pleasant Creek, St. Mark's	Yes	Crown Land	for	...	...	...	...	...	...	...	...	...
View Point, Pleasant Creek,			the	...	...	...	...	...	...	...	...	...
St. Peter's ...	Yes	Private Property	public	...	...	...	...	...	...	...	...	...
Brown's Diggings... ..	No	Crown Land	education.	...	...	...	...	...	...	...	...	...
Geelong Orphanage ...	Not used	Crown Grant	In	...	...	...	...	...	...	...	...	...
East Brunswick ...	Not used	Rented Building	the	...	...	...	...	...	...	...	...	...
Mortlake ...	Not used	Private Property	sites	...	...	...	...	...	...	...	...	...
Emerald Hill ...	School held in Church	Crown Grant	are	...	...	...	...	...	...	...	...	...
Central School, Melbourne	Closed	Private Property	secured	60	0	0	220	2	8	468	12	8
Russell-street (Boys) ...	Closed	Private Property	for	...	...	...	...	...	...	...	...	...
Stephen-street ...	Closed	Private Property	the	104	13	4	26	13	4	55	8	8
South Geelong ...	School removed	...	public	27	6	8	26	11	0	...	...	...
Point Nepean ...	Closed	Crown Grant	education.	...	...	...	...	...	...	...	...	...
Harcourt ...	Closed	Crown Grant	In	...	...	...	...	...	...	...	...	...
Forest Creek ...	Closed	Crown Grant	the	...	...	...	...	...	...	208	15	0
Oakleigh ...	Closed	Grant from the Crown	sites	...	...	...	...	...	...	...	...	...
Raleigh's Punt ...	Closed	Rented Building	are	...	...	...	...	...	...	...	...	...
Wangaratta ...	Closed	Rented Building	secured	...	...	...	...	...	...	...	...	...
Three Mile Creek... ..	Closed	Crown Land	for	...	...	...	...	...	...	...	...	...
Raglan ...	Formerly	Grant from the Crown	the	...	...	...	...	...	...	...	...	...
Yambuick ...	Not used	Crown Grant	public	...	...	...	...	...	...	...	...	...

* Information on these Schools occupies pp. 34, 35, 36, 37, 38, 39.

ANNUAL EXPENDITURE ON

SCHOOL-HOUSE.	Used for Public Worship now or formerly.	Site obtained by Purchase, Private Gift, or Grant from the Crown.	Conveyance, or Bond, subject to Rule of the Denominational School Board, or otherwise.	GOVERNMENT AID.										
				BUILDINGS.		Grants in 1857, for Building, unclaimed to 8th November, 1858.								
				1856.	1857.									
CHURCH OF ENGLAND <i>—continued.</i>				£	s.	d.	£	s.	d.	£	s.	d.		
Armstrong's Diggings ...	Occasionally	Crown Land	In the case of Crown grants of land, for school purposes only, are held by the Board to be legally secured for the specific purposes of public education. In the case of conveyances of private land, the Board has ascertained, in most instances with legal advice, that the sites are secured for the sole purposes of public education. In some special cases, a bond to return the money, in the event of the building being diverted to other purposes, has been accepted, with the approval of the Board's solicitor.	87	1	0	106	8	6	...	...	...
Mount Ararat ...	Yes	Crown Land		100	0	0	100	0	0	...	...	...
Heathcote ...	Yes	Grant from the Crown		454	0	0	...	...	...	...	...	...
Yackandandah ...	Yes	Grant from the Crown		50	0	0	175	0	0
Woolsheds ...	Yes	Grant from the Crown		
Osborne's Flat ...	Formerly	Grant from the Crown		
Sebastopol Flat ...	Formerly	Grant from the Crown		100	0	0	
Beechworth ...	Yes	Grant from the Crown		100	0	0	452	19	1	
Reid's Creek ...	Formerly	Grant from the Crown		70	0	0	
Hiscock's Diggings ...	No	Crown Land		
Digby ...	Yes	Grant from the Crown		
Casterton ...	Yes	Grant from the Crown		350	0	0	
Coleraine ...	Yes	Grant from the Crown		200	0	0	150	0	0	
Belfast ...	No	Private Gift		500	0	0	
Tower Hill ...	No	Grant from the Crown		
Rosebrook ...	Yes	Leasehold		121	5	3	11	14	9
Portland ...	Yes: formerly	Grant from the Crown		2	14	0	
South Portland ...	No	A hired Building		
Portland (Sub.), West ...	No	A hired Building		
Warrnambool ...	No	Rented Building		
Port Albert ...	Not used	Grant from the Crown		
Branxholme ...	Not used	Grant from the Crown		140	7	0	
Ovens District ...	Occasionally	Grant from the Crown		90	0	0	15	0	0
Clunes ...	No	Crown Land		
Steiglitz ...	Yes	Crown Land		125	0	0	
Nine Mile Creek ...	No	Grant from the Crown		
Chinaman's Flat ...	Occasionally	Crown Land		40	0	0	60	0	0
Simpson's-road East ...	Yes	Rented Building		
Glen Darrival ...	Yes	Leasehold		75	0	0	
Derrimut ...	Yes	Private Property		
Jones's Creek ...	Occasionally	Crown Land	100	0	0	...	...	...	...	...	...	...
Charcoal Gully ...	Not used	Crown Land	...	...	...	...	...	...	...	...	...	...
Spring Hill ...	No	Purchase	...	...	...	180	0	0	...	...	...	...
White Flat ...	No	Crown Land	...	...	...	...	...	...	...	...	...	...
Little Bendigo ...	Yes	Crown Land	...	...	...	...	...	...	...	...	...	...
Yuille's Swamp ...	No	Private Property	...	...	...	...	...	...	...	...	...	...
Pennyweight Flat ...	No	Crown Land	...	...	...	...	...	...	...	...	...	...
Sandy Creek ...	Occasionally	Crown Land	...	...	...	...	...	...	...	...	...	...
Mount Misery ...	Closed	Crown Land	...	...	...	...	...	...	...	...	...	...
Fyan's Ford ...	Yes	Grant from the Crown	...	...	...	...	...	...	...	...	...	...
Buckland ...	No	Grant from the Crown	60	0	0	40	0	0	
East Durham ...	No	Crown Land	...	...	...	100	0	0	...	...	...	...
Long Point, Creswick ...	No	Crown Land	...	...	...	100	0	0	...	...	...	...
Mount Pleasant ...	Yes	Crown Land	...	...	...	200	0	0	...	...	...	...
Spring Grove ...	Closed	Private Gift	...	...	...	20	0	0	...	...	...	...
Mount Macedon ...	Yes	Rented Building	...	...	...	...	...	...	...	...	...	...
Pyalong ...	No	Private Property	...	...	...	...	...	...	...	...	...	...
Carngham ...	Yes: formerly	Crown Land	...	...	...	...	...	...	...	...	...	...
Trial Saw-mills ...	Yes	Crown Land	...	...	...	...	...	...	...	...	...	...
Pleasant Creek, St. Mark's	Yes	Crown Land	...	...	...	100	0	0	...	...	...	...
View Point, Pleasant Creek, St. Peter's ...	Yes	Private Property	...	...	...	100	0	0	...	...	...	...
Brown's Diggings ...	No	Crown Land	...	...	...	100	0	0	...	...	...	...
Geelong Orphanage ...	Not used	Crown Grant	...	...	...	...	...	...	...	...	...	...
East Brunswick ...	Not used	Rented Building	...	...	...	...	...	...	...	...	...	...
Mortlake ...	Not used	Private Property	...	...	...	...	...	...	...	...	...	...
Emerald Hill ...	School held in Church	Crown Grant	...	...	...	...	...	...	...	...	...	...
Central School, Melbourne	Closed	Private Property	...	...	...	...	...	...	...	...	...	...
Russell-street (Boys) ...	Closed	Private Property	...	...	...	...	...	...	...	...	...	...
Stephen-street ...	Closed	Private Property	...	...	...	...	...	...	...	...	...	...
South Geelong ...	School removed	...	...	...	...	...	...	...	...	...	...	...
Point Nepean ...	Closed	Crown Grant	...	...	...	...	...	...	...	...	...	...
Harcourt ...	Closed	Crown Grant	...	...	...	...	...	...	...	...	...	...
Forest Creek ...	Closed	Crown Grant	...	...	...	...	...	...	...	...	...	...
Oakleigh ...	Closed	Grant from the Crown	52	10	0	...	...	...	...	...	...	...
Raleigh's Punt ...	Closed	Rented Building	4	12	6	...	...	...	...	...	...	...
Wangaratta ...	Closed	Rented Building	...	...	...	...	...	...	...	...	...	...
Three Mile Creek ...	Closed	Crown Land	...	...	...	...	...	...	...	...	...	...
Raglan ...	Formerly	Grant from the Crown	...	...	...	...	...	...	...	...	...	...
Yambuick ...	Not used	Crown Grant	...	...	...	190	0	0	...	...	...	...

DENOMINATIONAL SCHOOLS—continued.

SCHOOL FEES.									
TOTAL.	1851.	1852.	1853.	1854.	1855.	1856.	1857.	TOTAL.	
£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.
193 9 6	8 1 6	60 8 6	68 10 0	
200 0 0	2 15 0	116 11 0	119 6 0	
583 19 0	20 19 0	132 6 0	79 2 6	40 17 6	273 5 0	
275 0 0	25 12 0	47 14 0	63 9 0	136 15 0	
210 0 0	7 4 0	146 12 0	89 4 0	243 0 0	
39 0 0	115 8 0	54 6 6	169 14 6	
100 0 0	30 17 0	120 18 0	151 15 0	
552 19 1	22 7 9	203 19 6	226 7 3	
70 0 0	9 18 0	9 18 0	
...	4 16 0	4 16 0	
350 0 0	6 16 11	18 18 9	25 15 8	
350 0 0	6 12 0	6 12 0	
350 0 0	27 2 0	27 2 0	
540 0 0	95 1 0	106 8 0	118 11 9	116 15 3	108 8 3	90 14 6	94 4 5	730 3 2	
133 0 0	5 3 6	31 3 6	29 1 0	65 8 0	
187 12 6	13 5 0	42 13 6	37 1 9	33 8 6	126 8 9	
2 14 0	62 13 0	47 2 6	76 8 7	56 13 9	51 16 0	68 8 8	76 14 0	439 16 6	
...	69 3 7	163 2 3	232 5 10	
...	22 19 0	36 4 6	59 3 6	
...	100 0 0	101 19 10	86 10 0	288 9 10	
...	8 14 0	46 13 6	59 13 6	45 1 6	...	160 2 6	
140 7 0	20 17 2	20 17 2	
105 0 0	38 10 6	38 10 6	
...	36 13 6	36 13 6	
125 0 0	29 15 6	29 15 6	
...	25 12 8	25 12 8	
100 0 0	64 6 9	64 6 9	
...	28 12 0	28 12 0	
75 0 0	22 4 6	22 4 6	
...	53 14 0	53 14 0	
100 0 0	10 16 0	10 16 0	
...	30 14 0	30 14 0	
180 0 0	5 14 0	5 14 0	
...	28 12 6	28 12 6	
...	
...	
...	
299 15 2	10 13 6	37 15 0	42 14 0	3 18 0	95 0 6	
100 0 0	13 7 0	...	37 7 0	
100 0 0	
100 0 0	
200 0 0	
118 17 2	14 8 6	26 17 6	...	41 6 0	
...	
...	
100 0 0	
...	
100 0 0	
100 0 0	
...	
...	
...	7 11 10	...	7 11 10	
...	199 19 9	237 13 10	383 3 9	277 11 1	103 2 2	31 3 10	...	1,232 14 5	
...	
...	70 2 2	10 6 10	...	...	...	...	...	80 9 0	
166 13 4	20 4 9	11 11 1	33 15 3	65 6 0	53 14 0	...	...	184 11 1	
...	1 16 0	8 17 0	...	10 13 0	
...	15 10 0	...	...	15 10 0	
100 0 0	67 7 0	...	...	...	...	67 7 0	
52 10 0	
4 12 6	12 2 0	3 7 0	15 9 0	
...	44 9 6	...	44 9 6	
50 0 0	25 0 6	...	25 0 6	
...	
190 0 0	

SCHOOL-HOUSE.	Used for Public Worship now or formerly.	Site obtained by Purchase, Private Gift, or Grant from the Crown.	Conveyance or Bond, subject to Rule of the Denominational School Board, or otherwise.	LOCAL CONTRIBUTION		
				1852.	1853.	1854.
				£ s. d.	£ s. d.	£ s. d.
CHURCH OF ENGLAND						
<i>—continued.</i>						
Armstrong's Diggings ...	Occasionally	Crown Land	Crown grants of land, for school purposes only, are held by the Board to be legally secured for the specific purposes of public education. In the case of conveyances of private land, the Board has ascertained, in most instances with legal advice, that the sites are secured for the sole purposes of public education. In some special cases, a bond to return the money, in the event of the building being diverted to other purposes, has been accepted, with the approval of the Board's solicitor.	..	..	..
Mount Ararat ...	Yes	Crown Land		..	..	..
Heathcote ...	Yes	Grant from the Crown		..	..	..
Yachandandah ...	Yes	Grant from the Crown		..	..	..
Woolsheds ...	Yes	Grant from the Crown		..	..	..
Osborne's Flat ...	Formerly	Grant from the Crown		..	..	..
Sebastopol Flat ...	Formerly	Grant from the Crown		..	..	..
Beechworh ...	Yes	Grant from the Crown		..	..	..
Reid's Creek ...	Formerly	Grant from the Crown		..	..	..
Hiscock's Diggings ...	No	Crown Land		..	..	..
Digby ...	Yes	Grant from the Crown		..	..	..
Casterton ...	Yes	Grant from the Crown		..	..	..
Coleraine ...	Yes	Grant from the Crown		..	..	..
Belfast ...	No	Private Gift		..	..	..
Tower Hill... ..	No	Grant from the Crown		..	..	..
Rosebrook ...	Yes	Leasehold		..	..	50 0
Portland ...	Yes: formerly	Grant from the Crown		..	..	..
South Portland ...	No	A hired Building		..	..	..
Portland (Sub.), West ...	No	A hired Building		..	..	..
Warrnambool ...	No	Rented Building		..	..	..
Port Albert ...	Not used	Grant from the Crown		..	..	..
Branxholme ...	Not used	Grant from the Crown		..	..	..
Ovens District ...	Occasionally	Grant from the Crown		..	..	..
Clunes ...	No	Crown Land		..	..	..
Steiglitz ...	Yes	Crown Land		..	..	..
Nine Mile Creek ...	No	Grant from the Crown		..	..	..
Chinaman's Flat ...	Occasionally	Crown Land		..	..	..
Simpson's-road East ...	Yes	Rented Building		..	..	..
Glen Darrival ...	Yes	Leasehold		..	..	..
Derrimut ...	Yes	Private Property		..	..	..
Jones's Creek ...	Occasionally	Crown Land		..	..	..
Charcoal Gully ...	Not used	Crown Land		..	..	..
Spring Hill ...	No	Purchase		..	..	..
White Flat ...	No	Crown Land		..	..	..
Little Bendigo ...	Yes	Crown Land		..	..	..
Yuille's Swamp ...	No	Private Property		..	..	..
Pennyweight Flat... ..	No	Crown Land		..	..	..
Sandy Creek ...	Occasionally	Crown Land		..	..	..
Mount Misery ...	Closed	Crown Land		..	..	..
Fyans' Ford ...	Yes	Grant from the Crown		..	..	125 0
Buckland ...	No	Grant from the Crown		..	..	..
East Durham ...	No	Crown Land		..	..	..
Long Point, Creswick ...	No	Crown Land		..	..	..
Mount Pleasant ...	Yes	Crown Land		..	..	..
Spring Grove ...	Closed	Private Gift		..	..	..
Mount Macedon ...	Yes	Rented Building	..	..	..
Pyalong ...	No	Private Property	..	..	..
Carngham ...	Yes: formerly	Crown Land	..	..	..
Trial Saw-mills ...	Yes	Crown Land	..	..	..
Pleasant Creek, St. Mark's	Yes	Crown Land	..	..	..
View Point, Pleasant Creek,			..	..	..
St. Peter's ...	Yes	Private Property	..	..	..
Brown's Diggings... ..	No	Crown Land	..	..	..
Geelong Orphanage ...	Not used	Crown Grant	..	..	..
East Brunswick ...	Not used	Rented Building	..	..	..
Mortlake ...	Not used	Private Property	..	..	..
Emerald Hill ...	School held in Church	Crown Grant	..	..	..
Central School, Melbourne	Closed	Private Property	..	..	..
Russell-street (Boys) ...	Closed	Private Property	..	..	..
Stephen-street ...	Closed	Private Property	..	..	..
South Geelong ...	School removed	..	..	..	83 6	
Point Nepean ...	Closed	Crown Grant	..	..	..
Harcourt ...	Closed	Crown Grant	..	..	..
Forest Creek ...	Closed	Crown Grant	..	..	..
Oakleigh ...	Closed	Grant from the Crow	..	..	..
Raleigh's Punt ...	Closed	Rented Building	..	..	..
Wangaratta ...	Closed	Rented Building	..	..	..
Three Mile Creek... ..	Closed	Crown Land	..	..	..
Raglan ...	Formerly	Grant from the Crown	..	..	..
Yambuick ...	Not used	Crown Grant	..	..	..

ANNUAL EXPENDITURE OF

SCHOOL-HOUSE.	Used for Public Worship now or formerly.	Site obtained by Purchase, Private Gift, or Grant from the Crown.	Conveyance, or Bond, subject to Rule of the Denominational School Board, or otherwise.	ANNUAL EXPENDITURE OF			
				1851.	1852.	1853.	
				£	s.	d.	
CHURCH OF ENGLAND*							
<i>—continued.</i>							
Inverleigh	Not used	Crown Grant	Crown grants of land for school purposes only are held by the Board to be legally secured for the specific purposes of public education. In the case of conveyances of private land, the Board has ascertained, in most instances with legal advice, that the sites are secured for the sole purposes of public education. In some special cases a bond to return the money, in the event of the building being diverted to other purposes, has been accepted, with the approval of the Board's solicitor.	£	s.	d.	
Whipstick	Occasionally	Crown Land		
Mount Pollock	Not opened	
Glenderuel	Not opened	
Stratford	Not opened	
Addington	Not opened	
Mount Beckwith	Not opened	
Wodonga	Not opened	
Contingencies		1,048	5	0	
SCOTS CHURCH.*							
Collins-street	No	Grant from the Crown		60	0	0	
North Melbourne	Yes	Grant from the Crown		233	
East Melbourne	Yes	Grant from the Crown		
Essendon	Formerly	Grant from the Crown		
Tullamarine	Yes	Private Gift		
Donnybrook	Yes	Grant from the Crown	40	0	0		
Janefield	Occasionally	Private Gift	35	0	0		
Campbellfield	No	Private Gift	45	0	0		
Wallan Wallan	Formerly	Grant from the Crown	...	...	...
Kangaroo Ground	Yes	Private Gift	30	0	0		
Oakleigh	No	Private Property	...	...	112
Cranbourne	Yes	Grant from the Crown	...	...	...
Geelong	Not used	Crown Grant	50	0	0		
Belfast ... ..	...	...	...	...	26
Tower Hill ... ..	...	...	...	...	...
Portland ... ..	...	...	50	0	0
Campbell's Creek	No	Rented	...	...	...
Pitfield	Closed	...	...	...	...
Spring Flat	Occasionally	Crown Land	...	...	...
Stratford	Held in the Presbyterian Church	...	...	...	...
Skipton	Not used	Grant from the Crown	...	...	...
King-street, Melbourne	Closed	Rented Building	50	0	0		
Glenonald	Closed	Rented Building	...	...	...
Contingencies ... ..	...	...	360	0	0
FREE CHURCH.*							
John Knox	No	Purchase	...	77	10		
South Melbourne	No	Grant from the Crown	...	...	281
Emerald Hill	Formerly	Grant from the Crown	...	...	...
Collingwood	No	Rented Building	...	...	...
Richmond	Used	Grant from the Crown	...	...	...
Cremorne-street	No	Purchase	...	...	...
Hawthorn	Closed	Grant from the Crown	...	...	...
St. Kilda	Used	Purchased	...	...	...
East Prahran	Formerly	Private Gift	...	...	...
Brunswick	Yes	Grant from the Crown	...	...	...
Templestowe	Yes	Private Property	...	...	50
Williamstown	Used	Rented Building	...	...	...
Euroke	Yes	Private Gift	...	...	...
Kilmore	Used	Grant from the Crown	...	43	4		
Geelong	No	Grant from the Crown	...	...	135
Gaelic School	Yes	Grant from the Crown	...	...	203
Ashby	Not used	Grant from the Crown	...	35	0		
Bellarine	Occasionally	Private Gift	...	27	10		
East Bellarine	Yes	Leasehold	...	...	74
Lethbridge	Yes	Grant from the Crown	...	...	...
River Leigh	Used	Private Gift	...	...	50
Inverleigh	Used	Grant from the Crown	...	...	...
Russell's Bridge	Used	Crown Grant	...	...	...
Sutherland's Creek	Yes	Grant from the Crown	...	...	...
Duneed	Not used	Private Gift	...	...	...
Rokewood	Yes	Purchased	...	...	...
Lexton	No Schoolhouse	Church used as a School	...	...	...

* Information on these Schools occupies pp. 40, 41, 42, 43, 44, 45.

ANNUAL EXPENDITURE ON

SCHOOL-HOUSE.	Used for Public Worship now or formerly.	Site obtained by Purchase, Private Gift, or Grant from the Crown.	Conveyance, or Bond, subject to Rule of the Denominational School Board, or otherwise.	GOVERNMENT AID			
				BUILDINGS.		Grants in 1857, for Buildings, unclaimed to 8th November, 1858.	
				1856.	1857.		
				£ s. d.	£ s. d.	£ s. d.	
CHURCH OF ENGLAND							
<i>—continued.</i>							
Inverleigh	Not used	Crown Grant	In the case of conveyances of private land, the Board has ascertained, in most instances with legal advice, that the sites are secured for the sole purposes of public education. In some special cases a bond to return the money, in the event of the building being diverted to other purposes, has been accepted, with the approval of the Board's solicitor.	...	222 0 0	...	
Whipstick	Occasionally	Crown Land		...	100 0 0	...	
Mount Pollock	Not opened	100 0 0	
Glenderuel	Not opened	129 15 0	
Stratford	Not opened	150 0 0	
Addington	Not opened	150 0 0	
Mount Beckwith	Not opened	120 0 0	
Wodonga	Not opened	200 0 0	
Contingencies	2,459 7 4	
SCOTS CHURCH.							
Collins-street	No	Grant from the Crown		...	323 19 0	...	
North Melbourne	Yes	Grant from the Crown		
East Melbourne	Yes	Grant from the Crown		...	27 10 0	...	
Essendon	Formerly	Grant from the Crown		
Tullamarine	Yes	Private Gift		150 0 0	
Donnybrook	Yes	Grant from the Crown	...	...	...
Janefield	Occasionally	Private Gift	...	...	250 0 0
Campbellfield	No	Private Gift	...	90 0 0	45 5 0		
Wallan Wallan	Formerly	Grant from the Crown	...	...	103 8 3
Kangaroo Ground	Yes	Private Gift	...	...	...
Oakleigh	No	Private Property	...	...	...
Cranbourne	Yes	Grant from the Crown	...	100 0 0	49 2 6		
Geelong	Not used	Crown Grant	...	...	...
Belfast ... ..	...	...	...	...	...
Tower Hill ... ..	...	...	...	...	...
Portland ... ..	...	...	...	...	...
Campbell's Creek	No	Rented	...	...	...
Pitfield	Closed	...	...	...	...
Spring Flat	Occasionally	Crown Land	...	...	...
Stratford	Held in the Presbyterian Church	...	...	...	...
Skipton	Not used	Grant from the Crown	...	...	...
King-street, Melbourne	Closed	Rented Building	...	...	...
Glenronald	Closed	Rented Building	...	...	...
Contingencies ... ..	...	...	...	...	...
FREE CHURCH.							
John Knox	No	Purchase	...	...	...
South Melbourne	No	Grant from the Crown	...	...	267 10 0
Emerald Hill	Formerly	Grant from the Crown	...	318 5 7	37 10 0		
Collingwood	No	Rented Building	...	...	...
Richmond	Used	Grant from the Crown	...	...	...
Cremorne-street	No	Purchase	...	249 18 9	312 10 0		
Hawthorn	Closed	Grant from the Crown	...	...	...
St. Kilda	Used	Purchased	...	...	...
East Prahran	Formerly	Private Gift	...	...	...
Brunswick	Yes	Grant from the Crown	...	263 9 5	...		
Templestowe	Yes	Private Property	...	105 0 0	...		
Williamstown	Used	Rented Building	...	...	...
Euroke	Yes	Private Gift	...	50 0 0	10 0 0		
Kilmore	Used	Grant from the Crown	...	...	...
Geelong	No	Grant from the Crown	...	...	...
Gaelic School	Yes	Grant from the Crown	...	315 9 4	...		
Ashby	Not used	Grant from the Crown	...	...	100 0 0
Bellarine	Occasionally	Private Gift	...	...	...
East Bellarine	Yes	Leasehold	...	...	...
Lethbridge	Yes	Grant from the Crown	...	80 0 0	56 13 0		
River Leigh	Used	Private Gift	...	200 0 0	...		
Inverleigh	Used	Grant from the Crown	...	80 0 0	...		
Russell's Bridge	Used	Crown Grant	...	...	111 12 2
Sutherland's Creek	Yes	Grant from the Crown	...	160 0 0	144 5 2		
Dunedee	Not used	Private Gift	...	...	150 0 0
Rokewood	Yes	Purchased	...	...	121 11 0
Lexton	No Schoolhouse	Church used as a School	...	...	...

DENOMINATIONAL SCHOOLS—continued.

TOTAL.	SCHOOL FEES.							
	1851.	1852.	1853.	1854.	1855.	1856.	1857.	TOTAL.
£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.
222 0 0
100 0 0
100 0 0
129 15 0
150 0 0
150 0 0
120 0 0
200 0 0
673 14 0	1,148 0 6	1,747 5 8	4,032 15 1	6,308 0 4	7,816 1 1	10,118 18 9	13,267 7 0	44,438 8 5
...
823 19 0	94 17 7	347 8 0	325 10 0	371 3 3	451 15 0	92 10 0	179 16 3	1863 0 1
...	195 18 9	149 0 9	344 19 6
924 8 0	120 2 7	126 3 0	61 14 9	74 7 0	382 7 4
...	90 10 3	71 13 9	100 14 9	60 16 5	323 15 2
150 0 0	12 17 6	23 0 6	40 1 0	75 19 0
...	40 9 3	17 16 0	65 15 6	124 0 9
250 0 0	55 8 11	34 6 5	25 11 3	30 14 10	146 1 5
585 5 0	26 8 3	5 14 6	14 2 6	90 1 0	106 15 6	108 4 8	113 5 9	484 12 2
103 8 3	43 0 7	43 0 7
...	18 2 1	30 14 0	63 14 0	67 16 6	61 2 6	50 19 0	47 15 0	340 3 1
...	30 0 0	30 0 0
149 2 6	21 13 0	53 6 8	74 19 8
200 0 0	31 18 6	86 1 2	137 3 6	138 1 0	194 13 0	201 9 6	197 3 0	987 9 8
...	16 7 0	163 15 0	113 2 0	50 4 0	13 1 0	356 9 0
...	39 1 3	39 1 3
...	63 2 7	51 4 0	78 17 3	145 5 0	126 15 3	78 11 6	...	543 15 7
...	28 5 6	28 5 6
...	17 15 0	17 15 0
...	39 4 0	39 4 0
...
...	66 7 9	...	...	...	...	...	...	66 7 9
...
86 2 9	350 9 10	609 1 2	711 11 8	1,270 6 3	1,340 13 2	1,028 7 8	1,222 9 6	6,532 19 3
...
20 0 0	...	170 3 0	613 6 0	606 14 0	359 8 0	125 6 0	196 10 0	2,071 7 0
37 10 0	38 17 6	123 3 6	137 17 0	177 15 9	477 13 9
99 2 3	45 5 9	97 1 3	128 19 6	194 8 11	465 15 5
...	45 6 0	143 14 9	189 0 9
5 19 0	119 3 6	102 12 0	81 13 9	28 6 3	331 15 6
86 14 9	64 3 3	120 11 6	190 12 0	375 6 9
...	7 19 0	25 9 0	33 8 0
...	23 12 6	71 17 6	95 10 0
6 7 3	147 3 6	85 19 0	77 18 3	96 19 4	408 0 1
4 16 4	50 15 9	97 15 0	89 8 3	237 19 0
5 0 0	9 1 0	49 6 2	64 4 1	55 1 4	60 14 3	238 6 10
...	98 11 0	75 17 0	83 18 0	106 14 0	365 0 0
2 0 0	45 7 6	153 11 6	116 4 6	89 14 4	404 17 10
4 9 6	...	37 7 9	73 12 9	65 16 8	75 7 0	51 9 0	45 17 9	350 0 11
0 0 0	288 8 11	460 4 11	461 18 10	311 16 6	339 2 0	1,861 11 2
2 2 8	3 16 0	91 14 0	117 1 0	93 3 6	305 14 6
...
6 3 4	...	81 2 11	151 9 6	134 10 0	144 12 0	105 16 0	128 5 9	745 16 2
...	...	28 10 3	32 15 3	26 0 0	35 0 6	34 12 6	83 9 6	240 8 0
...	20 1 6	34 7 3	40 9 9	47 9 6	142 8 0
6 13 0	10 18 0	10 8 1	21 6 1
0 0 0	44 15 0	29 9 6	74 4 6
0 0 0	21 16 4	55 7 0	77 3 4
1 12 2	6 7 0	6 7 0
4 5 2	33 12 8	33 12 8
0 0 0	8 18 0	8 18 0
1 11 0
...	192 18 6	187 1 8	34 16 0	414 16 2

SCHOOL-HOUSE.	Used for Public Worship now or formerly.	Site obtained by purchase, Private Gift, or Grant from the Crown.	Conveyance, or Bond, subject to Rule of the Denominational School Board, or otherwise.	LOCAL CONTRIBUTION			
				1852.	1853.	1854.	
				£ s. d.	£ s. d.	£ s. d.	
CHURCH OF ENGLAND <i>—continued.</i>							
Inverleigh	Not used	Crown Grant	In Crown grants of land for school purposes only are held by the Board to be legally secured for the specific purposes of public education. In the case of conveyances of private land, the Board has ascertained, in most instances with legal advice, that the sites are secured for the sole purposes of public education. In some special cases, a bond to return the money, in the event of the building being diverted to other purposes, has been accepted, with the approval of the Board's solicitor.	
Whipstick	Occasionally	Crown Land		
Mount Pollock	Not opened	
Glenderuel	Not opened	
Stratford	Not opened	
Addington	Not opened	
Mount Beckwith	Not opened	
Wodonga	Not opened	
Contingencies	600 0 0	5,057 2 5	4,812 0
SCOTS CHURCH.							
Collins-street	No	Grant from the Crown	...	...	...
North Melbourne	Yes	Grant from the Crown	...	...	...
East Melbourne	Yes	Grant from the Crown	...	706 10 10	241 18		
Essendon	Formerly	Grant from the Crown	...	...	...
Tullamarine	Yes	Private Gift	...	...	...
Donnybrook	Yes	Grant from the Crown	...	...	...
Janefield	Occasionally	Private Gift	...	...	...
Campbellfield	No	Private Gift	...	...	...
Wallan Wallan	Formerly	Grant from the Crown	...	...	...
Kangaroo Ground	Yes	Private Gift	...	...	...
Oakleigh	No	Private Property	...	...	...
Cranbourne	Yes	Grant from the Crown	...	...	...
Geelong	Not used	Crown Grant	...	...	...
Belfast ... ..	...	...	...	...	...
Tower Hill ... ..	...	...	...	...	...
Portland ... ..	...	...	...	...	...
Campbell's Creek	No	Rented	...	...	...
Pitfield	Closed	...	...	...	...
Spring Flat	Occasionally	Crown Land	...	...	...
Stratford	} Held in the Presbyterian Church }	...	...	...	...
Skipton		Not used	Grant from the Crown	
King-street, Melbourne	Closed	Rented Building	...	...	...
Glenronald	Closed	Rented Building	...	...	...
Contingencies ... ..	...	...	...	706 10 10	241 18
FREE CHURCH.							
John Knox	No	Purchase	...	10 0 0	...		
South Melbourne	No	Grant from the Crown	...	...	...
Emerald Hill	Formerly	Grant from the Crown	...	...	100 0
Collingwood	No	Rented Building	...	...	...
Richmond	Used	Grant from the Crown	...	400 0 0	137 19		
Cremorne-street	No	Purchase	...	...	...
Hawthorn	Closed	Grant from the Crown	...	...	...
St. Kilda	Used	Purchased	...	...	...
East Prahran	Formerly	Private Gift	...	...	350 0
Brunswick	Yes	Grant from the Crown	...	...	...
Templestowe	Yes	Private Property	...	...	...
Williamstown	Used	Rented Building	...	...	...
Euroke	Yes	Private Gift	...	...	367 10
Kilmore	Used	Grant from the Crown	...	...	172 4
Geelong	No	Grant from the Crown	...	80 0 0	1,320 0		
Gaelic School	Yes	Grant from the Crown	...	...	483 6
Ashby	Not used	Grant from the Crown	...	...	...
Bellarine	Occasionally	Private Gift	...	306 18 4	...		
East Bellarine	Yes	Leasehold	...	...	...
Lethbridge	Yes	Grant from the Crown	...	...	...
River Leigh	Used	Private Gift	...	...	...
Inverleigh	Used	Grant from the Crown	...	...	...
Russell's Bridge	Used	Crown Grant	...	...	...
Sutherland's Creek	Yes	Grant from the Crown	...	...	...
Duneed	Not used	Private Gift	...	...	...
Rokewood	Yes	Purchased	...	...	...
Lexton	No Schoolhouse	Church used as a School	...	...	...

ANNUAL EXPENDITURE ON

SCHOOL-HOUSE.	Used for Public Worship now or formerly.	Site obtained by Purchase, Private Gift, or Grant from the Crown.	Conveyance, or Bond, subject to Rule of the Denominational School Board, or otherwise.	1851.			1852.			1853.					
				£	s.	d.	£	s.	d.	£	s.	d.			
FREE CHURCH*— <i>continued.</i>															
Carngham	Used	Rented Building	In Crown grants of land, for school purposes only, are held by the Board to be legally secured for the specific purposes of public education. In the case of conveyances of private land, the Board has ascertained, in most instances with legal advice, that the sites are secured for the sole purposes of public education. In some special cases, a bond to return the money, in the event of the building being diverted to other purposes, has been accepted, with the approval of the Board's solicitor.												
Burrumbeet	Yes	Purchased													
Sandhurst	Yes	Grant from the Crown													
Ballaarat	Used	Crown Grant													
Portland	Used	Crown Grant													
Narawong	Yes	Private Gift													
Strathdownie	No	Crown Land													
Buninyong	Used	Crown Grant					70	0	0	120	0	0	195	17	10
Soldier's Hill	Used	Crown Grant													
Ballaarat Gaelic	Yes	Crown Land													
Alma Road	Closed	Purchased													
The Plains	No	Private Property													
Teesdale	Yes	Crown Grant													
Mount Blowhard	Yes	Purchase													
Steiglitz	Occasionally	Crown Land													
Barrabool Hills	No	Private Gift													
Allanvale	Not used	Occupied by permission													
Contingencies					70	0	0	203	4	6	1,092	2	1
UNITED PRESBYTERIAN.*															
Warrnambool	Closed											24	4	1
WESLEYAN.*															
Collins-street	School removed	... ..				40	0	0	68	16	4	146	5	0
Lonsdale-street	Formerly	Grant from the Crown				50	0	0	68	16	4	163	2	0	
North Melbourne	Yes	Grant from the Crown													
Collingwood	No	Purchased				40	0	0	68	16	4	123	15	0	
Charles-street, Coll.	Yes	Purchased													
Emerald Hill	Yes	Grant from the Crown													
Richmond	No	Purchased				35	0	0				70	0	0	
Sandridge	Yes	Grant from the Crown													
St. Kilda	Formerly	Grant from the Crown													
Prahran	No	Grant from the Crown										25	0	0	
Mount Erica	Yes	Purchased													
Brighton	Yes	Purchased				40	0	0	60	0	0	112	10	0	
East Brighton	Yes	Purchased													
Little Brighton	Yes	Purchased													
Moorabbin	Yes	Purchased													
Oakleigh	Yes	Purchased													
Brunswick	No	Grant from the Crown													
Preston	Yes	Purchased													
Newmarket	Yes	Purchased													
Keilbundora	Yes	Purchased													
Mickleham	Yes	Purchased													
Tullamarine	Yes	Purchased													
Nunawading	Yes	Purchased													
Geelong	No	Grant from the Crown				60	0	0	75	0	0	168	15	0	
South Geelong	Yes	Grant from the Crown													
East Geelong	Yes	Grant from the Crown													
Chilwell	No	Purchased													
Newtown	Yes	Purchased				30	0	0	55	0	0	122	10	0	
Newtown, West	Yes	Grant from the Crown													
Devonchurch	Yes	Purchased													
Ceres	Yes	Purchased													
Castlemaine	No	Grant from the Crown													
Wesley Hill	Yes	Grant from the Crown													
Old Post Office Hill	Yes	Grant from the Crown													
Fryer's Creek	Yes	Grant from the Crown													
Sandhurst	Yes	Grant from the Crown													
Golden Square	Yes	Grant from the Crown													
White Hills	Yes	Grant from the Crown													
Kangaroo Flat	Yes	Grant from the Crown													
Lockwood	Yes	Grant from the Crown													
Ballaarat	No	Grant from the Crown													

* Information on these Schools occupies pp. 46, 47, 48, 49, 50, 51.

DENOMINATIONAL SCHOOLS.

SCHOOL FEES.								
TOTAL.	1851.	1852.	1853.	1854.	1855.	1856.	1857.	TOTAL.
£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.
160 0 0	15 16 0	21 14 0	37 10 3
130 0 0	55 8 6	55 8 6
978 0 0	129 6 3	229 0 6	318 2 0	676 8 9
266 17 9	115 9 0	252 6 6	232 2 0	152 15 0	752 12 6
341 17 6	26 9 9	34 2 6	...	60 12 3
...	36 2 6	36 2 6
...	25 0 0	25 0 0
697 15 6	91 0 0	58 4 0	138 10 0	90 10 0	89 6 8	115 5 6	114 12 3	697 8 5
295 0 0	34 12 6	34 12 6
154 15 6	60 16 6	60 16 6
...	16 2 0	16 2 0
...	39 12 4	80 1 0	30 16 9	...	...	150 10 1
30 0 0
150 0 0
100 0 0
485 0 0
...
393 12 8	91 0 0	375 7 11	1,346 15 9	2,146 18 0	2,740 19 4	2,654 4 7	3,223 15 10	12,579 1 5
...
...	95 0 0	...	...	...	23 14 6	118 14 6
...	95 0 0	...	...	...	23 14 6	118 14 6
750 0 0	64 18 9	108 14 11	104 10 6	77 0 4	88 2 6	91 15 9	82 9 7	617 12 4
...	78 14 3	159 5 8	195 17 2	275 2 0	180 9 6	146 18 0	64 14 0	1,101 0 7
...	94 4 6	326 19 9	242 1 8	277 5 10	940 11 9
750 0 0	48 18 11	184 11 2	281 6 2	390 17 3	139 12 5	196 13 2	217 19 9	1,459 18 10
332 2 4	149 17 6	123 4 1	90 6 2	82 1 9	445 9 6
500 0 0	121 19 6	290 10 9	210 14 3	249 17 9	873 2 3
354 3 1	22 15 4	...	74 10 0	130 3 6	96 15 6	127 14 0	121 17 6	573 15 10
500 0 0	105 19 0	123 5 10	105 13 1	72 11 3	407 9 2
...	127 7 0	121 17 6	98 19 2	...	348 3 8
6 15 8	37 5 0	173 12 6	128 6 11	121 15 9	95 6 0	556 6 2
...	43 17 0	46 13 0	38 14 0	129 4 0
...	13 3 9	55 9 11	100 9 0	...	55 12 6	54 4 9	76 19 6	355 19 5
...	7 2 0	58 9 9	49 7 3	40 17 9	155 16 9
...	104 7 8	77 1 6	52 1 0	47 8 0	280 18 2
200 0 0	34 5 6	76 9 4	70 5 2	55 2 10	236 2 10
100 0 0	47 0 0	74 6 0	85 3 6	206 9 6
...	119 6 2	177 9 4	67 3 0	53 8 0	59 15 10	477 2 4
...	59 8 8	91 4 5	89 2 6	100 2 0	339 17 7
100 0 0	19 15 0	99 9 11	104 12 10	135 13 1	359 10 10
100 0 0	53 3 6	43 2 9	51 16 6	148 2 9
...	53 8 8	60 16 0	58 4 10	172 9 6
...	15 12 0	79 16 6	63 3 3	158 11 9
40 0 0	69 6 0	69 6 0
15 16 8	92 19 6	205 9 4	322 5 0	351 7 6	189 13 6	171 2 6	128 16 6	1,461 13 10
58 13 4	10 14 6	105 8 0	90 6 0	58 17 8	265 6 2
90 0 0	27 17 6	83 11 5	76 0 0	187 8 11
54 3 0	75 11 1	176 4 6	202 8 6	179 19 6	187 19 6	822 3 1
...	44 19 1	97 12 5	121 5 3	185 18 3	127 4 9	135 1 0	128 1 3	840 2 0
...	54 17 0	50 1 0	31 5 6	136 3 6
...	41 12 6	28 11 0	41 11 0	111 14 6
...	3 7 2	31 19 2	54 12 4	89 18 8
00 0 0	74 1 0	67 6 0	129 11 0	151 8 6	159 9 6	581 16 0
...	131 9 0	230 15 6	239 10 6	273 17 0	875 12 0
...	125 17 0	123 6 6	174 17 6	424 1 0
...	5 5 0	44 18 0	95 6 0	145 9 0
65 0 0	84 16 0	253 5 6	233 5 6	244 14 0	167 8 0	983 9 0
62 0 0	83 8 6	214 7 6	264 19 6	202 14 0	765 9 6
50 0 0	47 12 0	148 12 10	139 2 6	119 7 0	121 12 0	576 6 4
...	31 8 0	148 5 6	141 15 6	99 19 6	421 8 6
50 0 0	37 6 0	62 8 0	52 18 6	44 6 6	196 19 0
00 0 0	193 12 3	183 16 6	174 5 9	283 8 0	835 2 6

ANNUAL EXPENDITURE ON

SCHOOL-HOUSE.	Used for Public Worship now or formerly.	Site obtained by Purchase, Private Gift, or Grant from the Crown.	Conveyance, or Bond, subject to Rule of the Denominational School Board, or otherwise.	LOCAL CONTRIBUTIONS		
				1852.	1853.	1854.
FREE CHURCH— <i>continued.</i>				£ s. d.	£ s. d.	£ s. d.
Carngham	Used	Rented Building	In the case of conveyances of private land, the Board has ascertained, in most instances with legal advice, that the sites are secured for the sole purposes of public education. In some special cases, a bond to return the money, in the event of the building being diverted to other purposes, has been accepted, with the approval of the Board's solicitor.
Burrumbeet	Yes	Purchased	
Sandhurst	Yes	Grant from the Crown	
Ballaarat	Used	Crown Grant	
Portland	Used	Crown Grant	
Narawong	Yes	Private Gift	
Strathdownie	No	Crown Land	
Buninyong	Used	Crown Grant	
Soldiers' Hill	Used	Crown Grant	
Ballaarat Gaelic	Yes	Crown Land	
Alma Road	Closed	Purchased	
The Plains	No	Private Property	
Teesdale	Yes	Crown Grant	
Mount Blowhard	Yes	Purchase	
Steiglitz	Occasionally	Crown Land	
Barrabool Hills	No	Private Gift	
Allanvale	Not used	Occupied by permission	
Contingencies	796 18 4	2,931 0 11
UNITED PRESBYTERIAN.			
Warrnambool	Closed	... ..	...	...	...
WESLEYAN.			
Collins-street	School removed	... ..	...	...	...
Lonsdale-street	Formerly	Grant from the Crown	...	...	...
North Melbourne	Yes	Grant from the Crown	...	...	...
Collingwood	No	Purchased	...	...	...
Charles-street, Coll.	Yes	Purchased	...	...	152 0
Emerald Hill	Yes	Grant from the Crown	...	...	315 0
Richmond	No	Purchased	...	228 16 11	...	
Sandridge	Yes	Grant from the Crown	...	...	300 0
St. Kilda	Formerly	Grant from the Crown	...	...	...
Prahran	No	Grant from the Crown	...	...	...
Mount Erica	Yes	Purchased	...	...	...
Brighton	Yes	Purchased	...	...	...
East Brighton	Yes	Purchased	...	...	...
Little Brighton	Yes	Purchased	...	...	...
Moorabbin	Yes	Purchased	...	...	...
Oakleigh	Yes	Grant from the Crown	...	...	...
Brunswick	No	Purchased	...	...	...
Preston	Yes	Purchased	...	...	...
Newmarket	Yes	Purchased	...	...	...
Keilbundora	Yes	Purchased	...	...	200 0
Mickleham	Yes	Purchased	...	...	...
Tullamarine	Yes	Purchased	...	...	...
Nunawading	Yes	Purchased	...	...	...
Geelong	No	Grant from the Crown	...	...	...
South Geelong	Yes	Grant from the Crown	...	...	433 6
East Geelong	Yes	Grant from the Crown	...	...	...
Chilwell	No	Purchased	...	298 2 0	...	
Newtown	Yes	Purchased	...	...	...
Newtown West	Yes	Grant from the Crown	...	...	...
Devonchurch	Yes	Purchased	...	...	...
Ceres	Yes	Purchased	...	...	...
Castlemaine	No	Grant from the Crown	...	...	200 0
Wesley Hill	Yes	Grant from the Crown	...	...	...
Old Post Office Hill	Yes	Grant from the Crown	...	...	...
Fryer's Creek	Yes	Grant from the Crown	...	...	...
Sandhurst	Yes	Grant from the Crown	...	...	300 0
Golden-square	Yes	Grant from the Crown	...	...	...
White Hills	Yes	Grant from the Crown	...	...	...
Kangaroo Flat	Yes	Grant from the Crown	...	...	...
Lockwood	Yes	Grant from the Crown	...	...	...
Ballaarat	No	Grant from the Crown	...	...	500 0

DENOMINATIONAL SCHOOLS—continued.

TOWARDS SCHOOL BUILDINGS.				MISCELLANEOUS.					
1855.	1856.	1857.	TOTAL.	1853.	1854.	1855.	1856.	1857.	TOTAL.
£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.
...	...	5 0 0	5 0 0	...	...	...	...	...	...
...	...	130 0 0	130 0 0	...	...	...	...	...	...
400 0 0	578 0 0	...	978 0 0	...	...	...	...	...	...
84 15 7	182 2 2	...	266 17 9	...	...	...	...	...	...
...	341 17 6	...	341 17 6	...	...	...	...	...	...
...
...	...	220 0 0	220 0 0	...	...	...	...	11 15 6	11 15 6
...	...	154 15 6	154 15 6	...	...	...	...	...	...
...
...	...	150 0 0	150 0 0	...	...	...	...	...	...
...	...	50 0 0	50 0 0	...	...	...	...	...	...
...	...	485 0 0	485 0 0	...	...	...	...	...	...
...
48 16 5	2,819 2 9	2,306 6 10	10,802 5 3	...	...	...	20 10 0	80 1 8	} 113 3 8
...	6 6 0	6 6 0	
...
...
75 0 0	375 0 0	...	...	...	...	2 5 0	2 5 0
...
00 0 0	...	150 0 0	750 0 0	...	...	...	...	...	...
...	...	30 0 0	182 0 0	...	...	...	...	...	...
...	315 0 0	...	...	...	...	...	...
...	228 16 11	...	...	...	...	...	...
...	300 0 0	...	...	...	...	...	...
...
...	...	6 15 8	6 15 8	...	...	...	...	4 16 0	4 16 0
...
...
0 0 0	200 0 0	...	...	...	...	...	...
0 16 0	100 16 0	...	...	...	...	...	...
...
...
0 0 0	...	100 0 0	400 0 0	...	...	...	...	...	...
...	200 0 0	...	...	...	...	...	...
...
...	...	90 5 0	90 5 0	...	...	...	...	...	...
3 4	267 3 4	...	...	...	...	...	...
...	...	90 0 0	523 6 8	...	...	...	...	...	...
...	...	90 0 0	90 0 0	...	...	...	...	...	...
...	298 2 0	...	...	...	...	10 0 0	10 0 0
...
...
...	200 0 0	...	...	...	...	...	...
...
0 0
...	425 0 0	...	...	...	...	...	...
...	...	162 15 0	162 15 0	...	...	...	...	...	...
...	...	160 0 0	160 0 0	...	...	...	...	...	...
...
...	...	189 5 0	189 5 0	...	...	...	...	...	...
...	500 0 0	...	...	...	...	1 10 0	1 10 0

SCHOOL-HOUSE.	Used for Public Worship now or formerly.	Site obtained by Purchase, Private Gift, or Grant from the Crown.	Conveyance, or Bond, subject to Rule of the Denominational School Board, or otherwise.	ANNUAL EXPENDITURE ON		
				1851.	1852.	1853.
			£ s. d.	£ s. d.	£ s. d.	
WESLEYAN*—continued.						
Creswick	Yes	Grant from the Crown	...	...	...
Mount Pleasant	Yes	Grant from the Crown	...	...	...
Avoca	Yes	Grant from the Crown	...	...	...
Beechworth	No	Grant from the Crown	...	...	...
Portland	Used	Grant from the Crown	...	40 0 0	90 0 0	
Brown Hills	Used	Crown Land	...	...	...
German Town	Used	Grant from the Crown	...	...	...
Fresh Water Creek	Used	Purchased	...	...	...
Canadian Gully	Used	Crown Land	...	...	...
Magpie Gully	Used	Crown Land	...	...	...
Green Hills and Durham Lead	Used	Crown Land	...	...	...
Wendowree	Used	Purchased	...	...	...
Ballaarat, East	Used	Crown Land	...	...	...
California Hill	Used	Grant from the Crown	...	...	...
Back Creek... ..	Used	Crown Land	...	...	...
Specimen Hill	Used	Crown Land	...	...	...
Yan Yean	Used	Purchased	...	...	...
Belfast	Not used	Purchased	...	...	...
North Portland	Used	Grant from the Crown	...	...	...
Lake Learmonth	Used	Grant from the Crown	...	...	...
Hardie's Hill	Used	Crown Land	...	...	...
Miner's Rest	Used	Grant from the Crown	...	...	...
One Mile Hill	Used	Crown Land	...	...	...
Carngham	Used	Crown Land	...	...	...
Barker's Creek	Used	Crown Land	...	...	...
Mount Franklin	Yes	Crown Land	...	...	...
Beaumaris	Used	Purchased	...	...	...
Tylden	Used	Purchased	...	...	...
Hawthorn	Closed	Crown Grant	...	...	...
Pentridge	Closed	Crown Grant	35 0 0	...	...
Steiglitz	Closed	Crown Land	...	...	...
			330 0 0	436 9 0	1,412 1 0	
WESLEYAN METHO-DIST ASSOCIATION.*						
Ashby	Yes	Purchased	...	...	...
Nunawading	Yes	Private Gift	...	...	...
South Geelong	Yes	Purchased	...	...	...
PRIMITIVE METHODISTS.*						
Campbell's Creek	Yes	{ Grant from the Crown } { for religious purposes }	...	...	...
INDEPENDENT.*						
Collins-street	No	Grant from the Crown	110 0 0	100 0 0	237 10 0	
South Melbourne	No	Rented Building	...	...	...
Derby-street, Coll.	No	Rented Building	...	35 19 5	112 10 0	
Flemington	Yes	Grant from the Crown	...	41 5 0	...	
Brighton	Closed	...	...	...	...
Rothwell	Yes	Crown Land	...	...	...
Kyneton	Yes	Purchased	...	...	...
Mount Clear	Yes	Crown Land	...	...	...
Little Bourke-street	Closed	Rented Building	43 0 0	65 0 0	...	
Prahran	Closed	...	...	48 10 5	...
Bacchus Marsh	Closed	Private Gift	...	...	...
			153 0 0	290 14 10	350 0 0	
BAPTIST.*						
Collingwood	Yes	Rented Building	...	...	...
Cotham	No	Private Property	...	...	...

Crown grants of land for school purposes only are held by the Board to be legally secured for the specific purposes of public education. In the case of conveyances of private land, the Board has ascertained, in most instances with legal advice, that the sites are secured for the sole purposes of public education. In some special cases a bond to return the money, in the event of the building being diverted to other purposes, has been accepted, with the approval of the Board's solicitor.

* Information on these Schools occupies pp. 52, 53, 54, 55, 56, 57.

DENOMINATIONAL SCHOOLS—continued.

SCHOOL FEES.								
TOTAL.	1851.	1852.	1853.	1854.	1855.	1856.	1857.	TOTAL.
£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.
345 14 0	14 5 6	171 6 0	99 16 9	83 0 0	368 8 3
...	104 1 0	209 19 0	160 4 0	474 4 0
850 0 0	69 10 6	110 10 0	82 14 6	262 15 0
...	...	31 10 9	74 19 6	87 2 0	221 17 6	206 3 5	138 5 6	566 6 5
133 6 8	74 5 9	46 3 3	...	314 1 3
...	72 9 0	72 9 0
...	19 11 6	...	5 8 0	24 19 6
60 0 0	18 5 0	18 5 0
75 0 0	59 2 6	59 2 6
...	30 5 0	30 5 0
...
...	35 14 0	35 14 0
...	8 13 6	8 13 6
...	20 0 6	20 0 6
...	26 16 0	26 16 0
...	6 8 0	6 8 0
...	6 16 6	6 16 6
...	9 2 9	9 2 9
...	17 4 0	17 4 0
100 0 0	11 15 0	11 15 0
...	5 2 6	5 2 6
...
...
...
...
...
...	27 5 0	56 18 6	...	84 3 6
...
200 0 0	32 3 3	83 11 5	41 8 9	...	157 3 5
...	27 10 7	...	...	...	...	...	...	27 10 7
...	19 13 9	19 13 9
...
40 14 9	394 0 2	842 14 2	1,713 13 10	3,852 14 10	5,354 7 11	5,309 1 9	5,293 12 3	22,760 4 11
...	48 9 6	159 12 6	97 12 2	305 14 2
...	19 19 6	19 19 6
...
...	48 9 6	159 12 6	117 11 8	325 13 8
...
...	42 13 6	42 13 6
...	42 13 6	42 13 6
3 15 11	339 19 0	113 7 0	224 14 6	208 9 0	155 9 0	334 1 0	358 8 10	1,734 8 4
5 14 0	52 18 5	86 12 0	84 0 7	79 17 5	303 8 5
0 17 6	54 6 4	106 19 10	161 6 2
7 1 2	...	22 13 1	105 4 6	71 18 3	73 3 6	80 8 6	40 18 6	394 6 4
8 3 0	27 14 0	45 1 0	...	72 15 0
...	13 18 6	55 1 6	69 0 0
...	64 0 0	64 0 0
...	39 0 0	81 3 0	...	...	...	...	...	120 3 0
...	...	82 5 6	...	...	...	...	...	82 5 6
0 0 0	6 13 3	20 14 0	...	...	27 7 3
...
11 7	378 19 0	299 8 7	329 19 0	339 18 11	363 12 6	611 15 11	705 6 1	3,029 0 0
...
...	31 4 0	105 13 0	56 19 0	71 13 6	71 13 6
...	18 6 6	212 2 6
...	31 4 0	105 13 0	56 19 0	90 0 0	283 16 0

ANNUAL EXPENDITURE ON

SCHOOL-HOUSE.	Used for Public Worship now or formerly.	Site obtained by Purchase, Private Gift, or Grant from the Crown.	Conveyance or Bond, subject to Rule of the Denominational School Board, or otherwise.	LOCAL CONTRIBUTIONS		
				1852.	1853.	1854.
			£ s. d.	£ s. d.	£ s. d.	
WESLEYAN—continued.						
Creswick	Yes	Grant from the Crown	...	...	...
Mount Pleasant	Yes	Grant from the Crown	...	...	...
Avoca	Yes	Grant from the Crown	...	...	...
Beechworth	No	Grant from the Crown	...	...	...
Portland	Used	Grant from the Crown	...	...	...
Brown Hills	Used	Crown Land	...	...	...
German Town	Used	Grant from the Crown	...	...	...
Fresh Water Creek	Used	Purchased	...	...	...
Canadian Gully	Used	Crown Land	...	...	...
Magpie Gully	Used	Crown Land	...	...	...
Green Hills and Durham Lead	Used	Crown Land	...	...	...
Wendowree	Used	Purchased	...	...	...
Ballaarat, East	Used	Crown Land	...	...	...
California Gully	Used	Grant from the Crown	...	...	...
Back Creek	Used	Crown Land	...	...	...
Specimen Hill	Used	Crown Land	...	...	...
Yan Yean	Used	Purchased	...	...	...
Belfast	Not used	Purchased	...	...	...
North Portland	Used	Grant from the Crown	...	...	...
Lake Learmonth	Used	Grant from the Crown	...	...	...
Hardies' Hill	Used	Crown Land	...	...	...
Miners' Rest	Used	Grant from the Crown	...	...	...
One Mile Hill	Used	Crown Land	...	...	...
Carngham	Used	Crown Land	...	...	...
Barker's Creek	Used	Crown Land	...	...	...
Mount Franklin	Yes	Crown Land	...	...	...
Beaumaris	Used	Purchased	...	...	...
Tylden	Used	Purchased	...	...	...
Hawthorn	Closed	Crown Grant	...	...	...
Pentridge	Closed	Crown Grant	...	...	...
Steiglitz	Closed	Crown Land	...	...	...
			...	526 18 11	2,400 6 8	
WESLEYAN METHO-DIST ASSOCIATION.						
Ashby	Yes	Purchased	...	...	...
Nunawading	Yes	Private Gift	...	...	...
South Geelong	Yes	Purchased	...	...	...
PRIMITIVE METHODISTS.						
Campbell's Creek	Yes	{ Grant from the Crown } { for religious purposes }	...	...	...
INDEPENDENT.						
Collins-street	No	Grant from the Crown	...	606 13 4	...	
South Melbourne	No	Rented Building	...	...	27 17
Derby-street, Coll.	No	Rented Building	...	...	...
Flemington	Yes	Grant from the Crown	...	197 18 4	...	
Brighton	Closed	...	...	...	...
Rothwell	Yes	Crown Land	...	...	...
Kyneton	Yes	Purchased	...	...	...
Mount Clear	Yes	Crown Land	...	...	...
Little Bourke-street	Closed	Rented Building	...	...	150 0
Prahran	Closed	...	...	...	...
Bacchus Marsh	Closed	Private Gift	...	...	...
			...	804 11 8	177 17	
BAPTIST.						
Collingwood	Yes	Rented Building	...	...	...
Cotham	No	Private Property	...	...	...

Crown grants of land, for school purposes only, are held by the Board to be legally secured for the specific purposes of public education. In the case of conveyances of private land, the Board has ascertained, in most instances with legal advice, that the sites are secured for the sole purposes of public education. In some special cases, a bond to return the money, in the event of the building being diverted to other purposes, has been accepted, with the approval of the Board's solicitor.

37372

ANNUAL EXPENDITURE ON

SCHOOL-HOUSE.	Used for Public Worship now or formerly.	Site obtained by Purchase, Private Gift, or Grant from the Crown.	Conveyance, or Bond, subject to Rule of the Denominational School Board, or otherwise.	ANNUAL EXPENDITURE ON			
				1851.	1852.	1853.	
				£ s. d.	£ s. d.	£ s. d.	
LUTHERAN.*							
Mecklenberg	Yes	Private Gift	In Crown grants of land for school purposes only are held by the Board to be legally secured for the specific purposes of public education. In the case of conveyances of private land, the Board has ascertained, in most instances with legal advice, that the sites are secured for the sole purposes of public education. In some special cases, a bond to return the money, in the event of the building being diverted to other purposes, has been accepted, with the approval of the Board's solicitor.	
Berwick	No	Private Property		
German Town	Yes	Purchased		
Sandhurst	Yes	Grant from the Crown		
Richmond Flat	Closed	
Contingencies	
BIBLE CHRISTIANS.*							
Collingwood	Yes	Rented Building		
CONGREGATIONAL.*							
Errol-street	Yes	Leasehold		
COMBINED.*							
Mansfield	Occasionally	Purchased		
St. Arnaud	
Beumaris	Closed	
Melton	
ROMAN CATHOLIC.*							
St. Francis'	Not used	Grant from the Crown	100 0 0	178 19 6	383 6		
St. Patrick's... ..	Used formerly	Grant from the Crown	80 0 0	120 0 0	333 12		
St. Augustine's	Used	Grant from the Crown	40 0 0	112 9 11	268 6		
North Melbourne	Used	Grant from the Crown	...	...	...
St. George's... ..	Used	Grant from the Crown	...	...	...
Abbotsford-street	Not used	Rented Building	...	...	...
Russell-street	Not used	Rented Building	...	...	...
Collingwood, Little Napier-street	Not used	Private Property	40 0 0	45 0 0	130 0		
Collingwood Flat	Not used	Rented Building	...	...	...
Collingwood Quarries	Not used	Rented Building	...	...	...
Hodgson's Road, Collingwood	Not used	Rented Building	...	...	...
Simpson's Road	Not used	Rented Building	...	...	...
Richmond	Yes	Grant from the Crown	40 0 0	22 10 0	117 13		
Hawthorn	Formerly	Grant from the Crown	...	...	...
Boroondara; removed to Nunawading	Yes	Grant from the Crown	22 10 0	39 13 11	72 18		
Emerald Hill	Yes	Grant from the Crown	...	...	...
Prahran	Yes	Grant from the Crown	...	...	...
Brighton	Yes	Private Gift	22 10 0	...	90 0		
Mount Pleasant	Not used	{ Not yet obtained from the Crown }	...	...	...
Lyndhurst	Not used	Private Property	...	...	...
Williamstown	Used	Grant from the Crown	35 0 0	52 10 0	119 13		
Warringal	Used	Grant from the Crown	30 0 0	41 19 6	90 0		
Pentridge	Formerly	Grant from the Crown	30 0 0	45 0 0	135 0		
Epping	Yes	Grant from the Crown	...	...	...
Woodstock	Not used	{ A hired building. A school-house is about to be erected on a site given by Mr. J. Whitby. }	...	...	...
Kingston	Not used	Private Gift	...	30 0 0	86 13		
Footscray	Used	Grant from the Crown	...	...	90 0
Essendon	Used	Grant from the Crown	...	...	16 18
Keilor... ..	Used	Grant from the Crown	...	...	167 13
Kilmore	Used	Grant from the Crown	30 0 0	45 0 0	...		
Kilmore Survey	Occasionally	Private Gift	...	...	31 18
Kyneton	Used	Grant from the Crown	...	30 0 0	308 15		
Geelong	No	Grant from the Crown	50 0 0	87 10 0	...		

* Information on these Schools occupies pp. 58, 59, 60, 61, 62, 63.

NON-DENOMINATIONAL SCHOOLS—continued.

GOVERNMENT AID.

SALARIES.					BUILDINGS.			
1854.	1855.	1856.	1857.	TOTAL.	1852.	1853.	1854.	1855.
£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.
...	25 0 0	100 0 0	100 0 0	225 0 0	...	...	...	82 10 0
...	...	50 0 0	48 15 0	98 15 0	...	...	...	...
50 0 0	100 0 0	100 0 0	150 0 0	400 0 0	...	...	...	...
...	...	...	15 9 11	15 9 11	...	...	...	...
...	5 2 1	50 0 0	...	55 2 1	...	...	...	...
...
50 0 0	130 2 1	300 0 0	314 4 11	794 7 0	...	...	...	82 10 0
...	...	...	155 0 0	155 0 0	...	...	...	...
...	...	...	155 0 0	155 0 0	...	...	...	...
...	...	...	240 11 8	240 11 8	...	...	...	...
...	...	...	240 11 8	240 11 8	...	...	...	...
...
...	...	...	27 8 10	27 8 10	...	...	...	...
...	...	...	145 0 0	145 0 0	...	...	...	...
...
...	...	...	172 8 10	172 8 10	...	...	...	...
5 0 0	547 10 0	555 0 0	575 0 0	2,954 16 2	...	...	...	...
3 11 8	485 0 0	362 14 10	402 13 0	2,317 12 4	...	460 9 2	...	...
1 17 10	475 0 0	453 11 7	465 16 5	2,247 2 3	200 0 0	350 0 0	...	...
...	261 11 8	380 0 0	420 0 0	1,061 11 8	...	...	2,000 0 0	500 0 0
...	42 10 0	361 12 5	467 10 0	871 12 5	...	...	...	238 8 5
...	...	...	219 10 0	219 10 0	...	...	...	...
...	40 0 0	142 10 0	180 0 0	362 10 0	...	...	...	...
5 0 0	177 10 0	167 10 0	120 0 0	855 0 0	...	...	...	...
...	40 0 0	105 10 7	113 15 10	259 6 5	...	...	...	...
...	40 0 0	106 0 0	131 0 0	277 0 0	...	...	...	...
...	...	55 19 10	283 9 11	339 9 9	...	...	...	...
...	50 19 4	123 4 5	134 10 0	308 13 9	...	...	...	...
0 0 0	265 0 0	374 3 4	412 10 0	1,481 17 2	...	900 0 0	800 0 0	...
0 0 0	100 0 0	82 7 3	68 16 3	351 3 6	...	...	...	...
0 0 0	135 0 0	122 10 0	137 10 0	682 3 0	...	...	...	...
5 0 0	270 0 0	355 0 0	345 16 8	1,075 16 8	...	...	2,000 0 0	262 10 8
6 2 0	217 10 0	250 0 0	260 10 8	854 0 10	...	...	2,000 0 0	500 0 0
0 0 0	175 0 0	143 6 8	140 0 0	620 16 8	...	...	925 13 4	...
0 0 0	130 0 0	130 0 0	120 0 0	430 0 0	...	...	...	...
...	...	50 0 0	140 0 0	190 0 0	...	...	...	...
0 0 0	200 0 0	202 10 0	230 0 0	1,039 13 4	...	376 13 5	...	1,325 19 11
0 0 0	100 0 0	100 0 0	142 10 0	604 9 6	...	70 0 0	...	...
10 0 0	130 0 0	156 12 9	150 0 0	764 2 9	...	...	...	...
...	...	122 10 0	130 0 0	252 10 0	...	...	...	130 0 0
0 0 0	100 0 0	120 0 0	120 0 0	365 0 0	...	...	...	...
19 11	95 0 0	25 0 0	41 13 4	378 6 7	...	...	...	...
2 9	25 0 0	68 6 8	75 0 0	342 9 5	...	...	...	...
...	...	95 13 11	140 0 0	235 13 11	...	...	...	...
0 0 0	115 0 0	130 0 0	132 10 0	474 8 7	...	80 0 0	...	...
4 6	279 14 2	268 12 6	308 6 8	1,326 16 2	...	...	2,000 0 0	...
6 8	123 6 8	110 0 0	108 8 10	450 2 2	...	...	...	...
0 0 0	107 10 0	149 11 4	193 10 11	612 10 4	...	...	800 0 0	...
7 8	510 0 0	520 0 4	514 0 6	2,423 13 6	...	...	...	...

ANNUAL EXPENDITURE ON

SCHOOL-HOUSE.	Used for Public Worship now or formerly.	Site obtained by Purchase, Private Gift, or Grant from the Crown.	Conveyance, or Bond, subject to Rule of the Denominational School Board, or otherwise.	GOVERNMENT AID		
				BUILDINGS.		Grants in 1887, for Buildings, unclaimed to 8th November, 1888.
				1856.	1857.	
				£ s. d.	£ s. d.	£ s. d.
LUTHERAN.						
Mecklenberg	Yes	Private Gift	In the case of conveyances of private land, for school purposes only, are held by the Board to be legally secured for the specific purposes of public education. In the case of conveyances of private land, the Board has ascertained, in most instances with legal advice, that the sites are secured for the sole purposes of public education. In some special cases, a bond to return the money, in the event of the building being diverted to other purposes, has been accepted, with the approval of the Board's solicitor.
Berwick	No	Private Property	
German Town	Yes	Purchased	
Sandhurst	Yes	Grant from the Crown		...	250 0 0	...
Richmond Flat	Closed
Contingencies
				...	250 0 0	...
			
				...	2 15 1	...
				...	2 15 1	...
BIBLE CHRISTIANS.						
Collingwood	Yes	Rented Building		...	...
				2 15 1	...	
CONGREGATIONAL.						
Errol-street	Yes	Leasehold		...	...
				10 0 0	...	
				10 0 0	...	
COMBINED.						
Mansfield	Occasionally	Purchased		...	...
St. Arnaud ... ..	...	...		...	...
Beaumaris	Closed	...		...	...
Melton ... ..	...	...		...	...
ROMAN CATHOLIC.						
St. Francis'	Not used	Grant from the Crown		11 3 3	14 7 1	
St. Patrick's	Used formerly	Grant from the Crown		50 0 0	...	
St. Augustine's	Used	Grant from the Crown		...	...
North Melbourne	Used	Grant from the Crown		70 0 0	5 12	
St. George's... ..	Used	Grant from the Crown		311 11 7	...	
Abbotsford-street	Not used	Rented Building		...	...
Russell-street	Not used	Rented Building		...	...
Collingwood, Little Napier-street	Not used	Private Property		...	...
Collingwood Flat	Not used	Rented Building		7 15 0	...	
Collingwood Quarries	Not used	Rented Building		...	...
Hodgson's Road, Collingwood	Not used	Rented Building		...	...
Simpson's Road	Not used	Rented Building		...	...
Richmond	Yes	Grant from the Crown		...	400 0 0	
Hawthorn	Formerly	Grant from the Crown		200 0 0	250 0 0	
Boroondara, removed to Nunawading	Yes	Grant from the Crown		100 0 0	300 0 0	
Emerald Hill	Yes	Grant from the Crown		76 0 0	162 9 4	
Prahran	Yes	Grant from the Crown		...	48 12 6	
Brighton	Yes	Private Gift		...	24 0 0	
Mount Pleasant	Not used	{ Not yet obtained from the Crown }		...	...
Lyndhurst	Not used	Private Property		...	...
Williamstown	Used	Grant from the Crown		297 6 8	50 0	
Warringal	Used	Grant from the Crown		...	...
Pentridge	Formerly	Grant from the Crown		...	...
Epping	Yes	Grant from the Crown		...	...
Woodstock	Not used	{ A hired building. A School-house is about to be erected on a site given by Mr. J. Whitby }		...	275 0	
Kingston	Not used	Private Gift		...	...
Footscray	Used	Grant from the Crown		180 0 0	...	
Essendon	Used	Grant from the Crown		80 0 0	...	
Keilor	Used	Grant from the Crown		170 0 0	...	
Kilmore	Used	Grant from the Crown		...	...
Kilmore Survey	Occasionally	Private Gift		400 0 0	...	
Kyneton	Used	Grant from the Crown		...	...
Geelong	No	Grant from the Crown		9 0 0	8 8 0	

DENOMINATIONAL SCHOOLS—continued.

TOTAL.		SCHOOL FEES.															
		1851.		1852.		1853.		1854.		1855.		1856.		1857.		TOTAL.	
£	s. d.	£	s. d.	£	s. d.	£	s. d.	£	s. d.	£	s. d.	£	s. d.	£	s. d.	£	s. d.
82	10 0	...	...	...	...	...	...	5	1 0	29	19 0	47	1 3	82	1 3	...	...
...	...	...	...	...	...	...	...	...	...	10	12 6	27	9 0	38	1 6	...	...
250	0 0	...	...	...	...	...	36	0 0	54	6 3	23	18 0	33	15 6	147	19 9	...
...	...	...	...	...	...	...	...	...	...	...	...	4	13 6	4	13 6	...	...
...	...	...	...	...	...	...	...	2	19 0	21	14 0	...	...	24	13 0	...	...
...
332	10 0	...	...	...	...	...	36	0 0	62	6 3	86	3 6	112	19 3	297	9 0	...
...
2	15 1	...	...	...	...	...	...	...	...	...	...	...	90	3 9	90	3 9	...
2	15 1	...	...	...	...	...	...	...	...	...	...	...	90	3 9	90	3 9	...
...
10	0 0	...	...	...	...	...	...	...	...	...	...	...	140	18 0	140	18 0	...
10	0 0	...	...	...	...	...	...	...	...	...	...	...	140	18 0	140	18 0	...
...
...	...	...	...	...	...	...	...	...	...	...	...	...	21	13 0	21	13 0	...
...	...	...	...	...	...	...	...	...	...	...	...	...	34	8 0	34	8 0	...
...
...	...	...	...	...	...	...	...	...	...	...	...	...	56	1 0	56	1 0	...
25	11 1	91	11 3	267	14 8	356	12 4	377	15 6	235	16 6	235	17 7	187	0 10	1,752	8 8
539	16 11	148	12 0	257	10 8	411	18 9	389	1 2	272	13 6	213	3 0	317	14 9	2,010	13 10
550	0 0	126	13 10	160	9 1	198	3 6	310	19 9	283	7 3	191	15 0	129	17 6	1,401	5 11
630	0 0	...	...	...	...	...	...	...	...	212	19 0	230	3 6	192	2 0	635	4 6
600	0 0	...	...	...	...	...	...	...	...	47	15 0	202	16 0	167	17 0	418	8 0
...	...	...	...	...	...	...	...	...	...	...	...	...	...	81	4 11	81	4 11
...	...	...	...	...	...	...	...	...	...	66	0 0	156	7 0	200	1 0	422	8 0
...
7	15 0	29	16 7	59	9 1	94	7 4	120	17 6	95	18 0	106	14 3	101	8 0	608	10 9
...	...	...	...	...	...	...	...	...	...	...	...	53	16 3	34	5 0	88	1 3
...	...	...	...	...	...	...	...	...	...	44	2 3	58	0 9	61	7 7	163	10 7
...	...	...	...	...	...	...	...	...	...	...	...	20	2 0	88	4 6	108	6 6
...	...	...	...	...	...	...	...	...	...	36	19 0	73	14 0	71	7 6	182	0 6
100	0 0	40	2 11	16	7 4	125	2 6	204	9 9	234	1 0	267	12 1	291	12 6	1,179	6 1
450	0 0	...	...	...	...	...	...	67	7 2	61	11 6	34	13 4	27	6 3	190	18 3
400	0 0	18	19 6	23	9 4	65	9 8	123	13 4	71	10 0	57	11 0	96	1 0	456	13 10
501	0 0	...	...	...	...	...	...	104	0 6	206	0 6	233	1 0	216	14 3	759	16 3
548	12 6	...	...	...	...	...	...	84	0 3	89	5 8	90	10 9	98	12 9	362	9 5
549	13 4	16	9 9	49	3 3	51	16 0	18	17 6	74	6 6	44	0 4	22	17 6	277	10 10
...	...	...	...	...	...	...	...	50	0 0	80	12 0	60	8 8	67	2 6	258	3 2
...	...	...	...	...	...	...	...	...	...	...	...	28	0 0	37	0 0	65	0 0
50	0 0	28	7 4	88	14 0	91	17 4	124	2 0	113	1 9	75	15 9	86	19 6	608	17 8
70	0 0	17	7 7	47	13 5	77	1 4	64	18 6	63	4 7	58	15 7	61	4 8	390	5 8
...	...	35	5 0	55	1 6	71	7 0	63	4 6	91	8 0	72	5 2	86	8 10	475	0 0
30	0 0	...	...	...	...	...	...	...	...	...	...	28	14 6	24	17 4	53	11 10
275	0 0	...	...	...	...	...	...	27	0 0	37	19 9	51	12 4	45	16 11	162	9 0
...
180	0 0	...	12	16 0	56	13 9	65	6 0	66	0 0	20	5 0	15	6 0	236	6 9	
80	0 0	...	...	75	14 6	55	19 6	55	19 6	11	4 6	18	18 0	56	3 0	217	19 6
250	0 0	...	...	...	...	...	...	...	...	...	...	47	15 6	86	5 8	134	1 2
900	0 0	...	...	11	7 0	30	16 6	75	7 0	89	17 8	62	5 6	269	13 8	...	...
400	0 0	25	19 11	52	18 0	259	12 2	250	6 4	274	6 0	195	0 0	163	13 0	1,221	15 5
900	0 0	...	...	...	...	...	...	137	18 0	100	14 0	72	0 0	97	10 6	408	2 6
...	...	...	...	...	...	...	...	147	8 0	77	13 0	72	16 6	92	4 0	441	3 0
17	8 0	82	5 3	78	13 11	376	14 7	429	6 7	265	16 5	176	13 5	141	15 6	1,551	4 8

37376

ANNUAL EXPENDITURE ON

SCHOOL-HOUSE.	Used for Public Worship now or formerly.	Site obtained by Purchase, Private Gift, or Grant from the Crown.	Conveyance, or Bond, subject to Rule of the Denominational School Board, or otherwise.	LOCAL CONTRIBUTIONS		
				1852.	1853.	1854.
				£ s. d.	£ s. d.	£ s. d.
LUTHERAN.						
Mecklenberg	Yes	Private Gift	...	...	...
Berwick	No	Private Property	...	...	...
German Town	Yes	Purchased	...	...	...
Sandhurst	Yes	Grant from the Crown	...	...	...
Richmond Flat	Closed	...	...	...	...
Contingencies ... ..	...	...	...	...	...
BIBLE CHRISTIANS.						
Collingwood	Yes	Rented Building	...	...	...
CONGREGATIONAL.						
Errol-street	Yes	Leasehold	...	...	...
COMBINED.						
Mansfield	Occasionally	Purchased	...	...	...
St. Arnaud ... ..	...	...	...	...	...
Beaumaris	Closed	...	...	...	...
Melton ... ..	...	...	...	...	...
ROMAN CATHOLIC.						
St. Francis'	Not used	Grant from the Crown	...	...	...
St. Patrick's	Used formerly	Grant from the Crown	...	230 4 8	...	
St. Augustine's	Used	Grant from the Crown	100 0 0	175 0 0	...	
North Melbourne	Used	Grant from the Crown	...	...	1,000 0
St. George's	Used	Grant from the Crown	...	...	...
Abbotsford-street	Not used	Rented Building	...	...	...
Russell-street	Not used	Rented Building	...	...	...
Collingwood, Little Napier-street	Not used	Private Property	...	...	...
Collingwood Flat	Not used	Rented Building	...	...	...
Collingwood Quarries	Not used	Rented Building	...	...	...
Hodgson's Road, Collingwood	Not used	Rented Building	...	...	...
Simpson's Road	Not used	Rented Building	...	...	...
Richmond	Yes	Grant from the Crown	...	450 0 0	517 3	
Hawthorn	Formerly	Grant from the Crown	...	...	...
Boroondara, removed to Nunawading	Yes	Grant from the Crown	...	...	...
Emerald Hill	Yes	Grant from the Crown	...	...	1,000 0
Prahran	Yes	Grant from the Crown	...	...	1,000 0
Brighton	Yes	Private Gift	...	...	624 6
Mount Pleasant	Not used	{ Not yet obtained from the Crown }	...	...	...
Lyndhurst	Not used	Private Property	...	...	...
Williamstown	Used	Grant from the Crown	...	188 6 9	...	
Warringal	Used	Grant from the Crown	...	33 4 1	...	
Pentridge	Formerly	Grant from the Crown	...	...	...
Epping	Yes	Grant from the Crown	...	...	...
Woodstock	Not used	{ A hired Building. A School-house is about to be erected on a site given by Mr. J. Whitby. }	...	...	...
Kingston	Not used	Private Gift	...	...	...
Footscray	Used	Grant from the Crown	...	...	...
Essendon	Used	Grant from the Crown	...	...	...
Keilor	Used	Grant from the Crown	...	40 0 0	1,222 16	
Kilmore	Used	Grant from the Crown	...	...	...
Kilmore Survey	Occasionally	Private Gift	...	...	400 0
Kyneton	Used	Grant from the Crown	...	...	...
Geelong	No	Grant from the Crown	...	...	...

Crown grants of land, for school purposes only, are held by the Board to be legally secured for the specific purposes of public education. In the case of conveyances of private land, the Board has ascertained, in most instances with legal advice, that the sites are secured for the sole purposes of public education. In some special cases, a bond to return the money, in the event of the building being diverted to other purposes, has been accepted, with the approval of the Board's solicitor.

DENOMINATIONAL SCHOOLS—continued.

TOWARDS SCHOOL BUILDINGS.				MISCELLANEOUS.					
1855.	1856.	1857.	TOTAL.	1853.	1854.	1855.	1856.	1857.	TOTAL.
£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.
170 0 0	...	...	170 0 0	...	...	...	...	...	...
...
...	...	250 0 0	250 0 0	...	...	...	...	...	...
...	...	...	...	...	...	3 11 6	...	...	3 11 6
170 0 0	...	250 0 0	420 0 0	...	...	3 11 6	...	...	3 11 6
...	...	2 15 1	2 15 1	...	...	...	...	...	...
...	...	2 15 1	2 15 1	...	...	...	...	...	...
...	...	10 0 0	10 0 0	...	...	...	...	...	...
...	...	10 0 0	10 0 0	...	...	...	...	...	...
...
...
...
...	11 3 3	...	11 3 3	60 0 0	...	...	...	...	60 0 0
...	50 0 0	29 7 9	309 12 5	30 0 0	...	...	...	7 2 0	37 2 0
...	...	...	275 0 0	80 0 0	...	...	...	...	80 0 0
00 5 7	70 0 0	54 7 9	2,024 13 4	...	...	...	...	...	...
38 8 5	311 11 7	53 7 6	603 7 6	...	...	...	7 9 0	8 0 6	15 9 6
...
...
...	7 15 0	...	7 15 0	...	...	...	...	...	...
...	...	...	...	...	...	...	...	2 10 6	2 10 6
...	...	400 0 0	1,367 3 9	...	...	...	...	...	...
...	200 0 0	250 0 0	450 0 0	...	...	...	...	1 14 0	1 14 0
...	100 0 0	300 0 0	400 0 0	...	...	...	...	...	...
82 10 8	76 0 0	162 9 4	1,501 0 0	...	...	...	...	3 6 0	3 6 0
00 0 0	...	48 12 6	1,548 12 6	...	...	...	20 0 0	8 6 0	28 6 0
...	...	24 0 0	648 6 8	...	...	...	...	8 1 8	8 1 8
...
...
1 0 0	297 6 8	...	1,316 13 5	45 0 0	...	...	...	...	45 0 0
...	...	...	33 4 1	...	...	...	...	...	...
...	...	...	...	10 0 0	...	...	...	...	10 0 0
...	...	...	130 0 0	...	...	...	...	...	...
...
...	...	...	...	10 0 0	...	...	...	...	10 0 0
...	180 0 0	...	180 0 0	...	...	...	...	...	...
...	80 0 0	...	80 0 0	...	...	...	...	...	...
...	170 0 0	...	210 0 0	...	...	...	...	...	...
...	...	...	1,222 16 9	...	...	...	...	...	...
...	400 0 0	...	400 0 0	...	...	...	...	...	...
...	...	...	400 0 0	...	...	...	...	...	...
...	9 0 0	8 8 0	17 8 0	50 0 0	...	...	...	...	50 0 0

3/5378

ANNUAL EXPENDITURE ON

SCHOOL-HOUSE.	Used for Public Worship now or formerly.	Site obtained by Purchase, Private Gift, or Grant from the Crown.	Conveyance, or Bond, subject to Rule of the Denominational School Board, or otherwise.	1851.			1852.			1853.		
				£	s.	d.	£	s.	d.	£	s.	d.
ROMAN CATHOLIC*— <i>continued.</i>												
Geelong Superior ...	Not used	Private Property	Crown grants of land, for school purposes only, are held by the Board to be legally secured for the specific purposes of public education. In the case of conveyances of private property the Board has ascertained, in most instances with legal advice, that the sites are secured for the sole purposes of public education. In some special cases, a bond to return the money, in the event of the building being diverted to other purposes, has been accepted, with the approval of the Board's solicitor.	...	...	...	...	...	...	...	...	...
Ashby ...	Used	Grant from the Crown		40	0	0	100	0	0	137	4	3
Newtown ...	Not used	Grant from the Crown		...	...	...	...	...	...	...	...	...
Point Henry ...	Used	Grant from the Crown		30	0	0	45	0	0	78	15	0
Fyan's Ford ...	Used	Grant from the Crown		26	3	4	9	6	3	33	15	0
Batesford ...	Used	Private Gift		...	...	...	...	...	...	25	0	0
German Town ...	Not used	Grant from the Crown		...	...	...	...	...	...	...	...	...
Cowie's Creek ...	Not used	Private Gift		...	...	...	...	...	...	...	...	...
Duneed ...	Used	Grant from the Crown		...	...	...	...	...	...	50	0	0
Indented Heads ...	Used	Grant from the Crown		...	...	...	...	...	...	64	13	2
Kildare ...	Not used	Grant from the Crown		...	...	...	...	...	...	...	...	...
Gnawarre ...	Not used	Grant from the Crown		...	...	...	...	...	...	50	0	0
Waur Chain ...	Not used	Grant from the Crown		...	...	...	...	...	...	...	...	...
Belmont ...	Not used	...		...	...	...	...	...	...	...	...	...
Colac ...	Used	Private Gift		...	...	...	7	10	0	90	0	0
Rokewood ...	Not used	Grant from the Crown		...	...	...	...	...	...	...	...	...
Bacchus Marsh ...	Used	Grant from the Crown		30	0	0	...	...	...	...	...	...
Carisbrook ...	Not used	Grant from the Crown		...	...	...	...	...	...	...	...	...
Castlemaine ...	Used	Grant from the Crown		...	...	...	...	...	...	...	...	...
Fryer's Creek ...	Used: formerly	Removed		...	...	...	...	...	...	...	...	...
Golden Point ...	Not used	Grant from the Crown		...	...	...	...	...	...	...	...	...
Sandhurst ...	Formerly	Grant from the Crown		...	...	...	...	...	...	62	10	0
Epsom ...	No	Private Property		...	...	...	...	...	...	...	...	...
Buninyong ...	Used	Grant from the Crown		...	...	...	...	...	...	...	...	...
Ballaarat ...	Used	Grant from the Crown		...	...	...	...	...	...	...	...	...
Palmer's Gully ...	Not used	Crown Land		...	...	...	...	...	...	...	...	...
Smythe's Creek ...	Not used	Crown Land		...	...	...	...	...	...	...	...	...
Black Lead ...	Not used	Crown Land		...	...	...	...	...	...	...	...	...
Creswick ...	Used	Grant from the Crown		...	...	...	...	...	...	...	...	...
Mount Blackwood ...	Closed	...		...	...	...	...	...	...	...	...	...
Fiery Creek ...	Not used	Crown Land		...	...	...	...	...	...	...	...	...
Mount Ararat ...	Used	Crown Land		...	...	...	...	...	...	...	...	...
Beechworth ...	Used	Grant from the Crown		...	...	...	...	...	...	...	...	...
Woolsheds ...	Not used	Crown Land		...	...	...	...	...	...	...	...	...
Wangaratta ...	Used	Grant from the Crown		...	...	...	...	...	...	...	...	...
Belfast ...	Used	Grant from the Crown		30	0	0	22	10	0	60	13	1
Tower Hill ...	Not used	Grant from the Crown		...	...	...	...	...	...	70	0	0
Portland ...	Used	Grant from the Crown		30	0	0	37	10	0	73	15	0
Warrnambool ...	Used	Grant from the Crown		...	...	...	...	...	...	...	...	...
Emeu Flat ...	Not used	Grant from the Crown		...	...	...	...	...	...	...	...	...
Purnim, near Warrnambool	Not used	Grant from the Crown	...	...	...	...	...	...	...	...	...
Woodford ...	Not used	Grant from the Crown	...	...	...	...	...	...	...	...	...
Tarraville ...	Used	Grant from the Crown	...	...	...	...	...	...	74	1	0	
Yambuick ...	Not used	Grant from the Crown	...	...	...	...	...	...	...	...	...
Sandridge ...	Used	Grant from the Crown	...	...	...	...	...	...	...	...	...
Little Bendigo (removed to Soldiers' Hill) ...	Not used	Crown Land	...	...	...	...	...	...	...	...	...
Emerald Hill Orphanage ...	Not used	Grant from the Crown	...	...	...	...	...	...	...	...	...
Taradale ...	Used	Grant from the Crown	...	...	...	...	...	...	...	...	...
Benalla ...	Used	Grant from the Crown	...	...	...	...	...	...	...	...	...
Steiglitz ...	Occasionally	Crown Land	...	...	...	...	...	...	...	...	...
Tarawingee ...	Not used	Grant from the Crown	...	...	...	...	...	...	...	...	...
Little River ...	Used	Crown Grant	...	...	...	...	...	...	...	...	...
Hamilton ...	Used	Crown Grant	...	...	...	...	...	...	...	...	...
Sutherland's Creek ...	Occasionally	Private Gift	...	...	...	...	...	...	...	...	...
Darebin Creek ...	Closed	...	...	...	...	15	0	0	72	18	1	
Mount Moriac ...	Closed	...	...	...	...	33	15	0	...	...	...
Wyatte ...	Closed	...	...	...	...	...	...	...	...	...	...
Geelong Superior (Girls) ...	...	Rented Building	...	...	...	...	...	...	...	...	...
Beveridge ...	Not as yet	Crown Grant	...	...	...	...	...	...	...	...	...
Anakies ...	...	In process of erection	...	...	...	...	...	...	...	...	...
Contingencies ...	...	...	...	...	...	...	...	...	...	...	...
				736	3	4	1,121	4	1	3,391	1	1

* Information on these Schools occupies pp. 64, 65, 66, 67, 68, 69.

DENOMINATIONAL SCHOOLS—continued.

GOVERNMENT AID.

SALARIES.					BUILDINGS.												
1854.		1855.		1856.		1857.		TOTAL.		1852.		1853.		1854.		1855.	
£	s. d.	£	s. d.	£	s. d.	£	s. d.	£	s. d.	£	s. d.	£	s. d.	£	s. d.	£	s. d.
...	...	75	0 0	100	0 0	80	0 0	255	0 0	...	...	...	...	...	...	...	...
420	0 0	337	0 2	277	18 0	359	19 8	1,672	2 0	...	...	1,000	0 0	1,000	0 0	...	...
120	0 0	210	0 0	182	10 0	220	0 0	732	10 0	...	...	...	...	160	0 0	...	...
122	10 0	130	0 0	130	0 0	140	0 0	676	5 0	...	...	...	...	140	0 0	...	...
122	10 0	130	0 0	107	10 0	120	0 0	549	4 7	...	...	...	...	240	0 0	...	...
94	3 4	130	0 0	130	0 0	130	0 0	509	3 4	...	...	...	...	100	0 0	166	13 4
75	0 0	100	0 0	91	13 4	85	0 0	351	13 4	...	...	...	...	60	0 0	...	...
40	0 0	73	6 8	100	0 0	113	6 8	326	13 4	...	...	...	...	...	...	...	...
117	18 7	150	0 0	157	10 0	170	0 0	645	8 7	...	...	300	0 0	...	...	...	...
75	0 0	65	1 0	79	16 9	115	0 0	399	10 11	...	...	...	...	...	...	319	13 2
...	...	122	10 0	130	0 0	179	3 4	431	13 4	...	...	...	...	...	...	...	...
122	10 0	130	0 0	195	0 0	192	10 0	690	0 0	...	...	300	0 0	...	...	...	...
75	0 0	100	0 0	75	0 0	...	...	250	0 0	...	...	...	...	...	...	...	...
...	...	...	...	40	0 0	50	0 0	90	0 0	...	...	...	...	...	...	...	...
130	0 0	145	0 0	162	10 0	159	19 10	694	19 10	...	...	...	...	...	...	...	...
...	...	...	...	...	...	107	10 0	107	10 0	...	...	...	...	...	...	...	...
81	0 5	130	0 0	130	0 0	127	10 0	498	10 5	...	...	...	...	...	...	...	...
...	...	...	...	...	...	108	13 0	108	13 0	...	...	...	...	...	...	...	...
30	0 0	152	10 0	160	0 0	182	10 0	525	0 0	...	...	...	...	...	...	...	...
30	0 0	60	0 0	60	0 0	...	...	150	0 0	...	...	...	...	...	...	...	...
...	...	...	...	38	9 4	115	0 0	153	9 4	...	...	...	...	...	...	...	...
140	0 0	187	10 0	210	0 0	279	3 4	879	3 4	...	...	100	0 0	166	13 4	...	...
...	...	...	...	105	0 0	140	0 0	245	0 0	...	...	...	...	...	...	...	...
50	0 0	60	11 1	109	16 0	100	0 0	320	7 1	...	...	...	...	...	...	...	...
190	0 0	278	0 9	313	16 10	250	0 0	1,031	17 7	...	...	...	...	320	0 0	...	...
...	...	...	...	...	...	270	9 11	270	9 11	...	...	...	...	...	...	...	...
...	...	...	...	...	...	140	16 8	140	16 8	...	...	...	...	...	...	...	...
...	...	...	...	97	4 5	105	0 0	202	4 5	...	...	...	...	...	...	...	...
...	...	...	...	140	0 0	172	10 0	312	10 0	...	...	...	...	...	...	...	...
...	...	45	0 0	...	...	...	...	45	0 0	...	...	...	...	...	...	...	...
...	...	...	...	104	13 4	...	...	104	13 4	...	...	...	...	...	...	...	...
...	...	...	...	12	11 7	105	18 1	118	9 8	...	...	...	...	...	...	...	...
...	...	...	...	35	7 9	119	16 8	155	4 5	...	...	...	...	...	...	...	...
...	...	...	...	20	0 0	110	0 0	130	0 0	...	...	...	...	...	...	...	...
...
173	6 8	130	0 0	200	0 0	210	13 3	827	3 10	...	...	...	...	...	...	290	0 0
125	0 0	150	0 0	170	0 0	210	0 0	725	0 0	...	...	...	...	...	...	...	...
146	13 4	210	0 0	174	2 2	187	10 0	864	10 6	...	...	...	...	...	...	...	...
92	8 11	102	10 0	135	0 0	205	0 0	534	18 11	...	...	...	...	...	...	...	...
...	...	50	0 0	100	0 0	100	0 0	250	0 0	...	...	...	...	...	...	...	...
...	...	...	...	34	2 9	...	...	34	2 9	...	...	...	...	...	...	...	...
...	...	...	...	45	0 0	100	0 0	145	0 0	...	...	...	...	...	...	...	...
58	6 1	100	0 0	100	0 0	100	0 0	432	8 4	...	...	...	...	...	...	280	0 0
...	...	...	...	...	...	50	10 2	50	10 2	...	...	...	...	...	...	...	...
...	...	...	...	...	...	56	15 5	56	15 5	...	...	...	...	...	...	...	...
...
...	...	...	...	...	...	36	19 2	36	19 2	...	...	...	...	...	...	...	...
...	...	...	...	...	...	40	16 8	40	16 8	...	...	...	...	...	...	...	...
...	...	...	...	...	...	20	0 0	20	0 0	...	...	...	...	...	...	...	...
...
...
100	0 0	90	9 6	...	...	...	...	278	8 4	...	...	...	...	...	...	...	...
...	...	...	...	...	...	...	...	63	15 0	...	...	...	...	...	...	...	...
50	0 0	25	0 0	...	...	...	...	75	0 0	...	...	...	...	...	...	...	...
...	...	...	...	80	0 0	...	...	80	0 0	...	...	...	...	...	...	...	...
...
...
943	9 1	8,907	11 0	10,924	10 8	13,292	10 10	45,316	10 8	200	0 0	3,937	2 7	12,652	6 8	4,013	5 6

ANNUAL EXPENDITURE ON

SCHOOL-HOUSE.	Used for Public Worship now or formerly.	Site obtained by Purchase, Private Gift, or Grant from the Crown.	Conveyance, or Bond, subject to Rule of the Denominational School Board, or otherwise.	GOVERNMENT AID.							
				BUILDINGS.				Grants in 1857, for Buildings, unclaimed to 8th November, 1858.			
				1856.		1857.					
		£ s. d.		£ s. d.		£ s. d.					
ROMAN CATHOLIC— <i>continued.</i>											
Geelong Superior	Not used	Private Property									
Ashby	Used	Grant from the Crown	11	0	0	51	11	11			
Newtown	Not used	Grant from the Crown	...	...	...	500	0	0
Point Henry	Used	Grant from the Crown	...	...	...	...	...	...
Fyan's Ford... ..	Used	Grant from the Crown	...	...	...	...	...	...
Batesford	Used	Private Gift	...	...	...	22	4	10
German Town	Not used	Grant from the Crown	...	...	...	...	...	...
Cowie's Creek	Not used	Private Gift	...	...	...	9	18	0
Duned	Used	Grant from the Crown	...	...	...	...	...	...
Indented Heads	Used	Grant from the Crown	...	...	...	100	0	0
Kildare	Not used	Grant from the Crown	200	0	0	30	11	8			
Gnawarre	Not used	Grant from the Crown	...	...	...	44	8	4
Wauru Chain	Not used	Grant from the Crown	...	...	...	...	...	...
Belmont	Not used	...	...	...	...	...	...	...
Colac	Used	Private Gift	350	0	0	...	...	...
Rokewood	Not used	Grant from the Crown	100	0	0	66	18	9			
Bacchus Marsh	Used	Grant from the Crown	...	...	...	...	...	...
Carisbrook	Not used	Grant from the Crown	...	...	...	200	0	0
Castlemaine	Used	Grant from the Crown	...	...	...	...	...	...
Fryer's Creek	Used: formerly	Removed	...	...	...	...	...	...
Golden Point	Not used	Grant from the Crown	...	...	...	50	0	0
Sandhurst	Formerly	Grant from the Crown	...	...	...	...	...	...
Epsom	No	Private Property	100	0	0	...	...	...
Buninyong	Used	Grant from the Crown	400	0	0	...	...	...
Ballaarat	Used	Grant from the Crown	...	...	...	...	...	...
Palmer's Gully	Not used	Crown Land	...	...	...	100	0	0
Smythe's Creek	Not used	Crown Land	...	...	...	...	...	...
Black Lead	Not used	Crown Land	...	...	...	...	...	...
Creswick	Used	Grant from the Crown	...	...	...	200	0	0
Mount Blackwood	Closed	...	...	...	...	...	...	...
Fiery Creek	Not used	Crown Land	...	...	...	...	...	...
Mount Ararat	Used	Crown Land	...	...	...	100	0	0
Beechworth	Used	Grant from the Crown	...	...	...	169	15	0
Woolsheds	Not used	Crown Land	...	...	...	...	...	20 5 0
Wangaratta	Used	Grant from the Crown	...	...	...	...	...	...
Belfast	Used	Grant from the Crown	...	...	...	...	...	...
Tower Hill	Not used	Grant from the Crown	...	...	...	...	...	...
Portland	Used	Grant from the Crown	...	...	...	...	...	...
Warrnambool	Used	Grant from the Crown	887	10	0	...	...	...
Emeu Flat	Not used	Grant from the Crown	...	...	...	...	...	...
Purnim, near Warrnambool	Not used	Grant from the Crown	...	...	...	...	...	...
Woodford	Not used	Grant from the Crown	...	...	...	63	0	0
Tarraville	Used	Grant from the Crown	...	...	...	...	...	...
Yambuick	Not used	Grant from the Crown	69	18	7	...	...	...
Sandridge	Used	Grant from the Crown	...	...	...	200	0	0
Little Bendigo (removed to Soldiers' Hill)	Not used	Crown Land	...	...	...	...	...	...
Emerald Hill Orphanage... ..	Not used	Grant from the Crown	...	...	...	...	...	...
Taradale	Used	Grant from the Crown	...	...	...	...	...	...
Benalla	Used	Grant from the Crown	143	10	0	...	...	...
Steiglitz	Occasionally	Crown Land	...	...	...	100	0	0
Tarawingee	Not used	Grant from the Crown	...	...	...	...	...	...
Little River	Used	Crown Grant	...	...	...	150	0	0
Hamilton	Used	Crown Grant	243	12	9	...	...	...
Sutherland's Creek... ..	Occasionally	Private Gift	...	...	...	200	0	0
Darebin Creek	Closed	...	...	...	...	...	...	...
Mount Moriac	Closed	...	...	...	...	...	...	...
Wyatte	Closed	...	...	...	...	...	...	...
Geelong Superior (Girls') ... ..	...	Rented Building	...	...	...	...	...	...
Beveridge	Not as yet	Crown Grant	...	...	...	275	0	0
Anakies ... ..	...	In process of erection	...	...	...	...	...	73 0
Contingencies ... ..	...	..	...	...	...	...	...	...
				4,468	7	10	3,960	13	10	538	5

Crown grants of land for school purposes only are held by the Board to be legally secured for the specific purposes of public education. In the case of conveyances of private property, the Board has ascertained, in most instances with legal advice, that the sites are secured for the sole purposes of public education. In some special cases a bond to return the money, in the event of the building being diverted to other purposes, has been accepted, with the approval of the Board's solicitor.

DENOMINATIONAL SCHOOLS—continued.

SCHOOL FEES.

TOTAL.	SCHOOL FEES.							TOTAL.
	1851.	1852.	1853.	1854.	1855.	1856.	1857.	
£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.
...
2,062 11 11	90 0 3	201 19 3	249 14 2	370 0 11	264 0 0	584 4 8	170 4 0	1,018 8 8
600 0 0	130 7 0	176 12 1	123 11 6	148 6 0	1,360 4 2
140 0 0	24 1 0	31 9 9	57 5 6	91 13 8	115 7 6	92 3 6	85 8 9	423 6 9
240 0 0	25 5 6	4 13 8	77 3 0	81 10 0	114 4 0	95 12 0	86 11 0	500 16 11
288 18 2	26 8 0	71 3 6	49 15 0	42 9 4	47 15 2	328 11 8
60 0 0	86 19 0	74 7 6	57 10 0	55 2 6	284 11 6
9 18 0	39 13 0	79 1 0	50 0 6	20 18 6	236 19 0
300 0 0	48 15 0	109 19 6	60 12 0	81 9 6	57 18 0	239 12 6
419 13 2	56 19 0	53 2 3	173 2 9	110 18 6	80 17 6	523 13 3
230 11 8	19 18 0	36 1 6	40 6 0	206 6 9
344 8 4	28 4 9	110 9 0	40 7 0	17 4 0	50 12 0	108 3 0
...	66 9 6	96 1 0	68 3 0	88 3 0	391 0 9
...	47 12 6	29 12 0	...	143 14 0
...	17 3 6	9 9 6	26 13 0
350 0 0	...	14 7 0	27 6 6	28 2 0	22 6 6	27 10 9	29 6 1	148 18 10
166 18 9	159 16 0	159 16 0
200 0 0	29 8 0	...	...	31 8 0	47 9 6	36 6 6	38 16 0	183 8 0
...	53 3 0	53 3 0
...	36 11 6	91 12 0	45 4 6	51 10 0	224 18 0
50 0 0	28 19 6	37 11 11	38 11 0	...	105 2 5
266 13 4	49 16 0	108 9 0	135 7 0	22 8 0	63 1 6	85 9 6
100 0 0	177 16 6	155 15 6	627 4 0
400 0 0	56 12 0	70 16 6	52 0 0	136 4 6	188 4 6
320 0 0	202 12 6	154 19 6	67 6 0	42 15 6	237 10 0
100 0 0	147 1 10	111 14 0	616 7 10
...	117 6 0	117 6 0
...	56 15 0	56 15 0
200 0 0	66 5 0	50 3 0	116 8 0
...	60 3 0	52 18 0	113 1 0
...	39 11 0	...	...	39 11 0
100 0 0	41 18 6	...	41 18 6
190 0 0	8 3 0	65 8 6	73 11 6
...	13 3 0	62 3 6	75 6 6
290 0 0	11 17 0	56 3 6	68 0 6
...
...	37 16 8	26 13 0	41 9 9	45 5 3	50 4 9	72 17 0	75 9 0	349 15 5
...	...	14 12 6	63 5 1	98 3 4	75 14 4	54 13 4	49 13 6	356 2 1
887 10 0	33 16 4	30 19 3	41 14 9	45 16 6	58 2 3	26 12 9	37 18 0	274 19 10
...	65 12 0	26 6 0	32 0 6	47 14 8	171 13 2
...	14 0 6	38 3 6	29 15 6	81 19 6
63 0 0	18 7 0	...	18 7 0
280 0 0	4 18 0	43 10 10	48 8 10
69 18 7	29 10 3	24 2 0	74 19 0	57 13 0	64 4 0	250 8 3
200 0 0	14 2 10	14 2 10
...	19 13 0	19 13 0
...	13 15 0	13 15 0
...
143 10 0	7 12 0	7 12 0
100 0 0
150 0 0
43 12 9
80 0 0
...	...	10 18 0	38 4 0	58 0 4	5 14 0	...	...	112 16 4
...	35 11 6	23 13 0	...	...	...	...	...	59 4 6
...	29 19 0	16 3 0	...	...	46 2 0
75 0 0	206 0 0	...	206 0 0
73 0 0
...
70 1 6	3,299 19 8	5,403 3 2	11,440 10 4	19,303 10 11	23,353 12 6	26,097 2 9	30,544 17 11	119,442 17 3

ANNUAL EXPENDITURE ON

SCHOOL-HOUSE.	Used for Public Worship now or formerly.	Site obtained by purchase, Private Gift, or Grant from the Crown.	Conveyance, or Bond, subject to Rule of the Denominational School Board, or otherwise.	LOCAL CONTRIBUTIONS		
				1852.	1853.	1854.
				£ s. d.	£ s. d.	£ s. d.
ROMAN CATHOLIC— <i>continued.</i>						
Geelong Superior ...	Not used	Private Property	Crown grants of land for school purposes only are held by the Board to be legally secured for the specific purposes of public education. In the case of conveyances of private property, the Board has ascertained, in most instances with legal advice, that the sites are secured for the sole purposes of public education. In some special cases a bond to return the money, in the event of the building being diverted to other purposes, has been accepted, with the approval of the Board's solicitor.	..	..	..
Ashby ...	Used	Grant from the Crown		..	..	..
Newtown ...	Not used	Grant from the Crown		..	..	500 0 0
Point Henry ...	Used	Grant from the Crown		..	..	100 0 0
Fyan's Ford ...	Used	Grant from the Crown		..	..	80 0 0
Batesford ...	Used	Private Gift		..	..	130 0 0
German Town ...	Not used	Grant from the Crown		..	..	50 13 4
Cowie's Creek ...	Not used	Private Gift		..	..	45 0 0
Duneed ...	Used	Grant from the Crown		..	150 0 0	..
Indented Heads ...	Used	Grant from the Crown		..	..	..
Kildare ...	Not used	Grant from the Crown		..	..	..
Gnawarre ...	Not used	Grant from the Crown		..	150 0 0	..
Waurin Chain ...	Not used	Grant from the Crown		..	..	..
Belmont ...	Not used	..		..	..	..
Colac ...	Used	Private Gift		..	..	..
Rokewood ...	Not used	Grant from the Crown		..	..	..
Bacchus Marsh ...	Used	Grant from the Crown		..	..	..
Carisbrook ...	Not used	Grant from the Crown		..	..	..
Castlemaine ...	Used	Grant from the Crown		..	..	..
Fryer's Creek ...	Used formerly	Removed		..	..	..
Golden Point ...	Not used	Grant from the Crown		..	..	..
Sandhurst ...	Formerly	Grant from the Crown		..	45 6 10	166 13 4
Epsom ...	No	Private Property		..	..	..
Buninyong ...	Used	Grant from the Crown		..	..	..
Ballaarat ...	Used	Grant from the Crown		..	..	..
Palmer's Gully ...	Not used	Crown Land		..	..	..
Smythe's Creek ...	Not used	Crown Land		..	..	..
Black Lead ...	Not used	Crown Land		..	..	..
Creswick ...	Used	Grant from the Crown		..	..	..
Mount Blackwood ...	Closed	..		..	..	..
Fiery Creek ...	Not used	Crown Land		..	..	..
Mount Ararat ...	Used	Crown Land		..	..	..
Beechworth ...	Used	Grant from the Crown		..	..	..
Woolsheds ...	Not used	Crown Land		..	..	..
Wangaratta ...	Used	Grant from the Crown		..	..	..
Belfast ...	Used	Grant from the Crown		..	..	..
Tower Hill ...	Not used	Grant from the Crown	..	..	..
Portland ...	Used	Grant from the Crown	..	..	..
Warrnambool ...	Used	Grant from the Crown	..	..	..
Emeu Flat ...	Not used	Grant from the Crown	..	..	..
Purnim, near Warrnambool	Not used	Grant from the Crown	..	..	..
Woodford ...	Not used	Grant from the Crown	..	..	..
Tarraville ...	Used	Grant from the Crown	..	..	..
Yambuick ...	Not used	Grant from the Crown	..	..	..
Sandridge ...	Used	Grant from the Crown	..	..	..
Little Bendigo (removed to Soldier's Hill) ...	Not used	Crown Land	..	..	..
Emerald Hill Orphanage	Not used	Grant from the Crown	..	..	..
Taradale ...	Used	Grant from the Crown	..	..	..
Benalla ...	Used	Grant from the Crown	..	..	..
Steiglitz ...	Occasionally	Crown Land	..	..	..
Tarawingee ...	Not used	Grant from the Crown	..	..	..
Little River ...	Used	Crown Grant	..	..	..
Hamilton ...	Used	Crown Grant	..	..	..
Sutherland's Creek ...	Occasionally	Private Gift	..	..	..
Darebin Creek ...	Closed	..	..	..	..
Mount Moriac ...	Closed	..	..	..	..
Wyatte ...	Closed	..	..	..	..
Geelong Superior (Girls')	..	Rented Building	..	..	..
Beveridge ...	Not as yet	Crown Grant	..	..	..
Anakies ...	..	In process of erection	..	..	..
Contingencies ...	..	..	..	..	..
				700 0 0	9,354 4 6	17,399 17

DENOMINATIONAL SCHOOLS—continued.

TOWARDS SCHOOL BUILDINGS.				MISCELLANEOUS.					
1855.	1856.	1857.	TOTAL.	1853.	1854.	1855.	1856.	1857.	TOTAL.
£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.
650 0 0	11 0 0	52 0 0	1,213 0 0	10 0 0	...	...	...	...	10 0 0
...	...	500 0 0	600 0 0	...	...	...	...	...	...
...	...	...	80 0 0	...	...	...	...	...	...
...	...	...	130 0 0	...	...	...	...	...	...
166 13 4	...	22 4 10	239 11 6	...	...	...	...	...	...
...	...	...	45 0 0	...	...	...	...	...	...
...	...	9 18 0	9 18 0	...	...	...	...	...	...
...	...	...	150 0 0	...	...	...	...	...	...
256 6 6	200 0 0	30 11 8	256 6 6	...	...	...	...	...	...
...	...	...	230 11 8	...	...	...	...	...	...
...	...	...	150 0 0	...	...	...	...	...	...
...
...	350 0 0	...	350 0 0	...	...	...	...	...	...
...	100 0 0	66 18 9	166 18 9	...	...	...	...	...	...
...
...	...	203 14 0	203 14 0	...	...	...	...	1 18 6	1 18 6
...
...	...	59 2 6	59 2 6	...	...	...	...	3 0 0	3 0 0
...	...	...	212 0 2	...	...	...	...	...	...
...	400 0 0	...	400 0 0	...	...	...	...	...	...
330 0 0	...	...	330 0 0	...	...	...	...	...	...
...
...	...	206 15 0	206 15 0	...	...	...	...	...	...
...
...	...	169 15 0	169 15 0	...	...	...	...	...	...
290 0 0	...	...	290 0 0	...	...	...	...	...	...
...
...	887 10 0	...	887 10 0	...	...	...	...	...	...
...
...	...	63 0 0	63 0 0	...	...	...	...	...	...
220 0 0	...	...	220 0 0	...	...	...	...	...	...
...	69 18 7	...	69 18 7	...	...	...	...	...	...
...	...	208 5 0	208 5 0	...	...	...	...	...	...
...
...
...	143 10 0	...	143 10 0	...	...	...	...	...	...
...	...	94 10 6	94 10 6	...	...	...	...	...	...
...
...	...	150 0 0	150 0 0	...	...	...	...	...	...
...	243 12 9	...	243 12 9	...	...	...	...	...	...
...	...	207 10 0	207 10 0	...	...	...	...	...	...
...
...
...	...	275 0 0	275 0 0	...	...	...	...	...	...
...	...	...	...	...	...	...	...	6 6 0	6 6 0
...
2,243 17 3	17,864 0 6	14,287 6 8	76,849 6 4	305 0 0	...	...	27 9 0	52 15 2	385 4 2

DENOMINATION.				
	1851.	1852.	1853.	1854.
	£ s. d.	£ s. d.	£ s. d.	£ s. d.
CHURCH OF ENGLAND... ..	1,048 5 0	1,859 13 10	5,166 10 2	8,855 1 3
SCOTS CHURCH	360 0 0	538 2 6	766 18 1	1,616 6 10
FREE CHURCH	70 0 0	303 4 6	1,092 2 1	2,304 12 8
UNITED PRESBYTERIAN ... ..	...	...	24 4 1	...
WESLEYAN	330 0 0	436 9 0	1,412 1 11	4,351 12 10
WESLEYAN ASSOCIATION ... ..	...	...	...	...
PRIMITIVE METHODISTS ... ..	...	...	...	...
INDEPENDENT	153 0 0	290 14 10	350 0 0	401 8 8
BAPTIST ... ..	...	...	...	25 0 0
LUTHERAN ... ..	...	...	...	50 0 0
BIBLE CHRISTIANS ... ..	...	...	...	...
CONGREGATIONAL ... ..	...	...	...	...
COMBINED ... ..	...	...	...	...
ROMAN CATHOLIC	736 3 4	1,121 4 1	3,391 1 8	6,943 9 1
	2,697 8 4	4,549 8 9	12,202 18 0	24,547 11 4
Contingencies—Teachers' Library ... ..	...	...	...	...
Purchase of Books, Lectures, &c. ... ..	...	...	...	...
Salaries of Singing and Drawing Masters ... ..	...	...	...	...
Department—Salaries... ..	...	...	...	...
Forage and Contingencies ... ..	...	...	...	...
GRAND TOTAL	2,697 8 4	4,549 8 9	12,202 18 0	24,547 11 4

MARY.

GOVERNMENT AID.

SALARIES.				BUILDINGS.			
1855.	1856.	1857.	TOTAL.	1852.	1853.	1854.	1855.
£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.
12,879 0 3	19,139 11 10	26,932 0 0	75,880 2 4	1,240 0 0	10,087 3 9	9,619 19 0	8,964 19 3
1,761 2 8	1,976 8 8	2,555 10 3	9,574 9 0	...	1,413 1 8	483 16 4	650 0 0
3,305 10 5	4,446 3 0	5,591 13 0	17,113 5 8	...	1,643 16 9	6,130 17 4	2,575 3 0
...	...	...	24 4 1	...	...	...	...
7,756 2 8	8,376 1 1	9,489 14 7	32,152 2 1	...	708 6 1	4,668 15 8	3,894 17 4
52 11 7	120 0 0	220 6 5	392 18 0	...	...	...	...
...	...	58 6 8	58 6 8	...	...	...	...
570 11 6	877 1 1	1,044 0 1	3,686 16 2	...	1,445 2 1	355 14 0	...
100 0 0	100 0 0	195 16 8	420 16 8	...	...	...	...
130 2 1	300 0 0	314 4 11	794 7 0	...	...	...	82 10 0
...	...	155 0 0	155 0 0	...	...	...	...
...	...	240 11 8	240 11 8	...	...	...	...
...	...	172 8 10	172 8 10	...	...	...	...
3,907 11 0	10,924 10 8	13,292 10 10	45,316 10 8	200 0 0	3,937 2 7	12,652 6 8	4,013 5 6
5,462 12 2	46,259 16 4	60,262 3 11	185,981 18 10	1,440 0 0	19,234 12 11	33,911 9 0	20,180 15 1
...
...
...
...
...
462 12 2	46,259 16 4	60,262 3 11	185,981 18 10	1,440 0 0	19,234 12 11	33,911 9 0	20,180 15 1

SUMMARY

DENOMINATION.	GOVERNMENT AID.								
	BUILDINGS.				Grants in 1857, for Building, unclaimed to 8th November, 1858.		TOTAL.		
	1856.		1857.		1858.				
	£	s.	d.	£	s.	d.	£	s.	d.
CHURCH OF ENGLAND	11,988	4	8	8,314	0	0	2,459	7	4
SCOTS CHURCH	541	9	0	347	15	9	250	0	0
FREE CHURCH	3,203	2	9	2,461	6	10	379	6	0
UNITED PRESBYTERIAN ... ..	...			...			...
WESLEYAN ... ..	...			1,393	15	8	175	0	0
WESLEYAN ASSOCIATION ... ..	...			...			...
PRIMITIVE METHODISTS ... ..	...			...			...
INDEPENDENT	98	12	3	126	3	3	...		
BAPTIST ... ..	...			...			...
LUTHERAN ... ..	...			250	0	0	...		
BIBLE CHRISTIANS ... ..	...			2	15	1	...		
CONGREGATIONAL ... ..	...			10	0	0	...		
COMBINED ... ..	...			...			...
ROMAN CATHOLIC	4,468	7	10	3,960	13	10	538	5	1
	20,299	16	6	16,866	10	5	3,801	18	5
Contingencies—Teachers' Library ... ..	...			...			...
Purchase of Books, Lectures, &c. ... ..	...			...			...
Salaries of Singing and Drawing Masters ... ..	...			...			...
Department—Salaries... ..	...			...			...
Forage and Contingencies ... ..	...			...			...
GRAND TOTAL ...	20,299	16	6	16,866	10	5	3,801	18	5

—continued.

SCHOOL FEES.

1851.		1852.		1853.		1854.		1855.		1856.		1857.		TOTAL.	
£	s. d.	£	s. d.	£	s. d.	£	s. d.	£	s. d.	£	s. d.	£	s. d.	£	s. d.
1,148	0 6	1,747	5 8	4,032	15 1	6,308	0 4	7,816	1 1	10,118	18 9	13,267	7 0	44,438	8 5
350	9 10	609	1 2	711	11 8	1,270	6 3	1,340	13 2	1,028	7 8	1,222	9 6	6,532	19 3
91	0 0	375	7 11	1,346	15 9	2,146	18 0	2,740	19 4	2,654	4 7	3,223	15 10	12,579	1 5
...	...	...	...	95	0 0	...	...	...	...	...	...	23	14 6	118	14 6
394	0 2	842	14 2	1,713	13 10	3,852	14 10	5,354	7 11	5,309	1 9	5,293	12 3	22,760	4 11
...	...	...	...	...	...	...	...	48	9 6	159	12 6	117	11 8	325	13 8
...	...	...	...	...	...	...	...	...	...	...	...	42	13 6	42	13 6
378	19 0	299	8 7	329	19 0	339	18 11	363	12 6	611	15 11	705	6 1	3,029	0 0
...	...	...	...	...	...	31	4 0	105	13 0	56	19 0	90	0 0	283	16 0
...	...	...	...	...	...	36	0 0	62	6 3	86	3 6	112	19 3	297	9 0
...	...	...	...	...	...	...	...	...	...	...	...	90	3 9	90	3 9
...	...	...	...	...	...	...	...	...	...	...	...	140	18 0	140	18 0
...	...	...	...	...	...	...	...	...	...	...	...	56	1 0	56	1 0
937	10 2	1,529	5 8	3,210	15 0	5,318	8 7	5,521	9 9	6,071	19 1	6,158	5 7	28,747	13 10
3,299	19 8	5,403	3 2	11,440	10 4	19,303	10 11	23,353	12 6	26,097	2 9	30,544	17 11	119,442	17 3
...
...
...
...
...
3,299	19 8	5,403	3 2	11,440	10 4	19,303	10 11	23,353	12 6	26,097	2 9	30,544	17 11	119,442	17 3

SUMMARY

DENOMINATION.	LOCAL CONTRIBUTIONS TOWARDS SCHOOL									
	1852.		1853.		1854.		1855.		1856.	
	£	s. d.	£	s. d.	£	s. d.	£	s. d.	£	s. d.
CHURCH OF ENGLAND	600	0 0	5,057	2 5	4,812	0 10	7,356	6 8	10,036	8 8
SCOTS CHURCH	706	10 10	241	18 2	...	...	541	9 0
FREE CHURCH	796	18 4	2,931	0 11	1,948	16 5	2,819	2 9
UNITED PRESBYTERIAN
WESLEYAN	526	18 11	2,400	6 8	2,993	9 8	...	...
WESLEYAN ASSOCIATION
PRIMITIVE METHODISTS
INDEPENDENT	804	11 8	177	17 0	...	...	98	12 3
BAPTIST
LUTHERAN	170	0 0	...	...
BIBLE CHRISTIANS
CONGREGATIONAL
COMBINED
ROMAN CATHOLIC	100	0 0	1,462	2 4	6,836	13 10	4,775	4 6	4,368	7 10
	700	0 0	9,354	4 6	17,399	17 5	17,243	17 3	17,864	0 6
Contingencies—Teachers' Library
Purchase of Books, Lectures, &c.
Salaries of Singing and Drawing Masters
Department—Salaries
Forage and Contingencies
GRAND TOTAL	700	0 0	9,354	4 6	17,399	17 5	17,243	17 3	17,864	0 6

—continued.

BUILDINGS.		MISCELLANEOUS.					
1857.	TOTAL.	1853.	1854.	1855.	1856.	1857.	TOTAL.
£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.
6,191 3 10	34,053 2 5	...	10 0 0	14 6 0	107 6 7	707 6 3	838 18 10
387 10 7	1,877 8 7	...	...	...	...	5 3 0	5 3 0
2,306 6 10	10,802 5 3	...	...	...	26 16 0	86 7 8	113 3 8
...
1,419 0 8	7,339 15 11	...	...	...	...	21 1 0	21 1 0
...
...
26 3 3	1,107 4 2	...	...	...	20 0 0	...	20 0 0
...
250 0 0	420 0 0	...	...	3 11 6	...	...	3 11 6
2 15 1	2 15 1	...	...	...	...	...	...
10 0 0	10 0 0	...	...	...	...	...	...
...
3,694 6 5	21,236 14 11	305 0 0	...	...	27 9 0	52 15 2	385 4 2
14,287 6 8	76,849 6 4	305 0 0	10 0 0	17 17 6	181 11 7	872 13 1	1,387 2 2
...	...	...	...	...	94 5 10	...	94 5 10
...	...	771 4 0	711 12 0	703 14 0	1,242 3 7	2,776 7 8	6,205 1 3
...	...	262 10 0	961 4 3	1,840 6 3	2,079 13 6	3,071 8 8	8,215 2 8
...	...	1,585 16 1	3,160 3 1	2,828 16 3	4,068 12 11	6,351 13 3	17,995 1 7
...	...	212 2 4	436 4 7	511 10 0	1,195 5 9	1,580 18 8	3,936 1 4
4,287 6 8	76,849 6 4	2,831 12 5	5,269 3 11	5,884 6 6	8,680 1 7	13,780 8 3	36,445 12 8

SUMMARY of RETURNS of EXPENDITURE on DENOMINATIONAL SCHOOLS from 1851 to 1857 inclusive, with a statement of the tenure of School Buildings, and the uses to which they are applied.

DENOMINATION.	GOVERNMENT AID.						VOLUNTARY CONTRIBUTIONS.						TOTAL, GOVERNMENT AID.	TOTAL, VOLUNTARY CONTRIBUTIONS.	GENERAL TOTAL.									
	Salaries.		Buildings.		Miscellaneous.		School Fees.		Local Contributions towards School Buildings.															
	£	s.	d.	£	s.	d.	£	s.	d.	£	s.	d.	£	s.	d.	£	s.	d.						
Church of England	75,880	2	4	52,673	14	0	838	18	10	44,438	8	5	34,053	2	5	129,392	15	2	78,491	10	10	207,884	6	0
Scots Church	9,574	9	0	3,686	2	9	5	3	0	6,532	19	3	1,877	8	7	13,265	14	9	8,410	7	10	21,674	2	7
Free Church	17,113	5	8	16,393	12	8	113	3	8	12,579	1	5	10,802	5	3	33,620	2	0	23,381	6	8	57,001	8	8
United Presbyterian	24	4	1	...	...	...	...	...	...	118	14	6	...	...	...	24	4	1	118	14	6	142	18	7
Wesleyan	32,152	2	1	10,840	14	9	21	1	0	22,760	4	11	7,339	15	11	43,013	17	10	30,100	0	10	73,113	18	8
Wesleyan Association	392	18	0	...	...	...	...	...	...	325	13	8	...	...	...	392	18	0	325	13	8	718	11	8
Primitive Methodists	58	6	8	...	...	...	...	...	...	42	13	6	...	...	...	58	6	8	42	13	6	101	0	2
Independent	3,686	16	2	2,025	11	7	20	0	0	3,029	0	0	1,107	4	2	5,732	7	9	4,136	4	2	9,868	11	11
Baptist	420	16	8	...	...	...	...	...	...	283	16	0	...	...	...	420	16	8	283	16	0	704	12	8
Lutheran	794	7	0	332	10	0	3	11	6	297	9	0	420	0	0	1,130	8	6	717	9	0	1,847	17	6
Bible Christians	155	0	0	2	15	1	...	...	...	90	3	9	2	15	1	157	15	1	92	18	10	250	13	11
Congregational	240	11	8	10	0	0	...	...	...	140	18	0	10	0	0	250	11	8	150	18	0	401	9	8
Combined	172	8	10	...	...	...	...	...	...	56	1	0	...	...	...	172	8	10	56	1	0	228	9	10
Roman Catholic	45,316	10	8	29,770	1	6	385	4	2	28,747	13	10	21,236	14	11	75,471	16	4	49,984	8	9	125,456	5	1
Singing and Drawing Masters, purchase of School-books, &c.	185,981	18	10	115,735	2	4	1,387	2	2	119,442	17	3	76,849	6	4	303,104	3	4	196,292	3	7	499,396	6	11
Department—Salaries and Contingencies ... ..	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	14,514	9	9	...	...	...	14,514	9	9
GRAND TOTALS	185,981	18	10	115,735	2	4	1,387	2	2	119,442	17	3	76,849	6	4	339,549	16	0	196,292	3	7	535,841	19	7

By Authority: JOHN FERRIS, Government Printer, Melbourne.

1858-9.

VICTORIA.

RAILWAY LOAN.

(ESTIMATE OF ADVANTAGES FROM.)

RETURN TO AN ORDER OF THE LEGISLATIVE COUNCIL.

THE HONORABLE J. F. STRACHAN.—7TH DECEMBER, 1858.

LAI'D UPON THE COUNCIL TABLE BY THE HONORABLE H. MILLER, 20TH JANUARY, 1859,
AND ORDERED BY THE COUNCIL TO BE PRINTED, 27TH JANUARY, 1859.

RETURN of "the calculations or other data upon which the Government based their 'estimate of the advantages' which would accrue to this Colony from the acceptance of the Tender of the six Banking Establishments for the Railway Loan of £7,000,000 over those of Messrs. Baring Brothers and Company, and Messrs. De Pass Brothers and Company."

MEMORANDUM of the estimated advantages to be derived from the negotiation of the Railway Loan by the Banks, as compared with the tenders of Messrs. Baring Brothers and Co., and of the Messrs. De Pass :—

	£	s.	d.
1st. The highest available offer made by Baring Brothers appears to be that in their letter of the 25th May, 1858, paragraph No. 3, namely— Cash payable at Melbourne by monthly instalments, commencing on the 1st October, 1858, for £1,500,000 of the bonds at the rate of 101¼ per cent. ; which offer, if accepted, would have enabled the holders of these bonds to obtain the remainder of the loan at the same rate. Now, it is estimated by the Government that the loan, as at present placed, will realize, besides paying commission and brokerage, a nett average amount of 112 per cent., being a difference of 10¾ per cent., which, on the amount of the loan of £7,000,000, will amount to	752,500	0	0
2. Baring Brothers' charge for the payment of dividends would have been 1 per cent., but under the Bank agreement the charge is to be ½ per cent., making a difference of ½ per cent. on the amount of dividends that will have to be paid, namely, 6 per cent. on £7,000,000, being £420,000 per annum, which, for the currency of the loan—25 years—will amount to £10,500,000 at ½ per cent.	52,500	0	0
3. And a like difference of ¼ per cent. on the reimbursement of the principal, namely, £7,000,000, at ¼ per cent.	17,500	0	0
Estimated amount in favor of the present arrangement	£822,500	0	0

The tender of Messrs. De Pass, as compared with that of the banks, as regards the amount of the advances necessary before the issue of the debentures and during their sale, the charge for interest, the rate of exchange, and other particulars, seemed to warrant the Government in declining to entertain their offer, without raising the question as to whether the standing and influence of Messrs. De Pass and Co. was such as to make that firm the very best agents that could be selected for the negotiation of the Railway Loan of £7,000,000.

Melbourne, 17th January, 1859.

39392

1858-9.

VICTORIA.

COMPLAINTS UNDER 21 VICTORIA, N^o. 29,
SECS. 22 & 54.

RETURN TO AN ORDER OF THE LEGISLATIVE COUNCIL.
THE HONORABLE T. H. FELLOWS.—2ND NOVEMBER, 1858.

LAI'D UPON THE COUNCIL TABLE BY THE HONORABLE H. MILLER 15TH DECEMBER, 1858,
AND ORDERED BY THE COUNCIL TO BE PRINTED 18TH FEBRUARY, 1859.

A RETURN of the NUMBER OF COMPLAINTS during the first nine months of the year 1858 under 21st Victoria, No. 29, section 22; and of the NUMBER OF PERSONS ACTUALLY IMPRISONED by reason of proceedings under that Clause, in cases heard at the under-mentioned places.

Place.	Number of Complaints.	Number actually imprisoned.	Cost of Maintenance.	Remarks.
			£ s. d.	
Ararat	402	1	1 8 0	
Ballaarat	1504	40	20 14 6 ³ / ₄	
Ballaarat East	880	11	2 13 7 ¹ / ₂	
Beechworth... ..	1525	86	23 12 0	16 of these prisoners supported themselves.
Belfast	292	—	—	
Collingwood	151	1	—	
Castlemaine... ..	561	7	3 1 5	1 prisoner supported himself.
Dunolly	347	1	—	
Emerald Hill	154	6	2 16 9 ¹ / ₄	
Geelong	672	—	—	
Kilmore	54	—	—	
Kyneton	269	2	0 4 9	
Melbourne	3205	12	3 10 0	Of these prisoners 3 rationed themselves; 2 during a portion of their confinement; and 2 were not rationed, having been discharged the day they were received.
Maryborough	357	6	2 6 2	1 prisoner supported himself; 2 discharged immediately after arrest.
Prahran	248	5	1 12 10	
Portland	84	4	0 1 4	1 prisoner supported himself.
Pleasant Creek	465	5	0 3 8	
Raglan	40	1	0 17 2 ¹ / ₄	
Richmond	224	—	—	
Sandhurst	1148	17	3 15 6	
St. Kilda	319	—	—	
Sandridge	94	1	0 0 5	
Williamstown	269	1	0 0 10	
Warrnambool	191	3	—	
Total	13,455	210	£66 19 0 ³ / ₄	

H. S. CHAPMAN,
Attorney General.

Crown Law Offices,
Melbourne, 7th December, 1858.

A RETURN of the NUMBER OF PLAINTS entered in the County Courts at the following places during the first nine months of the the year 1858 under 21 Victoria, No. 29 ; and of the NUMBER OF PERSONS IMPRISONED under section 54.

Place.	Number of Plaints.	Number actually imprisoned.	Cost of Maintenance.	Remarks.
			£ s. d.	
Avoca	63	1	3 12 6	
Ararat	177	4	3 2 0	
Alberton	62	—	—	
Ballaarat	1508	16	9 7 8 $\frac{1}{4}$	6 prisoners supported themselves.
Beechworth	279	5	0 6 8	
Benalla	25	—	—	
Belfast	55	2	3 10 0	
Buckland	13	—	—	
Castlemaine	645	6	6 14 9	1 prisoner wholly supported himself, and 3 partly.
Creswick	161	—	—	
Carisbrook	128	1	—	
Colac	10	—	—	
Dunolly	120	—	—	
Geelong	1144	7	2 3 3 $\frac{3}{4}$	2 prisoners supported themselves.
Heathcote	51	—	—	
Hamilton	—	—	—	
Hepburn	30	—	—	
Kyneton	286	1	—	
Kilmore	143	1	—	
Melbourne	4475	30	4 3 7 $\frac{1}{4}$	9 prisoners supplied themselves; 4 during a portion of their confinement; and 1 did not receive rations, having been discharged on the day of his arrest.
Maryborough	147	2	—	
Portland	16	—	—	
Pleasant Creek	111	1	—	
Raglan	12	—	—	
Sandhurst	921	18	10 3 3	6 prisoners supported themselves.
Warrnambool	28	—	—	
Total	10,610	95	£43 3 9 $\frac{3}{4}$	

Crown Law Offices,
Melbourne, 7th December, 1858.

H. S. CHAPMAN,
Attorney General.

1858-9.

VICTORIA.

CORRESPONDENCE ON SUBJECT OF LEAVE OF
ABSENCE:—MR. JUSTICE WILLIAMS.

LAI'D UPON THE COUNCIL TABLE BY THE HONORABLE H. MILLER 17TH FEBRUARY, 1859,
AND ORDERED BY THE COUNCIL TO BE PRINTED 18TH FEBRUARY, 1859.

Supreme Court,
27th September, 1858.

SIR,

Referring to our conversation of this morning, I do myself the honor of laying before the Executive Government of the colony my desire to obtain two years' leave of absence with half salary from the 15th April, 1859, or as soon as may be convenient, for the purpose of visiting Europe, always having due regard to the exigencies of the public service, and the necessity of obtaining an efficient substitute.

The grounds on which I base my application are the following :

First. I have been a constant resident in the colony for the last sixteen years, having arrived on the 13th February, 1842, with the exception of passing a month in Sydney during the vacation of 1853, and a visit to Van Diemen's Land, more particularly adverted to hereafter, of fourteen days' duration during the vacation of 1854.

Second. In the month of July, 1851, I was appointed Commissioner of the Court of Requests, and in April, 1852, received my commission as Solicitor General.

In July, 1852, I was raised to the Bench, and since that time have continually performed the duties appertaining to the office of one of the puisne judges of the Supreme Court.

Third. It will be in your remembrance that, during the years 1853 and 1854, the entire business of the Supreme Court was administered by Mr. Justice Barry and myself.

Fourth. That during the years 1853 and 1854 the labor was so constant, that neither Mr. Justice Barry nor myself could set apart one day in the month for the transaction of private affairs.

Fifth. That during the years 1853 and 1854 the duties incumbent on the office were so severe and arduous, that a protracted illness resulted from their performance, and I was ordered by my medical adviser to visit Van Diemen's Land for the restoration of my health.

Sixth. That I was only enabled to pass fourteen days in Van Diemen's Land for that purpose, my presence in Victoria by the 1st of February, 1855, being deemed absolutely essential to the public service in the administration of the law.

Seventh. That my children are at present in Europe for the purpose of education. That my eldest son is on the eve of entering the army, and my second son about to leave ——— for Cambridge; that, as a consequence, my presence in England at this juncture is much required in order to perfect the necessary arrangements.

Eighth. That urgent private affairs of a monetary nature demand my immediate attention in Europe.

Lastly. I may finally observe that, should the Ministry require a substitute to be named in terms of the regulations published on January 23rd, 1852, I shall be prepared to do so.

I have, &c.,
(Signed) EDWARD EYRE WILLIAMS.

The Honorable
The Chief Secretary.

Chief Secretary's Office,
Melbourne, 5th October, 1858.

SIR,

I have the honor to acknowledge the receipt of your letter of 27th September, bringing under notice your desire to obtain two years' leave of absence with half salary from 15th April next, and have to request that you will be good enough to suggest the name of the gentleman you would propose as your successor for that period.

I have, &c., &c.,
(Signed) JOHN O'SHANASSY.

His Honor
Mr. Justice Williams.
A 10.

Supreme Court,
6th October, 1858.

SIR,

I beg to acknowledge the receipt of your letter of the 5th instant, requesting me to suggest the name of the gentleman whom I propose to act as my successor. In reply, I have to submit the name of R. W. Pohlman, Esquire, upon the assumption that arrangements can be made satisfactory to the Executive Government for the performance of his duties as judge of the County Court for the district of Melbourne.

The Honorable
The Chief Secretary, &c., &c.

I have the honor to be, &c., &c.,
(Signed) EDWARD EYRE WILLIAMS.

2340.

Chief Secretary's Office,
Melbourne, 20th October, 1858.

SIR,

In further reference to your application by letter, dated 27th September, for two years' leave of absence with half salary from 15th April, 1859, I have the honor to inform you that the leave will be granted on those terms, and that Mr. Pohlman will be appointed as your successor.

His Honor
Mr. Justice Williams.

I have, &c.,
(Signed) J. O'SHANASSY.

(Copy.)

Crown Law Offices,
31st January, 1859.

SIR,

With reference to the subject of your correspondence with the Chief Secretary in October last, I have the honor to direct your attention to a resolution passed by the House of Assembly in the following terms:—

“That, in the opinion of this House, it is not desirable that any person should be appointed acting judge of the Supreme Court at a salary less than that payable to the judges of such court under the ‘Constitution Act.’”

In accordance with this resolution, I regret that the decision of the Government communicated to you in the Chief Secretary's letter of the 20th October last must be so far modified, that the whole of the salary assigned by the Constitution Act to yourself as one of the puisne judges must be paid to your temporary successor.

The former determination of the Government was in accordance with previous precedent, but the resolution of the House of Assembly is of higher and more binding authority, and the Government regret that they are thus compelled to depart from their original decision.

To His Honor
Mr. Justice Williams.

(Signed) H. S. CHAPMAN.

1858.

VICTORIA.

INDIAN RELIEF FUND.

ORDERED BY THE COUNCIL TO BE PRINTED, 12TH OCTOBER, 1858.

HENRY BARKLY,
Governor.

Message No.

The Governor has much pleasure in laying before the Legislative Council a Copy of a Despatch from the Secretary of State, conveying the expression of the high sense which Her Majesty the Queen entertains of the generous sympathy evinced by the Legislature and people of Victoria, in their liberal contribution towards the Fund for the relief of the sufferers from the recent Mutiny in India.

The Governor has also received from the Committee of the Indian Mutiny Relief Fund a special vote of thanks, appropriately engrossed and framed, which will be placed in the possession of the Librarian to the Houses of Parliament.

Government Offices,

Melbourne, 12th October, 1858.

376398

[COPY.]

Downing Street,
24th June, 1858.

SIR,

I have to acknowledge the receipt of your despatch, containing the gratifying intelligence that the Victorian Legislature had unanimously voted the sum of Twenty-five thousand Pounds in aid of £25,000. the Indian Relief Fund.

That despatch having been submitted by my Predecessor to the Queen, I have to inform you that Her Majesty has been pleased to express Her high sense of the generous sympathy which so liberal a contribution evinces on the part of the Legislature and the people of Victoria towards the sufferers from the recent mutiny in India, and which adds one more to the many ties which bind the Colony to the mother country.

A copy of the despatch was also communicated to the Commissioners for the Affairs of India, June, 1858. and I transmit for your information a copy of the reply.

I have the honor to be,
Sir,

Your most obedient humble servant,
(Signed) E. B. LYTTON.

Governor Sir Henry Barkly, K.C.B.,
&c., &c., &c.

[COPY.]

India Board,
19th June, 1858.

SIR,

With reference to your letter of the 28th ultimo, I am directed by the Commissioners for the Affairs of India to request that the Secretary of State for the Colonies will take the measures necessary for making it known that this Board and the Court of Directors of the East India Company highly appreciate the sympathy manifested by the Colonial Legislature and inhabitants of Victoria and Adelaide towards the sufferers by the recent disastrous events in India.

(Signed) I am &c., GEORGE CLERK.

H. Merivale, Esq.

1858.

VICTORIA.

LEGISLATIVE COUNCIL.

FIRST REPORT

OF THE

PRINTING COMMITTEE.

LAI D UPON THE COUNCIL TABLE BY THE HONORABLE M. HERVEY AND ORDERED BY THE COUNCIL TO BE PRINTED 19TH OCTOBER, 1858.

By Authority:

JOHN FERRES, GOVERNMENT PRINTER, MELBOURNE.

R E P O R T .

In pursuance of the Order of your Honorable House, made on the 12th October, 1858, your Committee have had referred to them the several Papers mentioned in the following Table, upon which your Committee beg to report as appears by such Table :—

Subject.	When moved for, and by whom.	When laid on Council Table.	By Command or presented.	Report and Remarks of Committee.
Trade and Customs—Accounts relating to—1857	7th Oct., 1858	By Command	No order made.
Central Board of Health—Third Annual Report—1857	"	"	"
Telegraphic Communication with England—Despatch (with enclosures) from Secretary of State—29th May, 1858	"	"	"
National Education—Fifth Report of Commissioners of—1857	"	"	"
Second Progress Report of the Commissioners appointed to inquire and report upon the best mode of providing Offices for the Civil Service of the Colony, and the most eligible sites for any new buildings that may be necessary for such purpose—9th April, 1858	"	"	"
Railway Loan Contract	12th Oct., 1858	"	Recommended to be printed.
Return to an Address of the Legislative Council, 13th April, 1858, of Persons drawing or entitled to draw Pay or Pension Money on the 31st January, 1858	13th April, 1858, Hon. J. P. Fawc- ner	"	... ..	Recommended to be printed with addition of index to names.
Steam Postal Communication—Circular Despatch (with enclosures) from the Right Hon. the Secretary of State—16th June, 1858	"	"	No order made.
Letter from W. Westgarth, Esq., intimating that a flock of Alpacas had been purchased for presentation to the Colony	"	"	Consideration of postponed.
National Board of Education Rules—16th July, 1858, 10th August, 1858	"	"	No order made.
Mining Association Act—Orders in Council—12th August, 1858	"	"	"

MATTHEW HERVEY,
Chairman.

Committee Room,
13th October, 1858.

444104

1858.

VICTORIA.

REPORT

OF THE

SELECT COMMITTEE OF THE LEGISLATIVE COUNCIL

ON THE

SOUTH PROVINCE ELECTORAL ROLLS,

TOGETHER WITH THE

PROCEEDINGS OF COMMITTEE, MINUTES OF EVIDENCE, AND APPENDICES.

ORDERED BY THE COUNCIL TO BE PRINTED 14TH DECEMBER, 1858.

By Authority:

JOHN FERRES, GOVERNMENT PRINTER, MELBOURNE.

EXTRACTED FROM THE MINUTES.

TUESDAY, 26TH OCTOBER, 1858.

SOUTH PROVINCE ELECTORAL ROLLS.—The Honorable J. B. Bennett, in accordance with *amended* notice, moved, That a Select Committee be appointed to enquire into the present state of the Electoral Rolls of the South Province, and to report in what manner the system of Registration may be rendered more perfect, with power to take evidence; the Committee to consist of the Honorables T. H. Power, M. Hervey, T. H. Fellows, T. T. a'Beckett, and the Mover.

Debate ensued.

Question—put and passed.

TUESDAY, 14TH DECEMBER, 1858.

SOUTH PROVINCE ELECTORAL ROLLS—REPORT OF SELECT COMMITTEE.—The Honorable J. B. Bennett, as Chairman of the Select Committee appointed on the 26th October, 1858, “to enquire into the present state of the Electoral Rolls of the South Province, and to report in what manner the system of Registration may be rendered more perfect,” brought up the Report of the Committee, and moved that the same be received and printed.

Question—put and passed.

REPORT.

THE Select Committee of the Legislative Council, appointed on the 26th October, 1858, "to enquire into the present state of the Electoral Rolls of the South Province, and to report in what manner the system of Registration may be rendered more perfect," have the honor to submit to your Honorable House the result of their enquiries, and their opinion as to the alterations most required in the present Electoral Act, which opinion they base upon the evidence taken before them and the suggestions tendered by persons experienced in the working of the existing system.

1. It was not considered necessary to extend the investigation to every division of the Province, but evidence was taken as to the principal divisions—Pentridge, Gisborne, Donnybrook, Keilor, and Brighton—and judging from this evidence your Committee unanimously agree that the Electoral Rolls are false and inaccurate to an extent that renders them not only unworthy of trust, but subversive of the purpose for which they were designed, and that, under the present system of registration and revision, they afford no security for the reservation to duly qualified electors of their exclusive privilege to return members to the Legislative Council.

2. The cases of inaccuracy and falsification appear from the evidence to range themselves into six classes:—

- 1st. Retention on the rolls of names of persons deceased.
- 2nd. Retention of names of persons who have parted with their qualification since registration.
- 3rd. The recurrence (two, three, and even four times) of the same name for the same qualification.
- 4th. The insertion on the rolls of fictitious names.
- 5th. The insertion of the names of persons possessing insufficient qualification.
- 6th. The insertion of the names of persons known to have parted with their qualification, or to have died previous to registration.

3. Ample proof has been afforded that all these classes of inaccuracy and falsification exist to a very great extent, and that the present system of registration does not present sufficient means of preventing their unlimited recurrence.

4. The first two classes of cases arise from the absence of sufficient machinery to secure excision *at all times* of the names of electors who have parted with their qualifications or died since registration. The magistrates at the Revision Courts have no jurisdiction *beyond the actual list, to revise which they are then sitting*; and as the special lists only include the names of additional claimants, those names registered on the general roll, or on any of the previous special rolls, are beyond the control of the Bench, and cannot therefore be impugned until the revision of the general roll for the ensuing year. In the meantime several elections may have taken place. Cases of this description and those in the third and fourth class afford tempting facilities for impersonation. The third class of cases may arise either from over caution, accident, or design. In some instances the repetition occurs from many persons being under the impression that they are bound to send their names in for registration every year. In other instances it arises from the name being sent in by the elector himself and by one or perhaps more of his

friends, each ignorant of the other's proceeding. As a general rule, however, it is evident that this practice has been resorted to by designing persons with the object of affording means of impersonation. The Registrar has of course no discretion over these multiplied names, but must insert them in the roll for the Revision Court, and that court cannot take official notice of the repetition, unless it be *proved* to them that such repeated names only represent one person. In the late Special Roll for the South Province, (made up after revision of the Brighton List), the names registered of persons already on the General Roll for the same qualification are about 200.

5. The cases in class No. 4 do not appear to be numerous at present, but they have been proved to exist, and are the most difficult of detection and prevention.

6. The cases included in the fifth and sixth classes have originated in a most extensive and audacious system of falsifying the rolls, by forwarding for registration the names of persons possessing no legal qualification to the franchise for the Council. In every division on which the Committee have taken evidence, this mode of falsification has been proved to a very wide extent; but your Committee are convinced that, were it possible to obtain evidence on all the names in the lists, the numbers proved would be found to represent but a small proportion of the whole of the unfounded claims.

7. In the Brighton division of the province the system was carried on to a wholesale extent, it being in evidence that, out of about 650 claims sent in for that division, 561 were unfounded. One of the modes of effecting this improper registration was to copy from the roll for the corresponding division of the Legislative Assembly, and forward for registration the names of persons appearing therein as possessed of a freehold, and supposed to be favorable to the views of those engaged in the compilation; and it was admitted that in carrying out this plan it was not considered of any importance that the freeholds should be ascertained to be of (or even to approach) the value required to qualify the owners as electors for the Upper House. Of the vast number of qualifications proved to be insufficient, not more than one or two have reached one-half the legal standard; a very large majority have been proved to be of a value under £200, many have even been as low as £10, while some persons who have been registered as freeholders have been proved not to possess any such qualification. Such an unwarrantable course was attempted to be justified by one witness on the ground that he considered himself at liberty to send in any names, irrespective of qualification, leaving it for others to object at the Revision Court. It will be seen that, in a community such as this, but few instances of searching investigation into the lists will occur, and thus an overpowering force of unqualified persons may at any time be introduced on the rolls.

8. There has also been evidence to show that names have been forwarded for registration of persons who had been dead or had parted with their qualifications long previous to the claim being sent in.

9. Your Committee have ascertained by evidence that such wholesale fraud as above described has not emanated from the claimants themselves; indeed, it has appeared that in several instances they have indignantly repudiated the unauthorised use of their names, and the whole proceedings seem to have been carried out by a few persons gratuitously active, and calculating on being able to influence the votes of these unqualified persons (if enrolled) for party purposes. It has been given in evidence that in one instance eight persons possessed of no qualifications, servants of an active partisan at a late election, were improperly registered, and attended to vote under circumstances which lead to the inference that they did so at the instigation of their employer.

10. The character of the constituency sought to be procured by the

registration of such false claims may be ascertained from the fact that, of the freeholders appearing in the Brighton Assembly roll, a few were omitted from those sent in for registration for the Council, and for the avowed reason that they were considered "anti-progressive." The Committee have caused to be printed, in Appendix B, the names of those persons thus omitted, many, if not all, of whom are known as possessed of qualifications sufficient to entitle them to the franchise for the Council.

11. Your Committee have learned incidentally that the falsification of the electoral rolls, by the insertion of the names of unqualified persons, is not confined to the Southern Province; a similar system seems to have been carried out in the Central and Western Provinces. In fact, it is admitted by one witness that the effect which he sought to produce in the Southern Province, by the above means, he instigated others to accomplish throughout the whole Colony.

12. It is with deep regret that your Committee are compelled to express an opinion that there does not seem to exist amongst certain portions of our community a recognition of any offence, or even impropriety, in procuring false names to be inserted on the rolls, and your Committee are convinced that stringent legal measures are absolutely called for to prevent its continued perpetration.

13. It was admitted in evidence that, had there been a heavy penalty attached to the wilful insertion of names not known to be qualified, the proceedings above detailed would not have been taken by the person who made this admission, and who had himself sent in fourteen hundred claims.

14. Your Committee therefore respectfully recommend the following suggestions towards an immediate alteration of the Electoral Law:—

15. The periods for sending in claims at present (namely, one fortnight in every quarter), appear altogether insufficient, and it is recommended that claimants should be entitled to lodge their claims at any time within a short period of the sitting of each Revision Court.

16. The periods allowed for lodging objections to claims appear also unnecessarily restricted. Your Committee suggest that they should be lodged at any time, and should not be confined to the applicants appearing on the last list of claimants only, as at present, but should also be allowed against persons appearing on the general roll, or on any of the previous special rolls.

17. Your Committee conceive it highly injudicious to allow claims for registration to be made by any but the claimants themselves, and to insure this would earnestly recommend that each claim should be signed by the claimant in presence of and attested by some well-known public functionary. There are so many persons of this class scattered throughout the country in every direction that no inconvenience need arise. As a few, the following may be instanced: magistrates, clerks of the bench, postmasters, registrars of births, deaths, and marriages, chairmen and clerks of municipalities and road boards, &c., &c.

18. Your Committee are also of opinion that the claim for registration should embody a declaration, to the effect that "the property out of which the claimant seeks to register is, to the best of his belief, of the value required by the Act," and that a false declaration, before whomsoever signed, should be made punishable by law.

19. It should be made part of the duty of the functionary administering the declaration to see that the claimant and the property are described with sufficient accuracy to secure identification.

20. From the evidence adduced your Committee are fully persuaded that the present system of publishing the list of claimants previous to the sitting of each Revision Court involves a heavy and useless expense. These lists are stated to be lying in useless bundles at the various benches

throughout the country, and the instances of their being applied for are rare in the extreme. It is hoped that, by adopting the previous and following suggestions, they may be rendered altogether unnecessary.

21. A claimant being allowed to lodge his claim at any time should leave it with, or forward it to, the Clerk of that Bench which would form the Revision Court of the division in which his qualification is situated. The claims should be entered as received in a book to be kept for the purpose, and thus accumulate to within (say) one month of the revision day. The book in which these claims are entered should at all times be open for inspection, on payment of a small fee, and persons should be entitled to lodge objections to names appearing in that book, or upon any of the then existing rolls, at any time before (say) three weeks of the revision day. The names of persons objected to should then be published in the *Government Gazette* (and otherwise if deemed expedient), together with the notice of the sitting of the revision court.

22. Immediately after the sitting of the Revision Court, the names of all persons unobjected to, or against whom objections have failed, should be forwarded in an alphabetical list to the registrar of the province, to be added to the roll.

23. For the purpose of facilitating the proposed mode of revision it will be necessary that public notice should be given (in the *Gazette* and otherwise) specifying at what Court of Petty Sessions the list of each division will be revised.

24. It is very desirable that, as far as practicable, the same place in each division should be used for receiving claims for registration and polling at the elections. At present the electors are often confused as to the division in which they are to vote, and it is in evidence that some of the electors in the South Province having reached one polling place, and being informed they could only vote in a neighboring division, would not undergo the fatigue and loss of time involved in going an additional distance of several miles. At present the registrar forwards the claims to the various revision courts; whereas, were it incumbent on the claimant to deliver or forward his claim to the Bench of the division in which he is to vote, it would be no more trouble than delivering or forwarding it to the registrar as at present, and the division in which he is to vote would be impressed upon the elector's mind.

25. Lastly, it has been suggested that the Bench should be at all times open to receive *ex parte* proof upon oath of the fact of any elector having parted with his property or having died,—that the names of all persons when struck off from whatever cause should be kept in a Supplementary List by each Clerk of the Bench, and forwarded quarterly to be printed,—that the Registrar should be authorised to omit such names in making out the General Roll at the commencement of every year,—and that at each election it should be incumbent on every Clerk of the Bench within a Province to forward to the Returning Officer a list of all names so struck off by the Bench since the last published Quarterly List.

26. Your Committee, however, would suggest that the provisions of 21 Vict., No. 19, s. 9, might be adapted to the revision of Electoral Rolls.

27. Your Committee have, in their enquiry, confined themselves to the working of the Electoral Act in connection with the Legislative Council, and submit that, should any objection arise to the suggestions above made by reason of their supposed inapplicability to the Legislative Assembly, the great importance of the subject and the desirableness of purity of election will warrant the suggestion of a separate Act (if necessary) for each of the Legislative Houses.

J. B. BENNETT,
Chairman.

PROCEEDINGS OF THE COMMITTEE.

WEDNESDAY, 27TH OCTOBER, 1858.

Members present :

The Honorables J. B. Bennett, T. H. Power, M. Hervey.

The Honorable T. H. Power moved, That the Honorable J. B. Bennett be Chairman of the Committee.—Resolved.

Committee deliberated.

Committee adjourned until twelve o'clock on Wednesday, the 3rd proximo.

WEDNESDAY, 3RD NOVEMBER, 1858.

Members present :

The Honorables T. H. Power, J. B. Bennett, T. T. a'Beckett.

Mr. Simon Armstrong examined.

Mr. Thomas Little examined.

Committee adjourned at three p.m. until twelve o'clock on the 4th instant.

THURSDAY, 4TH NOVEMBER, 1858.

Members present :

The Honorable J. B. Bennett, in the chair.

The Honorables T. T. a'Beckett, T. H. Power, M. Hervey.

Mr. Thomas Little further examined.

Mr. Edward Ebenezer Hammond examined.

Mr. James Bridges examined.

Mr. George Gordon Cameron examined.

Committee adjourned for half-an-hour.

Committee resumed.

Mr. Robert Keys examined.

Mr. William Isaac Milemore examined.

Mr. Edward Johnson examined.

Mr. John Hanson examined.

Committee adjourned till eleven a.m. on Friday, 5th instant.

FRIDAY, 5TH NOVEMBER, 1858.

Members present :

The Honorable J. B. Bennett, in the chair.

The Honorables T. T. a'Beckett, T. H. Power.

Mr. William Redmond Belcher examined.

Mr. George Bartrop examined. [*Witness handed to the Clerk a paper parcel containing claims to vote in the Brighton Division of the South Province.*]

Mr. John Thomas Hinkins examined.

Committee adjourned till Tuesday, at half-past ten a.m.

TUESDAY, 9TH NOVEMBER, 1858.

Members present :

The Honorable J. B. Bennett, in the chair.

The Honorables T. H. Power, T. T. a'Beckett.

Mr. Richard Haines examined.

Mr. George Watt examined.

Mr. John Cameron examined.

Mr. Robert Shotton examined.

Mr. James Weston, surgeon, examined.

Committee adjourned until half-past ten a.m. on Wednesday the 10th instant.

WEDNESDAY, 10TH NOVEMBER, 1858.

Members present:

The Honorable J. B. Bennett, in the chair.
The Honorables T. H. Power, T. T. a'Beckett.

Mr. F. R. Godfrey examined.

Mr. Cowderoy examined.

Committee adjourned until half-past ten a.m. on Tuesday, 16th instant.

TUESDAY, 16TH NOVEMBER, 1858.

Members present:

The Honorable J. B. Bennett, in the chair.
The Honorables T. H. Power, T. T. a'Beckett, M. Hervey.

Mr. Henry Carroll examined.

Mr. Edward Messiter Dyne examined.

Committee adjourned until Wednesday, 17th instant, at half-past ten a.m.

WEDNESDAY, 17TH NOVEMBER, 1858.

Members present:

The Honorable J. B. Bennett, in the chair.
The Honorables T. H. Power, T. T. a'Beckett, M. Hervey.

Mr. Burnet P. Mudge examined.

Mr. J. W. Thomson examined.

Committee adjourned until Friday, 19th instant, at eleven o'clock.

FRIDAY, 19TH NOVEMBER, 1858.

Members present:

The Honorable J. B. Bennett, in the chair.
The Honorables T. H. Power, T. T. a'Beckett.

Mr. a'Beckett handed in and read a letter from Mr. Bartrop, which was ordered to be printed as Appendix D.

Mr. Finn examined, and handed in certain MS. lists.—Ordered to be printed as Appendices A, B, and C.

Mr. Cowderoy re-examined.

Mr. J. Weare examined.

Committee adjourned until Monday, 22nd instant, at half-past ten o'clock.

MONDAY, 22ND NOVEMBER, 1858.

Members present:

The Honorable J. B. Bennett, in the chair.
The Honorables T. T. a'Beckett, T. H. Power.

Mr. William Nicholson examined.

Committee adjourned until eleven o'clock on Thursday, 25th instant.

THURSDAY, 25TH NOVEMBER, 1858.

No meeting.

Committee subsequently ordered to be summoned for eleven o'clock on Friday, 26th instant.

FRIDAY, 26TH NOVEMBER, 1858.

Members present:

The Honorable J. B. Bennett, in the chair.
The Honorables T. H. Power, T. T. a'Beckett.

Chairman read draft suggestions for Report.

Mr. Robert Henry Woodward examined.

Committee deliberated.

Committee adjourned until two o'clock on Monday, 29th instant.

MONDAY, 29TH NOVEMBER, 1858.

Members present:

The Honorable J. B. Bennett, in the chair.

The Honorables T. H. Power, M. Hervey.

The Chairman read Draft Report.

Mr. T. H. Rawlings examined.

Draft Report ordered to be printed for the use of the Committee.

Mr. Godfrey's evidence was submitted to the Committee for decision, whether certain alterations should be allowed. The same were allowed.

Committee adjourned until one p.m. on Wednesday, 1st December.

WEDNESDAY, 1ST DECEMBER, 1858.

Members present:

The Honorables J. B. Bennett, T. H. Power.

A quorum not being present, no business was transacted.

THURSDAY, 2ND DECEMBER, 1858.

Members present:

The Honorable T. H. Fellows, in the chair.

The Honorables M. Hervey, T. H. Power, T. T. a'Beckett.

The evidence of Mr. J. W. Thomson was submitted to the Committee, in order to ascertain whether certain alterations made by him should be admitted.

Ordered—That no alterations inconsistent with the notes taken by the shorthand writer be allowed.

The Chairman read the Report paragraph by paragraph.

The Committee sat until the hour of meeting of the Council.

TUESDAY, 7TH DECEMBER, 1858.

Members present:

The Honorables T. H. Fellows, T. H. Power.

A quorum not being present, no business was transacted.

MONDAY, 13TH DECEMBER, 1858.

Member present:

The Honorable J. B. Bennett.

A quorum not being present, no business was transacted.

TUESDAY, 14TH DECEMBER, 1858.

Members present:

The Honorable J. B. Bennett, in the chair.

The Honorables T. H. Power, T. H. Fellows.

The Draft Report brought up by the Chairman was read paragraph by paragraph and agreed to.

The Chairman was directed to report accordingly to the House.

MINUTES OF EVIDENCE.

WEDNESDAY, 3RD NOVEMBER, 1858.

Members present :

The Honorable J. B. BENNETT, in the chair ;

The Honorable T. T. a'Beckett
" M. Hervey

The Honorable T. H. Power.

Mr. Armstrong examined.

Mr. Armstrong,
3rd Nov., 1858.

1. *By the Chairman.*—Where do you reside?—At Moonee Ponds.
2. How long have you been residing in that locality?—About fourteen years.
3. Are you acquainted with the people about Moonee Ponds?—Perfectly.
4. In what division is the Moonee Ponds?—In the Keilor electoral division of the South Province.
5. Are you acquainted with the persons resident in and about the Keilor division?—Yes, with most of them.
6. May I ask what paper is that in your hand?—The electoral roll of the Keilor division of the South Province.
7. Are you aware of what the qualification is for persons voting for the South Province?—Yes; to be possessed of landed property of the value of £1000, or £100 yearly income; or to have a £100 leasehold on a five years' lease.
8. Have you examined this Keilor division of the list?—Yes.
9. Do you see many names there you know?—Yes; I see a great many I know.
10. Can you name to the committee any names placed upon that list with whom you are acquainted, who have not got the qualification?—Yes, of those who had not the qualification when this list was published on 14th of April last.
11. *By Mr. a'Beckett.*—What list is that?—The general roll.
12. *By the Chairman.*—Let me turn your attention to the second special roll. Will you inform the committee if you see any names of unqualified persons on it?—Yes.
13. Would you name some?—Yes; No. 3109.
14. What is the objection to that name?—He has only half an acre of land.
15. How do you know that?—I know it perfectly well. He is a laboring man, and has got a small house, a sort of hut, on the land.
16. Did you ever speak to him, to ask him if he had got any qualification?—I never did.
17. Any other name?—Yes, 3120: that man has not been on the Moonee Ponds for eighteen months.
18. *By Mr. a'Beckett.*—What is his qualification put down there?—Freehold; but he sold it eighteen months ago. He is now living at Beechworth, I believe.
19. But how do you know he sold it?—I know the purchaser. Mr. Feehan was the purchaser of that property.
20. It is possible the man may have a freehold independently of that?—He has not.
21. *By the Chairman.*—Who is the next?—3126, freehold: he has at Moonee Ponds a-half acre of land and a little house on it.
22. Is this worth the necessary qualification?—It is not worth £200.
23. *By Mr. Power.*—Is it improved land?—No, it is not.
24. *By the Chairman.*—Any others?—Yes, 3136, brother of 3120: this man never had any qualification to be on the roll at all; he had a little iron house and a small plot of ground on Flemington hill, the whole worth £50.
25. *By Mr. Power.*—Is he a farmer?—No, he is not.
26. *By Mr. a'Beckett.*—Are these names that now appear the names of persons put on in last August?—Yes, this is the last roll made up.
27. That man you say has not been there for eighteen months?—No, he has not.
28. *By the Chairman.*—Any others?—Yes, 3166: this man left Moonee Ponds last February; I do not know where he is living now.
29. Did he dispose of his property?—He never had any property; he was a leaseholder, having a lease of a farm from Dr. McCrae's trustees, Captain Cole and others; he left there in February last.
30. Did he give up his leasehold property?—The property is all sold.
31. Any others?—Yes, 3175: there is not such a man in the township of Essendon.
32. *By Mr. a'Beckett.*—How long have you lived in Essendon?—Ever since it was Essendon; I live within 200 yards of the township.
33. *By Mr. Power.*—Do you know all the residents there?—Every one, all round the neighborhood.
34. *By the Chairman.*—Which is the next?—3182, leasehold, Moonee Ponds: that

Mr. Armstrong,
continued,
3rd Nov., 1858.

man is a wheelwright by trade, and never was anything but a laboring man since I knew him. I have known him now for four years; he has positively nothing, but is working for his daily bread.

35. *By Mr. a' Beckett.*—Are you sure there are not two persons of that name?—Perfectly sure there is not another man of that name.

36. *By the Chairman.*—Any others?—Yes, 3183: he is dead.

37. When did he die?—Twelve months ago.

38. Any others?—Yes, 3192, freehold, Flemington: this man never had a freehold, he had a small place on lease, but never had a qualification to be on the roll at all; he left about two months ago.

39. The next?—3208, no qualification: he is down on the general roll and on the special roll.

40. What qualification had he?—He sold his property, his qualification, twelve months ago to Mr. Lewis Clarke, Mr. W. J. T. Clarke's brother. He is down for Tullamaine and Hawstead; he has no qualification for Hawstead.

41. But he may have for Tullamaine?—Yes, he lives at Tullamaine.

42. The next?—3224, Dousta Galla, freehold: this man has a small freehold worth about £200 or £300.

43. *By Mr. Power.*—What is the nature of that property?—A half acre allotment with a small weatherboard house on it, not let at the present time; he wants 15s. a week for it. He lives in town here.

44. *By the Chairman.*—Any other?—Yes; 3250, Moonee Ponds, freehold, Moonee Ponds: this man had a freehold on the Moonee Ponds about two years ago; it was sold by the sheriff. Brown and Stewart were the parties who sold it. He had a public-house at that time.

45. *By Mr. Power.*—Has he left?—Yes.

46. Where does he reside now?—About 200 miles up the country, on Lady Franklin's land. He has no property on the Moonee Ponds at all; he has only got it by the year, and it is for sale, so that he could not be qualified even for that. The property which qualified him was sold.

47. *By the Chairman.*—Do you see any double names on this roll?—I do.

48. Will you give me the numbers of them?—3106, Kororoit: he is also down as 3108. It is the same man; I know him well; he is a large landed proprietor on the other side of the creek.

49. *By Mr. a' Beckett.*—Are you sure there is not another of the same name?—There is not another of the name on Kororoit Creek.

50. *By the Chairman.*—You say 3106 and 3108 are the same persons?—I do.

51. Is that the same person who appears on the general roll?—The same person.

52. The four names represent one person?—Yes.

[*Mr. a' Beckett:* I perceive that my name is down on the second special roll for the Keilor Division. I did not authorize my name to go down there, as I sold the property previous to July last. I never authorized any person to put my name on that roll.]

53. *By the Chairman.*—Any other person?—3111 and 3128 are double names. The next one is 3114.

54. Is his a double name?—Yes; you will find him further down on the list, 3127. This I believe is the same man; there is no other person of the name. He is down three times on the list.

55. Any other?—Yes; 3131.

56. *By Mr. a' Beckett.*—Is he down more than once?—Yes, he is down on the special roll.

57. *By the Chairman.*—Is he on the original roll also?—Yes, he is on the general roll.

58. He is once on the special roll and once on the general roll?—Yes.

59. Any one else?—Yes; 3138.

60. Is he down twice?—Yes.

61. On the general roll and on the special roll?—Yes. The next is 3142: he is down twice on the special roll and once on the general roll. 3166 has no qualification at all, but he is down on the special roll too.

62. He is mentioned twice, is he?—Yes, I think he is mentioned twice—on the general and on the special roll. Here is this man, 3175, again: he has a double name and no qualification; he is on the general roll as well.

63. Under the same name?—Yes.

64. *By Mr. Power.*—And there is no such person in the neighborhood?—No such person. The next double name is 3180.

65. *By Mr. a' Beckett.*—All these names are on the second special roll?—Yes.

66. *By the Chairman.*—3180 is down on the second roll and the special roll. Are you quite sure he is twice down?—He is twice down on the special roll, but not on the general roll.

67. The next is which?—3223, Moonee Ponds, double name: he has got qualification, but is down twice. The next double name is 3229.

68. Is it on the old roll or on the new one?—He is on the general roll and on the special roll. The next is 3234; he is on the special roll, and I think on the general roll too.

69. He is on the special roll and once on the old roll?—Yes. The next is 3236, his name is once on the special roll and once on the general roll. That is all.

70. Are you acquainted with any other division of the district?—I know a little of the Pentridge division, some few names.

- 71. *By Mr. a'Beckett.*—Have you ever had any conversation with the persons whose names you have given upon the subject of their appearance upon the roll?—No, I have not.
- 72. *By the Chairman.*—Is it a matter of notoriety that the persons you have spoken of have no qualification for the roll?—It is perfectly well known.
- 73. *By Mr. Power.*—Did all these persons come up to record their votes?—No.

Mr. Armstrong, continued, 3rd Nov., 1858.

The witness withdrew.

Mr. Thomas Little examined.

- 74. *By the Chairman.*—Where do you reside?—At Brunswick.
- 75. Have you been long resident there?—For four years.
- 76. Are you acquainted with the people residing in and about Brunswick and Pentridge?—I am; Brunswick more particularly.
- 77. Are you aware what the qualification of voters for the Upper House is?—I am; a freehold of the value of £1000, or a rental or income from freehold property to the amount of £100 per annum, or a leasehold by which a party paying £100 a year will be qualified.
- 78. Do you know the length of that leasehold?—Five years from the commencement of it.
- 79. What paper have you got before you?—The second special list of persons on the electoral roll.
- 80. *By Mr. a'Beckett.*—It is not the official special list you have?—It is the second special list.
- 81. Do you see any names on that roll you are acquainted with?—I do.
- 82. Do you see any names of persons you are acquainted with who are not possessed of the proper qualification?—Yes.
- 83. *By the Chairman.*—Will you name them to the committee and your objections to them?—Yes; the first is 2355: he is by trade a bricklayer and possessed of a small petty freehold.
- 84. Of what value?—Not exceeding £200.
- 85. *By Mr. Power.*—Do you think yourself competent to value these properties?—I do not, generally; but knowing the value of property in that neighborhood, I think the amount named is the utmost value of half an acre of land in certain localities; therefore I come to what might be thought a fair value.
- 86. What profession are you?—I am a publican.
- 87. *By the Chairman.*—You know the general value of land about Brunswick?—I do. The next is 2359: he is a brickmaker by trade, and is possessed of half an acre of brick ground worth about £200. This man has been in Brunswick about twelve months, and I am positive that is his only qualification. The next is 2360: he is possessed of half an acre of land, on which he has erected a house for himself.
- 88. What is the house made of?—Brick; a two-storied house. It is his only qualification.
- 89. What is it worth?—Taking the locality and everything into consideration, it may be worth £400.
- 90. Would it fetch £100 a year?—It would not.
- 91. *By Mr. Power.*—What land is attached to it?—Half an acre. The next is 2364: he has two allotments of land in Weston-street, Brunswick, worth about £100. The next is 2375, a brother of the former: he is renting a piece of brick ground from Mr. Michael Dawson; that is his only qualification. He has not been in Brunswick very long: he is my neighbor.
- 92. *By the Chairman.*—What is the annual value of the land he is renting?—I suppose that is according to the quantity of bricks made.
- 93. What does it let for?—That I cannot tell; perhaps 20s. or 30s. a week.
- 94. Would it let for more than that?—It would not.
- 95. How do you know it lets for that?—Because they pay so much per thousand for the bricks; I can thus calculate how many they make a week.
- 96. *By Mr. a'Beckett.*—They pay according to the number of bricks they make?—Yes.
- 97. *By Mr. Power.*—So that, if there was only one company of men employed in making bricks, it would not be so valuable?—Certainly not.
- 98. *By the Chairman.*—The question is, what is the land worth?—Mr. Dawson has only let it for one year for this purpose.
- 99. Are you certain that it is only let for one year?—I am positive. The next is 2429: he is possessed of half an acre of land on which he makes bricks. It is situated in Phillipstown. The ground adjoining is sold for about £300 an acre.
- 100. Will you allow me to go back a bit. Do you know No. 2385?—I do; he is a saddler, and leases a shop at £1 a week rental.
- 101. Do you happen to know how long the lease is for?—Yes; two years from the commencement of the lease.
- 102. *By Mr. a'Beckett.*—Did he tell you himself?—I witnessed the completion of the lease.
- 103. You seem to have witnessed several leases. Have you anything to do with letting houses?—Yes; I am sometimes engaged to let houses to parties.
- 104. How came you to do this?—The house and shop to which I am referring, the agent of it is a particular friend of mine, in Brunswick. Happening to be there at the time, I was called upon to witness this agreement between the parties.
- 105. You recollect its terms?—I recollect its terms positively.

Mr. T. Little, 3rd Nov., 1858.

Mr. T. Little,
continued,
3rd Nov., 1858.

106. *By Mr. Power.*—And you witnessed this lease?—Yes; as a witness. The next is 2387: this man has half an acre of ground in Brunswick, on which he makes bricks. The next is 2393: this man rents some land from his father, and I believe he pays £100 a year rental. He has only had it for twelve months; I think he has it only by the year, but I am not positive. The next is 2432: within the last four months this party was living in a house with about a quarter of an acre of ground; but since then he has removed and gone into a larger house, with a paddock containing five or six acres; but what rent he pays I do not know.

107. Are you aware that he pays any rent?—I am aware he is not the owner of the property.

108. *By the Chairman.*—Is it worth £100 a year?—I should say not. The next is 2451: this man is living in Lyndhurst, and the only qualification I know him to possess is a house and two acres of land, I should say of the value of £300. The next is 2466; a brick-maker, possessed of no qualification whatever, if this is the same party.

109. *By Mr. a'Beckett.*—Is there more than one?—I do not know him.

110. Do you know Lyndhurst well?—Yes, I do.

111. Is it a thickly populated place?—It is not.

112. *By Mr. Power.*—You have been residing there more than four years, have you not?—Yes. The next is 2572: I know this man, and I also know that he is possessed of no qualification whatever.

113. *By the Chairman.*—Allow me to ask you to go back a little. Do you know No. 2556?—I do not.

114. Or No. 2524?—Yes.

115. Has he a qualification in Brunswick?—He is living in his own house, and he has a quarry. I believe he rents the quarry from the Government. If so, he pays £50 a year for it. The next is 2522: I know this man; he is inspector of nuisances to the Brunswick Municipal Council, for which he receives £40 a year. He is living in his own house of the value of 10s. a week. That is all the qualification I know him to possess.

116. Have you known him for some time?—Yes; more particularly since he became inspector.

117. *By Mr. a'Beckett.*—For the Municipal Council? Are you a member of it?—I am. The next is 2499: I do not know a man of this name in the district, but I know a Nathaniel, and it very often happens that Nathaniel is called Daniel. If it is the same party, he is not possessed of the qualification. The next is 2532: this is down for Pentridge; but I suppose that is a mistake. I know a party of the name in Phillipstown, a brickmaker, having an acre of ground, and living in his own house; I suppose it is worth £300.

118. Have you had any conversation with these parties upon the subject of their qualifications?—Not any.

The witness withdrew.

THURSDAY, 4TH NOVEMBER, 1858.

Members present:

The Honorable J. B. BENNETT, in the chair;

The Honorable T. T. a'Beckett
„ T. H. Power

The Honorable M. Hervey.

Mr. Thomas Little further examined.

Mr. T. Little,
4th Nov., 1858.

119. *By the Chairman.*—I think yesterday you were mentioning the unqualified names?—Yes.

120. Will you continue that statement now from where you were?—I am not sure whether I referred to No. 2574 yesterday; if not, I know that man; he is living in a small wooden cottage, and that is all his qualification, to the best of my knowledge.

121. Is there any land attached to it?—There is a garden attached to it, but I think he pays under ten shillings a-week rent for the place he now occupies.

122. *By Mr. a'Beckett.*—What leads you to that belief?—From the value of such property in the neighborhood where it is situated.

123. *By the Chairman.*—Will you proceed with the list?—Here is No. 2586; if that is the party whom I think it refers to, he has a small petty freehold in Brunswick, I believe about an acre of land. I only know two of the name in Brunswick, one is a schoolmaster, and this is his son, I believe; and if so, he has about an acre of land.

124. Is there anything on it?—No; nothing.

125. Is that acre of land sufficient qualification to justify his insertion on the roll?—It is not, if it is the same party.

126. And you know of no other?—With the exception of the schoolmaster, I know of no other.

127. Is the schoolmaster's Christian name the same?—No. The next is No. 2607: I know this man very well; he has two acres of ground, on which is erected a weatherboard cottage: I believe that is all his qualification.

128. And what do you suppose the value of that to be?—I should say it is not worth more, at the very utmost, than £300. No. 2630: that party has two allotments in Weston-street, on which is an unfinished brick cottage, which has been in that state for some time.

129. What is the value of that, as it stands now?—I should say about £400.

130. *By Mr. a'Beckett.*—Is there any other person of that name living in Weston street?—There is not, to the best of my belief.

131. Are there many houses in the street?—Yes, several; it is the street leading down just past the Brunswick Hotel, leading down to the quarries; it is one of the most populous streets in the municipality.

132. Do you know all the persons living in the street?—I know a large majority of persons living in the street.

133. *By the Chairman.*—You know a man of that name living in the street?—Yes.

134. *By Mr. Hervey.*—Does he live in the unfinished house?—He does not.

135. What does he live in?—He lives in a wooden house on the ground where he is working.

136. Is not that his own property also?—No.

137. *By the Chairman.*—Is it in Weston-street?—Yes.

138. *By Mr. a'Beckett.*—How do you know it is not his property?—Because it belongs to the party who owns the brick yard; he pays a rent I suppose for it.

139. *By Mr. Hervey.*—May he not have bought it on credit?—It is possible he may have bought it, but I should say not.

140. *By the Chairman.*—What is the value of the bit of land, supposing he had bought it?—It stands on the brick ground.

141. And the owner of it is working in the brick ground?—Yes.

142. Then, in fact, it is nothing but a laborer's hut?—That is all. Those are all the names that occur to me in that division.

143. Will you take up that roll again and see if you see any double names upon it. Do you know the parish of Yuroke?—I do not.

144. Have you gone through this list with the view of seeing what names are twice registered?—I have not; I did the non-official one and found several names double there, which are not on the roll. I do not see any double names that I know of.

145. Have you any further information to give with reference to the qualification of voters on the roll?—I have given all the information that occurs to me just at present.

146. *By Mr. Hervey.*—Have you any idea how these names that you have pointed out as being deficient of qualification got upon the roll? were the parties themselves applicants for their names being put there or not?—I should say no, that they were put there unknown to themselves.

147. *By Mr. a'Beckett.*—Why should you say so? you have told the committee that you never had any conversation with them?—Certainly not; I never knew that I was coming here until yesterday morning at twelve o'clock.

148. Then it is mere surmise on your part?—It is not surmise on my part, because I think I might state that I know a party who went round taking the names of people and putting them down.

149. Who was that party?—I think it was a man of the name of William Eckersall, a grocer.

150. *By Mr. Hervey.*—Does he live at Pentridge?—At Brunswick, and I think my friends could bear me out in that statement.

151. Those parties were resident in the same neighborhood when the general roll was made up, were they?—No, there has been a great addition.

152. Were those that you have alluded to residents in that neighborhood when the first roll was compiled in last January?—Many of those names that are down now in the second special roll were not living in Brunswick probably at the time the general roll was made out.

153. And some were there then?—A large proportion of them were, but some I have no doubt were not.

154. Then a large proportion were not in the general roll and have got into the special roll?—Yes.

155. You think then, if I understand you rightly, that they have got into the special roll by the process you speak of, by Mr. Eckersall going about and hunting up names?—I do.

156. *By the Chairman.*—You are now addressing yourself to those unqualified persons?—Exactly; but I do not wish to say that he went round getting people that were unqualified only, because that gentleman put me on myself, and I am perfectly qualified.

157. *By Mr. Hervey.*—A great many had omitted putting themselves on at all?—Exactly.

158. *By Mr. Power.*—Were you present at the time of the election?—I was.

159. Was there any confusion or irregularity there?—Not that I saw.

160. No kind of influence exercised towards persons going to give their votes?—Not that I am aware of. I may state for the information of the committee that, at that time, I opposed Mr. Bennett, I voted against him, and worked against him.

161. *By Mr. Hervey.*—That was last election?—Yes; therefore it cannot be said that I came here as a partizan of Mr. Bennett's at all, but I think it my duty to come.

162. *By Mr. Power.*—When did you first converse with Mr. Bennett?—Yesterday.

163. When you came to the Council Chamber?—Yes.

164. That was the first time?—That was the first time, to my knowledge.

Mr. T. Little,
continued,
4th Nov., 1858.

165. Have you had any communication with him by letter or note?—I have not.
166. *By Mr. Hervey.*—You were summoned to give your evidence?—I was requested to come.
167. *By Mr. Power.*—That was by summons?—No.
168. Are you aware what interest that gentleman who collected the names took in the election?—I am only aware how he acted in reference to the last election in which Mr. Bennett was interested, that he was in favor of Mr. Johnson, and a member of the committee appointed to secure the return of Mr. Johnson.
169. He was a strong advocate of Mr. Johnson's?—He was.
170. *By Mr. Hervey.*—Were you one of the committee to secure the return of Mr. Johnson, also?—I was.

The witness withdrew.

Mr. Edward Ebenezer Hammond examined.

Mr. Hammond,
4th Nov., 1858.

171. *By the Chairman.*—What is your occupation?—I am rate collector and valuator to the municipality of Brunswick, and I was the valuator to the Broadmeadows Road Board.
172. The Broadmeadows Road Board and the Brunswick Municipality would join each other, would they not?—No, Pentridge intervenes.
173. Have you got the second special roll of the south province before you?—I have.
174. Of course you are acquainted with the residents about Brunswick?—Yes; I have the rate-roll in my pocket.
175. Will you be kind enough to take that second special roll in your hand, and inform the committee whether you perceive any names upon that of people who, to your knowledge, are not possessed of sufficient qualification. Are you aware what the qualification is?—Rental of £100 per annum, or property to the value of £1000, or a leasehold for five years of £100 a year.
176. Will you mention any that you believe to be unqualified?—2333: that is a small wooden cottage, a workshop, rated, I believe, at £40 per annum.
177. *By Mr. Power.*—Is that rate fixed on the value of the land as well as the cottage?—Yes, the entire property. The value of it as a rental would be, I should say, £50 per annum. We always allow at least 20 per cent. off for wear and tear. The next is 2348: that is a small stone cottage of two rooms and a skillion, in Barkly street, rated in the rate-roll at £15 per annum; its real value would be somewhere about £25 per annum. The next, No. 2355, Barkly street again; the rating upon that is £50 per annum; it was valued at its full value of £60, and no appeal was made against it; it is described as a brick house and shed. No. 2357: that property consists of seven huts; three appealed against were reduced to £5 each, and the other four being empty, the owner thought there was no occasion to appeal against them, but he assured me that, if they were rated over £5, he should pull them down.
178. Is there any land with them?—They are built upon the fifty feet frontage to Union-street, and in a straight line as a court or alley, or whatever you may call it; the total rental is £35. The next is No. 2359: that is half an acre of brick ground on the Sydney road, rated at £25; we rate our brick-yards at £50 per acre.
179. *By Mr. a'Beckett.*—Is there any house upon it?—There is a tent, I believe, upon it, and there is a hut or two for the workmen, but they are but tents or mere huts. No. 2360; that is a four-roomed brick house, with half an acre of land to it; it is rated in the rate-roll at £50, which is certainly its full value. No. 2361: that property consists of a brick house of four rooms and a garden and a small two-roomed brick hut; his own property is rated at £40, and the hut at £15, making £55; its outside value is £70, land and all included. The next is No. 2375: that is a mere brick-yard. I cannot say whether it is an acre or half-acre; if it is an acre, it is only £50.
180. *By Mr. Hervey.*—Is he not on your list?—Yes; but he has shifted from his brick yard and has another acre of ground that is rated in another man's name, so that I cannot say.
181. *By the Chairman.*—Has he got two properties?—He rents one.
182. This is a freehold?—Yes; and it is but one acre at the very outside. The next is No. 2385: that is a small wood shop for which he pays £1 a week rent. He is rated at £27 through a misrepresentation as to his rental.
183. Are you aware what the length of his lease is?—I am not. No. 2387, freehold, Union-street: he is rated at £60; he did not appeal against it; had he appealed it would have been reduced to £50. They rated all brick yards in the first instance at £60, and the magistrates afterwards decided that £50 per acre should be the rental of all brick yards.
184. Is his land more valuable than other brick yards?—No; this year they will be all rated the same. The next is No. 2401: this is a very nice property and nice garden, but when we valued it we valued it at £48, wood house, two rooms, good garden, six acres land, four acres pasture—£48 is the rental upon that. No. 2423: I know of no such person in Lyndhurst.
185. Are you acquainted with the people in Lyndhurst?—Every house; and I have within the past week gone over Lyndhurst to value it for the next rental, and I have not met with this name either as occupier or otherwise; I imagine it must be a clerical error in the printing, that it must be a person of the same name at Pentridge. I do not think there is a person of the name in Lyndhurst; not a freeholder. It is part of my duty to inquire who is the occupier and who the owner, because the Act states that the owner has to pay half the rates. I may be allowed to state that, at the time that this roll was compiled, there was likewise our roll compiled for our municipal elections.
186. At the time of this second special roll?—Yes, or about the same period, and many persons claimed to have their names inserted as voters, and I believe that is the reason that so

many names are put upon this list as voters for the upper house, when they thought they were being put upon the roll of voters for the council of the municipality. No. 2429 : that is a brick field, rated at £60.

187. And that would be £50, if it was appealed against?—Yes.

188. Then its value may be taken at £60?—It will be down in the list for the year 1859, the present valuation now proceeding, at £50.

189. *By Mr. a'Beckett.*—Is the rate made upon the full value?—No.

190. What proportion does the valuation bear to the full value?—The valuers, when they first made this list, valued all brick yards at £60, whether a quarter of an acre or an acre. The magistrates decided that £50 an acre should be the value of a brick yard.

191. What proportion does the rate bear to the real value?—From twenty to twenty-five per cent. off.

192. *By Mr. Hervey.*—The gross value of that property is, what?—Brick land is selling at about £250 per acre; two acres of land has been recently sold, of some of the best clay in Brunswick, for £500, within the last two months, and all those brick yards are one acre.

193. How does the rental come upon £250 to be £60—how do you get the £60 per annum?—They are rated at that. £250 is the price recently paid per acre for brick land in Brunswick.

194. *By the Chairman.*—Would they let at £60 per annum?—They do not let at that rate, it is at so much per thousand; it is supposed to be like a sinking fund; it is not reckoned for the interest of the money, because when the brick yard is worked out it is deteriorated—it is nothing but a great hole, so that it is let at so much higher.

195. So that those rates are much higher than the rental upon their gross value?—Yes, the land deteriorates every year; they are rated at that, presuming that the land is deteriorated, and from the amount of traffic on our roads, cutting the roads up with the brick carts, we put extra rates on them for cutting up the roads. The next is No. 2451, freehold at Lyndhurst: this is a small wooden cottage, a paling hut of two rooms, and one acre of ground. It is rated at £20 per annum. I may say that land has recently been sold in Brunswick in building allotments, and it averages about £200 per acre, more or less, when it is cut up in building frontages. The next is No. 2453: I do not know any person of that name.

196. That professes to be a freehold?—Yes; if so, I do not know it.

197. *By Mr. a'Beckett.*—There is no such name on your roll?—No, it does not appear on the rate roll. No. 2464: that property is now in the hands of another person.

198. How long has it been so?—I presume about three months.

199. Then it might have been in his hands at the time of making up the roll?—It was; I merely name that for the correction of the roll. No. 2466: that man lives in a house paying 2s. per week; the house belongs to Mr. John Glew, he is the proprietor of some brickfields there, and this is one of the laborers in one of the huts. I was at the house yesterday. There are several huts on the ground, and they pay 2s. a week; they are rated at £10 a year. The next is No. 2494: I know no such person as that in Brunswick. No. 2525: that property at present consists of a worked-out quarry, and a most miserable hut upon it; it is fenced in with some refuse scraps of iron from the depôt.

200. Is it in Edward-street?—Yes.

201. What is the extent of the land?—I should say an acre; but there is a great hole in it, at the present time he is rated the wood house and outbuildings at £15 and he has five allotments, those are £10, and he complains that this should include his brick house and the quarry altogether; he is rated at £65, including the quarry, which is now worked out and stopped.

202. *By Mr. Hervey.*—What would be the gross value of that property, what principle would you adopt in rating that?—At the present time I should rate him at somewhere about £24 a year.

203. But then?—This rental was twelve months ago.

204. *By the Chairman.*—But about three months ago?—The real value of the property three months ago was about £24 or £25 a year.

205. *By Mr. Hervey.*—The quarry was producing when your valuation was made?—Yes, but since then it has been worked out.

206. Are you aware whether this party was on the general roll?—He is not on the old roll.

207. So that he must have been put on since this diminished value of his property?—Yes. The next is No. 2526: that is an iron house. He is rated at £60 per annum; that is the full value of the property. No appeal was made against it.

208. What gross value would that represent?—I should think not more than £400.

209. Then how would it produce that rental?—That is no criterion in Brunswick. I could point to one house in Brunswick that cost but £20 to erect, and would let for £20 a year.

210. You say you are a valuator?—Yes.

211. And you fixed the rates?—I fix what is the value of the rental of the property. I take the property and divide it into classes, considering the value of the property and its locality, as being first class property of its kind, and first, second, or third class locality. The Act states that we are to value it at its fair average annual rental. We go by rentals, and do not look at the gross value at all.

212. *By the Chairman.*—Not for the purpose of the roll?—No.

213. But still you are capable to give an opinion upon that point?—Yes.

214. *By Mr. Hervey.*—That Pentridge property must be of very great value; you can scarcely get £60 a year for £1000 in town?—That is a very high rate for that property.

Mr. Hammond,
continued.
4th Nov., 1858.

215. *By the Chairman.*—And you consider it to be of the value of £400?—Its outside value is £400. The next is No. 2532 and No. 2535: I think that the one there means the other. I think that is the same name twice put down for two different places. The next is 2554: I do not know a person of that name in Brunswick. There may be one, but I do not know him. No. 2561 is the next. We have no person of that name on our rate roll. The next is 2566: that is a butcher's shop in the lower part of Union-street. He is rated at £60 per annum, but it is excessively over rated.

216. What do you consider the value of that property?—£250 or £300, that is the value of it.

217. What would it fetch per annum, if let?—It would let for about 15s. or 16s. a week. Houses there are very low; they are of small value.

218. Then, in fact, he has no freehold property?—Not that I am aware of; in fact, I may confidently say he has none. I have no such person in the list for Phillipstown or for Pentridge. The next is No. 2580: that is a corner allotment at the corner of Nicholson street and Miller street. There is a stone and brick skillion upon it of I think three rooms, and a quarry.

219. What is the value of that?—I think he has two acres, if I mistake not, and it might be perhaps worth £500: it is quarry land. The next is No. 2589: that is a small cottage on a small allotment of land.

220. What is the value of that?—I should think somewhere about £300, at the outside.

221. *By Mr. Hervey.* What is he rated at to the municipality?—£30 a year.

222. *By the Chairman.*—Then we may say that £40 would be the outside annual value?—Yes; that is presumed to be the rental of it. The next is No. 2607: there are two persons of that name, they have an acre of ground between them; it is one acre of ground and a slab hut, rated at £20 per annum; very small value the house is indeed. Taking the next house, which belongs to his son, it even then would not amount up to anything like the qualification. The next is No. 2611: that is a stone house, two rooms, two skillions, and a small garden; an allotment on the Sydney-road. It is a house perhaps worth £200, the allotment and the house, it would not sell for more; the outside value is perhaps £200.

223. Is it worth £100 a year?—Oh, no! The next is No. 2627: that is a very little cottage, of very humble pretensions indeed; it is a freehold, but of very small value indeed.

224. *By Mr. Hervey.*—How much?—About £100, I should think. The next is No. 2628; leasehold. That is an unfurnished house, and his rental is £40 per annum. The next is No. 2630: that is two or three allotments of land on the north side of Weston-street; at the western corner is an unfinished brick house, and upon the land there are two tents. It was formerly used as a brick yard; but no more bricks now, they tell me, will be made upon it. It is therefore but little more than two or three acres of land; they reside upon it, in tents. There are two tents upon it; but no buildings upon it at present.

225. What would be the gross value of that?—If there are three allotments, it would be worth £150; if four, £200. About £1 a foot is the value; with the brick building, £250 would be the outside value. The next is No. 2636; another property of small value.

226. How much?—About £100 or £150. That is all I have gone through on that roll.

227. *By the Chairman.*—Will you turn to the Bulla roll; that comprises Broadmeadows, does it not?—Yes.

228. You valued the Broadmeadows land?—Yes; I valued all the small properties in Broadmeadows; I had nothing to do with the large ones. I have not had time to go through this Bulla division.

229. Will you go through that list now, and see if you know any of the people there?—No; I know of none in that list either to object to or to approve of.

230. Do you know any in the Campbellfield direction?—The names of those—most of them—down here do not seem to be in my list, consequently they must have property consisting of over twenty acres of land.

231. What was the utmost limit you had to value?—All places of business and land up to twenty acres. If they were over that, they came under the Act which provides for so much per acre for the land.

232. *By Mr. Power.*—Did you vote on the occasion of the last election?—No; I have no vote.

233. Did you take any part in the last election?—No.

234. *By Mr. a'Beckett.*—You did not send in any claims, did you?—No; I had a list put into my hands at the time of the revision before the bench of magistrates and I then made for the chairman of the bench a list, somewhat similar to what I have done for this committee, of persons to whom there were objections.

235. Were notices sent in consequence of that?—I believe not. There was a meeting of the court, but no persons were there.

236. And no person acting upon your information sent in any objections?—No; I attended there to substantiate my reasons for objecting.

237. No notice of objection was sent to the parties?—No.

238. *By the Chairman.*—No persons at all appeared, in fact?—No; there were only the two magistrates in the room. There is one name which I omitted, No. 2522: I consider the gross value of his property would be about £700.

239. That is the outside value of it?—Yes; it is four stone rooms unfinished, without mantle-pieces, or cupboards, or sideboards, or anything; there is a back house I believe, behind, but that is quite unoccupied.

Mr. James Bridges examined.

240. *By the Chairman.*—Are you residing at Brunswick?—Yes.
241. You have been so for some time?—Between five and six years.
242. Are you acquainted with people round there?—Yes.
243. You have heard Mr. Hammond's evidence with reference to the absence of qualification of some of the parties on the electoral roll?—Yes.
244. Do you agree with Mr. Hammond's valuations?—I should think they were pretty correct.
245. You have not heard any valuation which he gave which you would dissent to?—No.
246. *By Mr. Hervey.*—You have heard the evidence with regard to the mode in which the parties were rated?—Yes.
247. You heard also with regard to the gross values?—Yes.
248. Do you concur in those?—Yes.
249. How do you account for this large amount of rental?—I consider that those brick yards are valued too high, myself. I think it is too high for a brick yard to be valued at £50 a year, a piece of land which does not cost more than £350.
250. *By Mr. Power.*—Have you any idea how these persons get on the rolls?—I have understood that Mr. Eckersall got them on.
251. *By Mr. a'Beckett.*—Who is Mr. Eckersall?—He is a grocer.
252. *By Mr. Power.*—Did he solicit you for your vote?—I believe he sent in my name, and I sent in my own application too, so that I appear twice on the list. I did appear twice in the first list, but I believe Mr. Wilkinson altered it in the revision court.
253. You did not authorize any one to put down your name?—I did not. I sent in my own claim.
254. *By Mr. a'Beckett.*—How did you describe yourself in the list?—Freeholder.
255. In respect of what property?—Houses on the Sydney-road, mine are.
256. Did you put in houses, or give any number, or anything?—I do not think I did.
257. *By the Chairman.*—Was it a matter of notoriety at Brunswick and Pentridge previous to the late election that there was a considerable number of unqualified voters being put on?—I did not hear much about it. I did not think much about having any opposition for the election to the upper house, it was a thing that was new to me; but when I came to hear what the qualification was, and look at those who voted, I knew that they were not qualified.
258. Were you at the hustings during any portion of the day, or at the polling booth?—Yes.
259. Did you see any persons going in to vote who you knew were not qualified?—I saw my neighbors going into the house, but I did not stay in the place where they took the votes.
260. You saw them going into the polling booth?—Yes.

The witness withdrew.

Mr. George Gordon Cameron examined.

261. *By the Chairman.*—Where do you reside?—At Glenroy, near Broadmeadows.
262. What division is that in?—Pentridge.
263. Have you been residing there for any time?—Sixteen years.
264. You are acquainted with the people in that direction?—Every one that is there, I suppose.
265. Have you got the second special roll of the Pentridge division before you?—Yes.
266. Will you inform the committee whether you see any names on that roll of persons unqualified to vote for the Legislative Council, and will you name them?—No. 2337: there is no such freeholder at all at Campbellfield. No. 2364 is the next; he has got a hut that is worth about 2s. 6d. a week.
267. Has he got any land?—Not the breadth of the table here.
268. Is it his own?—I do not think it is; he has not an inch of freehold. The next are Nos. 2366, 2367, 2368: they have no freehold either. These are three brothers; neither of them has any freehold.
269. What are they?—They have teams on the road, and lease land from Mr. Robert Campbell, of Sydney.
270. *By Mr. Power.*—What rent do they pay for it?—I believe the rent would be about £65. My brother-in-law is the agent for Mr. Campbell.
271. You know this of your own knowledge?—Yes. Then there is another brother, No. 2379: he is an insolvent, and has no land there.
272. *By Mr. Hervey.*—Do you know anything of Nos. 2376, 2377, 2378—they are the same names?—I know nothing about them; that is a different place of abode. The next is No. 2424: he was ploughing for Mr. Bourke about three or four months ago.
273. *By the Chairman.*—Still he may have freehold at Campbellfield?—No, he never had an inch or a house there.
274. *By Mr. Hervey.*—No land?—No. The next is No. 2439: I think he is a servant of Mr. Bourke; if not, he is a boy about seventeen or eighteen years of age. He has no qualification. The next is No. 2458: he has a hut worth about 8s. a week.
275. *By the Chairman.*—Is it his own property?—Yes, he has got about an acre of land.

Mr. G. G. Cameron,
continued,
4th Nov., 1858.

276. *By Mr. Hervey.*—What is the value?—Just about £100. The next is No. 2473: he was a tenant of Mr. Brodie; he never had a freehold. He left about eighteen months ago, and is now living at Kyneton.

277. *By the Chairman.*—He never had a qualification?—No. Then the next is No. 2478: there is no such person as that. Then 2479: that is the brother of 2473; I think they both left eighteen months ago, and were only paying about £30 a year before that, the two of them.

278. *By Mr. Hervey.*—They were never qualified and have left the district?—Yes. The next is No. 2513: there is no such freehold at all at Campbellfield.

279. *By the Chairman.*—Is he a leaseholder?—No, there is no leaseholder at all in that district; they are all freeholders.

280. *By Mr. a'Beckett.*—How do you know that?—I have been living there the last sixteen years, and know every one that is there, and every acre of ground, and every one that has an inch there. The next is No. 2533 and 2534: they are brothers; they had no property at all, ever. They are away at the diggings. They have no freehold in the colony.

281. *By Mr. Hervey.*—Were they voters at the last election?—I cannot say. The next is No. 2542: he is driving a team of bullocks on the road, and has a hut there that is worth about 6s. a week.

282. *By Mr. a'Beckett.*—Is that hut on a freehold?—I dare say it is; but what he has did not cost him £5.

283. *By Mr. Power.*—What is the value of the thing?—I do not suppose you would give anything for it—it is just in a corner piece of scrub.

284. Is it worth £5 to buy it out and out?—Perhaps £10.

285. *By Mr. Hervey.*—Is it an acre of ground?—No, nor a quarter: it is a mere corner. Then the next are Nos. 2543 and 2544: they are two servants of Mr. McIntosh; they have no ground.

286. *By the Chairman.*—Are you aware whether they came up to vote?—I am certain they were there.

287. *By Mr. Power.*—What part did Mr. McIntosh take in the election?—He worked as well as he could for Mr. Johnson, and opposed Mr. Bennett. Then there is No. 2482: he is also a servant of Mr. McIntosh. No. 2556: there is not such a man there.

288. *By the Chairman.*—No man having such a qualification?—No; there may be a working man of the name. Then No. 2559: he was a leaseholder there, and has left the district, and is on the Adelaide side now.

289. Has he sold his property?—He had no property. Then No. 2570: there is no such a person there as a freeholder in Yuroke; none of the name that has a freehold in that district. Then there is No. 2577: his freehold is about half an acre of land without a house upon it.

290. What is that worth?—About £20 or £30. I do not think he could get that for it.

291. *By Mr. Hervey.*—Do you know this property?—Yes.

292. Was he present at the election?—He went to Pentridge to vote, and went up stairs. I cannot say whether he voted or not.

293. And his qualification is worth about £20 or £30?—He has no qualification at all, he has about an acre or half an acre, I am not certain which it is. He would not get £20 for it now, I should say. Then No. 2594: he is another of Mr. McIntosh's men.

294. *By Mr. Power.*—Did that man vote?—If not, it was not his fault, he tried to vote.

295. *By the Chairman.*—Were the questions submitted to him?—Yes, there were two of them that would not answer the questions, but all the others did. Then there is No. 2595: that is another of Mr. McIntosh's men.

296. Did he vote?—Yes; he voted.

297. And he has not got property?—No, and never had. Then, No. 2596: he is another servant of Mr. McIntosh's and never had any property.

298. Did he vote?—Yes, he voted. Then, there is No. 2600: he is a boy, not sixteen years of age, he is only in a school; he is a minister's son there.

299. *By Mr. a'Beckett.*—Did he vote?—No; he did not go there.

300. *By the Chairman.*—Are there any others?—I do not think there are any others in this roll, that I know of.

301. *By Mr. Power.*—Are you certain those were Mr. McIntosh's servants?—Yes; his brother went there with them to vote, and a carriage went home with them too.

302. *By Mr. a'Beckett.*—Who were most actively engaged to your knowledge in getting those names upon the rolls?—I cannot say exactly. Mr. McIntosh coming into town one day told me himself that he had got 150 on the roll.

303. What, Mr. McIntosh?—James McIntosh.

304. Where does he live?—At Glenroy.

305. *By the Chairman.*—Is there any other information you can give the committee with respect to the making up of these rolls?—Good names were sent down by myself and others to the registrar. I saw them posted at Broadmeadows, nine or ten substantial claims, which do not appear on the roll. Some of the names sent down appear on the roll and others do not.

306. Can you give the names of any of those who do not appear?—Mr. Weston and Mr. Reynolds, those were at Broadmeadows alone, and there was another there. There were about thirty-one or thirty-two sent down, all in one packet, and half were put on the roll and the other half not.

The witness withdrew.

Mr. Robert Keys examined.

307. *By the Chairman.*—Where do you reside?—At Brighton.

308. How long have you been living there?—Twelve years.

309. Are you acquainted with the people in the neighborhood?—Generally.

310. Will you take the second special roll of the Brighton division. Have you gone over the list?—I have.

311. This particular list?—Yes.

312. Do you know what the qualification is?—Yes; £1000 freehold property, or £100 a year rental.

313. And as for leasehold?—A lease for five years.

314. Will you look down the list and see if you find any names there of persons who ought not to be on the roll?—We do not find fault with these names.

315. None of them?—No.

316. So far as you are able to judge, the forty-three names there are correct?—Well, there may be a question raised as to the correctness of some; but we do not find fault with them.

317. Will you go through the roll and point out the names of those persons who are not qualified?—The first on the roll is 3030. I do not know what his qualification is at all; I do not know the party.

318. *By Mr. Hervey.*—Do you not know any one here whose qualification is not sufficient in your estimation?—I do not find fault with these forty-three names.

319. *By Mr. a'Beckett.*—Are there any names here you would feel justified in objecting to at an election?—Not any.

320. *By the Chairman.*—Have you seen a copy of the special list which was made up of applications to be on the roll for the revision court?—Yes.

321. *By Mr. a'Beckett.*—Have you got it here?—We have got a copy of it here.—[*The witness produced the same, and stated that it had been printed from the Government copy, with the exception of the qualification.*]—We only require to see the name to know whether the parties are qualified or not.

322. *By the Chairman.*—Can you tell me how many names there are, or not?—I have not counted the names.—[*The copy of the list was handed to the Chairman.*]

323. I observe that, in that special list, there are 734 names, and I observe that there are forty-four names allowed to remain, leaving a balance of 690 struck off. Have you gone over that special list?—I have.

324. Do you find, out of the 690 struck off, that there are any unqualified voters?—I find in going over that list, that there are 531 unqualified voters.

325. *By Mr. a'Beckett.*—Out of the 690 that were struck off?—Yes. I find afterwards that the greater portion of the remaining number that are on the list are people living in Melbourne, Collingwood, Pentridge, St. Kilda, and different other parts of the country, whom I neither know nor do I believe they have qualifications at all.

326. Then those that are struck off are struck off from your own knowledge?—Yes.

327. *By Mr. Hervey.*—Brighton people?—Yes, Brighton people.

328. *By the Chairman.*—The others you did not give any information upon?—I cannot.

329. *By Mr. a'Beckett.*—Then whether the qualification of the others does or does not exist, you are satisfied that those you have mentioned who are struck off have no qualification?—They have not the qualification required by law.

330. Do you perceive on that list of names that are struck off any persons whom you know to have the qualification?—There are a few, not many.

331. How many?—There might be say half a dozen, or a dozen.

332. Do they appear upon any further part of the roll?—They do not; and more than that, those names that are on this roll that have not been struck off, as well as the ones struck off, had not been put on by the parties themselves.

333. How do you know that?—I know it by the revision court, and seeing the handwriting.

334. *By the Chairman.*—You were present in the revision court?—I was.

335. *By Mr. a'Beckett.*—Do you know the handwritings of those parties?—Yes.

336. *By the Chairman.*—Of what parties?—I know the handwritings of the parties who sent in these claims.

337. *By Mr. a'Beckett.*—Were they in many handwritings?—In three.

338. The whole of them?—The whole of this list, with the exception of about forty.

339. They were in those handwritings?—In those handwritings.

340. *By the Chairman.*—Do you know the persons whose handwritings they were?—I do.

341. Will you name them?—One was a man by the name of Thomson.

342. Where does he live and who is he?—I believe he lives in Melbourne or Collingwood, I cannot say exactly.

343. What is he?—A commission agent or a land agent. He formerly had lived at Brighton, and kept a store twelve or eighteen months ago.

344. And you know his handwriting?—I do.

345. Did you ever see him endeavoring to get names, or taking any part in this matter?—I did not.

346. Who were the other parties?—A schoolmaster of the name of Mudge, living at Little Brighton.

347. What school?—A Church of England school.

Mr. R. Keys,
continued,
4th Nov., 1858.

348. Who else?—A schoolmaster of the name of Dargerville, living at East Brighton.
349. What school?—A Church of England school.
350. *By Mr. a'Beckett.*—Do you know Thomson personally?—Quite well. I have known him the last three or four years.
351. Have you ever had any conversation with him since this election?—I have never spoken to him.
352. *By Mr. Hervey.*—How did these parties proceed in producing this long list of names?—I can only speak from hearsay; they have held private meetings among themselves. I have never attended any of those meetings.
353. *By Mr. Power.*—Was Mr. Thomson a long time residing in Brighton?—Two or three years.
354. Was he very much respected—did he win the confidence of the people?—Quite the reverse.
355. Why the reverse—was there anything objectionable in him?—He has been up two or three times for sly grog selling and convicted once.
356. *By Mr. a'Beckett.*—Have you ever had any conversation with any persons whose names were on that roll and have been struck off?—I have.
357. With regard to their names, state what the result was?—The result was that they said they never gave any permission for their names to be put upon the roll.
358. They stated that personally to you?—Yes, they stated so, and likewise that they were not entitled.
359. *By Mr. Power.*—Mention one or two names?—Yes; there is William McMahon, and James McMahon for another, and several others, I could mention scores of them.
360. They admitted to you that they were not qualified?—Yes.
361. Did you ascertain from them whether any application had been made to them by any person to have their names put on?—They never were asked.
362. *By Mr. Hervey.*—Are the majority of them voters for the Assembly?—The greater part of them are.
363. *By the Chairman.*—Would it be through that Assembly list that those parties would obtain the names, or had they collectors going about getting the information?—It is my firm belief they have taken the list for the lower house, and copied these names. I do not see how they could get at it otherwise. There are names on the list that I have struck out here, where the parties whose names have been struck off have been sold out, and have left Brighton two or three years ago; and there are some of them have been dead two or three years.
364. *By Mr. Power.*—You know Brighton very well?—I have known it for the last twelve years.
365. *By Mr. Hervey.*—No system of qualification they could have adopted, if they had wished to get genuine voters, could have led to that list?—They could never get it but by taking some other list.
366. *By Mr. Power.*—Have you heard that the convention took an active part at this election?—I should say so. One of the parties I allude to, one of the three, is a member of the convention.
367. *By Mr. a'Beckett.*—Who is that?—Thomson.
368. *By Mr. Hervey.*—Was he anything more than a simple member of the convention?—Not that I am aware of.
369. You are not aware of his being secretary?—No. I never attended any of these convention meetings. I know from seeing his name in print. I know he was elected from Brighton as a delegate to the convention.
370. *By the Chairman.*—Are you aware whether this man Thomson organized any movement in Brighton in relation to the last election for the south province?—These things are private, and I cannot get at the bottom of them; but I believe he was the mover of it there.
371. *By Mr. a'Beckett.*—When you heard Mr. Thomson was elected from Brighton, was there any contested election, or any great excitement produced at the election for a delegate?—I was not at the meeting, and could not say; I never attended their meetings, and did not know what the contest was.
372. *By Mr. Hervey.*—He was not elected by a public meeting?—It was by a meeting held at Brighton, and I cannot say whether it was a public or a private meeting.
373. *By Mr. a'Beckett.*—Did it excite much attention at the time, this election of the delegate?—Not that I am aware of. There might be ten or a dozen at the meeting. I do not think there would be many more. It was not a general meeting of the inhabitants of Brighton.
- The witness withdrew.*

Mr. William Isaac Milemore examined.

Mr. Milemore,
4th Nov., 1858.

374. *By the Chairman.*—You are a resident in Brighton?—I am.
375. You have been there for some time?—For the last six years.
376. And are acquainted with the people in Brighton?—A great many; in the immediate neighborhood especially.
377. You have been present whilst Mr. Keys has been giving his evidence before this committee?—Yes.
378. Is there any portion of that evidence you disagree with?—Not any.
379. Do you entirely confirm what he said?—I do the most of it—I may say, in fact, the

whole of it—with the exception of Mr. Thomson about his secret meeting. I think it must have been done that way. I know no other way. It must have been taken from the roll as it stood for the lower house.

Mr. Milmore,
continued,
4th Nov., 1858.

380. Then, in fact, you do agree with Mr. Keys?—I do, in respect of that. I know some of the men set down there have sold their property within the last few months for £50 and gone away.

381. *By Mr. a'Beckett.*—You mean, they have sold the property the qualification of which was set to their names?—Sold the qualification set to their names.

382. *By the Chairman.*—Who are they?—One is John Foster and the other Gilbert Kelberg. I know sixty of the men that are mentioned here, that I have marked out on this list, as having no qualification for the property; some of them are merely small allotments of about fifty feet by one hundred, one of them in particular; another has a two roomed house and about a-quarter of an acre of land; another one has only one room and a small piece of land, and there are many others out of this sixty. The largest amount, I should say, in fact, the most of them are not worth more than from about £50 to £300 or £400, at the outside price, from the highest to the lowest.

383. *By Mr. Power.*—Do you know the handwriting of those gentlemen who are spoken about?—I have never seen Mr. Thomson's signature but a very few times; but to the best of my belief it is his handwriting. Some of these parties whom I asked what they were going to vote for, said I should not talk so—that I knew very well they could not vote. But I said, "Your name is on the list; who put it there?" "We do not know." Five or six of them told me that.

The witness withdrew.

Mr. Edward Johnson examined.

384. *By the Chairman.*—Do you confirm the evidence of the previous witness?—I do.

Mr. E. Johnson,
4th Nov., 1858.

385. Evidence has been given before this committee with regard to the filling up of the forms of claims to vote. There is a column here which states, "Street, lane, or other place where the property is situate, and number of the house (if any), or name of the property or tenant." If I understand you rightly, you do not think that that necessary part of the form was filled up?—Not in any case.

386. *By Mr. Hervey.*—The usual description would be "freehold, Brighton"?—Yes, just, "freehold, Brighton."

387. *By the Chairman.*—I suppose Brighton is divided into streets and roads?—Yes, every part of it has a local name.

388. So that there would be no difficulty in giving a more detailed description than just simply saying Brighton?—No difficulty whatever.

389. In fact, in every instance there would be a street, or lane, or road where the property would be situate?—Yes. I may also state that I have spoken to a number of the inhabitants upon the subject, and among the list I would name Mr. William Hall, who stated that he did not authorise any person to put his name down there; also Mr. Cook, Mr. Rigg, and Mr. Herbert; and I think I could enumerate fifty whom I have spoken to who have stated that they never authorised anybody to claim for them.

390. *By Mr. Hervey.*—Can you speak as to who was most active in procuring names for the list or how it was got up?—I should only be able to speak from hearsay, I never attended any of the meetings. I have had some business transactions with Mr. Thomson and I know his handwriting very well, and I am perfectly satisfied that one batch of claims, I should think about 350, were in his handwriting.

391. Did you see the manuscript claims?—I did.

392. *By the Chairman.*—At the police office?—At the police office.

The witness withdrew.

Mr. John Hanson examined.

393. *By Mr. Hervey.*—Have you anything to add to the evidence which has just been given, the evidence of the other witnesses?—No. I corroborate what they said.

Mr. John Hanson,
4th Nov., 1858.

394. Did you personally inspect the manuscript copy furnished to the police court of St. Kilda?—Yes.

395. Can you say anything with regard to that?—I saw the handwriting. I know Mr. Thomson's handwriting, and I saw the claims that were sent in in his handwriting. I could not speak to Mr. Mudge's.

396. That was a very long list of claims sent in by Mr. Thomson, that you can swear to?—Yes.

The witness withdrew.

FRIDAY, 5TH NOVEMBER, 1858.

The Honorable J. B. BENNETT, in the chair;
The Honorable T. T. a'Beckett | The Honorable T. H. Power.

Mr. William Redmond Belcher examined.

Mr. W. R. Belcher,
5th Nov., 1858.

397. *By the Chairman.*—You are the registrar for the central province?—Yes.
398. Have you been so since this Act, the Electoral Act, was passed?—I have.
399. You have made up the rolls for the central province ever since the New Constitution?—Yes, I have.
400. Are there at this moment, or has there been in your possession, a large number of last year's rolls now useless?—The year I do not think terminates till April next.
401. Do you remember, on the occasion of the first election, there was a roll made up previous to the first election?—Yes.
402. That was two years ago, if you remember when first the elections came off—a little more than two years ago?—Yes.
403. Under the Act, you are bound to have a large number of these rolls to sell to any one?—Yes.
404. And you are bound to forward them to the various districts and police courts?—When applied for.
405. In order to satisfy that necessity, have you had lying in your office a large number of the rolls I am now speaking of?—I have a large number now on hand; I cannot say how many.
406. And these rolls being the first rolls, are now useless?—Yes.
407. There has been another general roll made up since then?—Yes; the one made up to April last.
408. And there have been two special rolls made up since then?—Yes; there are two special rolls now made up.
409. Under the Act, you were pledged to have a large number of these general rolls (that is, the second general roll) and the two special rolls in your office?—Yes; I have.
410. I am not speaking of the rolls now, but of the lists. You were pledged to have a large number of these lists?—Yes; a large number of them.
411. Have you got them now in your office?—Yes; waste paper. They never were called for; never were asked for. I do not think I have sold a copy.
412. That is, of the lists?—Yes.
413. Do you count them in your office: would you count them by hundreds or thousands?—I count them in parcels. They come in hundreds or fifties.
414. Would you say you had got hundreds or thousands?—I have hundreds—about 500.
415. *By Mr. a'Beckett.*—Is it not required by the Act that you should have them on sale?—Of course it is, for the public. If they are asked for, I am obliged to supply them. If my stock run short, I am required to apply for more.
416. *By the Chairman.*—It is a literal fact that you have not sold one?—I have not sold one.
417. That is, in addition to the lists you have sent out to the various districts?—I may mention to you, if you are speaking of the first list, that we had a larger supply of those than we have since had of the special lists. I saw no occasion to apply for such a number, so I only applied for a limited number, say fifty, which I sent to the clerks of the benches of each division.
418. Did you not keep some in your office?—I did.
419. But the expense of these lists to the country is not in the printing, but in the getting up?—Yes, both.
420. *By Mr. a'Beckett.*—You do not know, of course, how many are printed?—I cannot tell. My lists or rolls were printed by the Government Printer, and for the other registrars, they were printed at other offices.
421. *By the Chairman.*—When the lists are revised throughout the province, they are sent back to you?—The clerks of petty sessions, after the revision by the magistrates of each division, send the revised lists to me.
422. Then you are in a position to see what use is made of them in the revision court?—I see what alteration is made of names, struck out, or otherwise.
423. Speaking from your experience since the Act has been in operation, has the revision court been very generally used? Have the lists been very generally revised, and sent back to you?—With the exception of one or two divisions, I think they have come back the same as I sent them. With regard to the names struck off, with very few exceptions, they have come back as I sent them.
424. Then, in your opinion, the revision courts are not generally used?—I think not. Generally speaking, the lists are returned to me much in the same state as I sent them.
425. The claims for registration are sent in to you as registrar for the central province?—Yes.
426. I will now address myself to the last registration that took place for the central province, the special roll; were there many names sent in to that roll?—A considerable increase, thirty-eight on the first special roll, and on the second I think I had somewhere about 200 or 300.

427. Does your memory serve you as to whether these applications which were sent in were in the handwriting of a very large number of persons or of a very few?—I noticed that the claims came in generally in parcels. Perhaps one party would come with six claims; another might come with twelve or twenty. On one occasion, a gentleman brought me a very large number, in a batch; I think there was over a hundred. I know it struck me at the time as a very large number. I think the handwriting appeared to be the same handwriting, and the ink and all together led me to suppose it was done by one party.

Mr. W. R. Belcher,
continued,
5th Nov., 1858.

428. Does your memory serve you as to who was the party?—Yes; if you state I am bound to name the gentleman I will do so.

429. But you are bound to give the name?—The party I refer to was Mr. Crews.

430. Do you know whether these names were confined to one particular locality, or were from various portions of the community?—Principally from the Windsor division. Perhaps some few were from South Yarra or St. Kilda, but principally Windsor.

431. Do you find these claims are generally well filled in?—No; they are not.

432. *By Mr. a'Beckett.*—What do you mean by "well filled in"?—I mean that the property is not described as required by the claim.

433. Would you feel bound to receive all claims, however incorrectly filled up, according to the schedule?—Yes.

434. *By the Chairman.*—In the event of a description being given rather minutely, have you followed the practice of copying that minute description, or merely curtailing it? For instance, suppose the street or lane was actually given, and the township, would you consider it sufficient merely to fill in the township, or would you consider yourself bound to copy the full description?—I consider myself bound to give the proper description as stated in the claim. There might be a few words unnecessary which I would omit, but I would give the full meaning.

435. You would not consider it sufficient merely to put down Prahran, if any fuller description was given?—I would certainly give the street.

436. *By Mr. a'Beckett.*—And the number of the house, I suppose?—The number, and the tenant occupying, if given.

437. *By the Chairman.*—Then, if the claim was filled up as "No. 10, Bay street, Brighton," you would not consider that you had filled up the claim rightly in omitting "Bay street"?—The claim would not be properly inserted, presuming that to be in the claim.

438. Is there any information that you can give the committee, from your experience, as to the working of the rolls for the provinces generally; as to any faults existing in them, and how they might be met?—Instead of having one registrar, as at present, for each province; and speaking of my own province, which I know more about, I believe that a registrar ought to be appointed for each division; he ought to live in the locality, and be acquainted with all the residents there, so that when the notice of claim came to him, he might know that the party presenting it is entitled to appear on the list.

439. *By Mr. a'Beckett.*—Supposing he did not know the person, the registrar would not be justified in refusing the claim?—No, but he would have an intimate knowledge of the locality and of the residents in it.

440. Then you think it would operate to deter people from claiming improperly?—Certainly. The registrar would know almost every person on the list, and when any strange person came, he could easily make inquiry.

441. *By the Chairman.*—You think that the registrar should have some discretionary power?—I think that the registrar ought to have some discretion. He has not at present; he is obliged to take a claim. The claim now does not require the signature of the voter or claimant; he merely takes the paper from the party who brings it to him and, right or wrong, he must insert it on the list. In case of any doubtful party claiming, he should mark on the list the word "Objected" before it, and when that claim came before the revision court, the magistrates should take the evidence of the registrar or any other evidence which might be offered to them as to the correctness of the qualification and the claim, the registrar taking care, in the first instance, to mark the word "Objected" opposite the name, before the revision takes place; and then without a notice of objection being served upon the claimant, the magistrates should have power to take what proof may be offered and to strike the name out, if improperly inserted.

442. *By Mr. a'Beckett.*—The registrar being responsible for the objection?—Certainly.

443. *By the Chairman.*—As at present, the Act does not require the attendance of the registrar in the revision court?—I think there ought to be some alteration made; the registrar sends his list to the clerk of petty sessions of the district. I am the registrar for the central province, and I send a list to St. Kilda, though I am not required to attend the revision court. At the revision, all names that the registrar had marked "Objected to," he could state his reason for making the objection; that would be a check.

444. Would not that be met by making the clerk of petty sessions the registrar in each district at once?—Yes, that would answer much better.

445. Do you think that the confining the time for sending in claims to one fortnight, as at present, in each three months, acts well?—I do not. Those coming from a distance, particularly, complain that the time is too short. I think that the registrars ought to receive claims at any time of the year or day, and put them on a file, and thus save the party from coming at a time of the year when he may not be able to attend. As at present, I believe, registrars are only required to receive the notice of claim from the first to the fourteenth of the month; that is very objectionable, as in the case of people having property, and living at a distance, it may not be convenient for them to attend. It would be a great advantage for the

Mr. W. R. Belcher,
continued,
5th Nov., 1858.

registrar to have a file and put on claims at any time as received. That would be no additional expense, but a matter of convenience rather than otherwise.

446. *By Mr. a'Beckett.*—That would not make a press of business all at one time?—No.

447. *By the Chairman.*—Do you consider that confining the time for objecting to a man's name, also to a fortnight, is judicious or otherwise?—By the word "Objected" being inserted on the list, the notices being published on the different places of worship two Sundays, would give the voters of each division an opportunity of seeing what names were objected to. This ought to be considered sufficient notice of objection by the revision court, and would save the trouble of bringing witnesses.

448. You have spoken in the case of persons with whom the registrar is acquainted, and whose names are objected to?—Yes.

449. But I am speaking of a person of whom he is not aware, who may at the same time be objectionable from want of qualification; and as the Act at present exists, there is only one fortnight in which the registrar or any other person may object?—I think fourteen days almost sufficient.

450. Carrying out your view, that a man may register at any time, do you think that a fortnight is sufficient time to allow for objecting to the names?—There is a class of cases in which the registrar cannot object, in the case of another voter objecting. In that case the time is rather limited, because in country districts it may take some time, and can throw you out altogether, if not objected to regularly.

451. *By Mr. a'Beckett.*—Would you free the registrar from all costs in the case of his objection being found untenable?—I think it ought to be at the discretion of the bench; because, if the registrar should make an objection to a claim, having no grounds, he ought to bear the expense of bringing another party to oppose it.

452. Do not you think the fact of that being left open to the registrar would be sufficient to deter any unqualified person from coming up?—Yes.

453. *By the Chairman.*—Do you see any objection to this—that it should be allowable for any person on the roll to object to another at any time, by giving him a summons, and having him up before the bench, not within a month or a fortnight, of objections being published, but at any time?—I do not think that would work well. The petty sessions would be always revising the list, and you could never have a perfect list. The roll would be altering continually.

454. Supposing that were provided for, do you see any objection *per se*—not as regards the rolls, but as regards the parties themselves?—I think it would amount to public inconvenience.

455. In what way?—To the court. You might have persons coming in every day.

456. Quite so; and if they had to pay the costs, they would not come, unless they had good ground of objection?—If the bench allows the objection, how are you to perfect the roll.

457. Do you see any objection to a man having at any time the means of objecting to another?—Not as between the parties themselves.

458. Your objection is, that it would be causing a constant alteration of the roll?—Yes, and it would cause a great many disputes and litigation between parties. This is generally the case when objections are made and people would form into parties, and cause continual disputes.

459. Do you think that would test the purity of the roll?—Yes, I think things might be remedied if the registrar had more power.

460. *By Mr. a'Beckett.*—He might be indisposed to exercise his power?—There should be no responsibility thrown on him; it should be a mere discretionary power.

461. *By the Chairman.*—He might, from interested motives, exercise it in one case, and not in another?—He should perform his duty impartially.

462. Is there any other information you can give the committee?—I think that I might make a suggestion as far as the central province is concerned. The registrar of Melbourne, Dr. Tierney, if we could amalgamate the two, making him also registrar for the central province.

463. That is of course as one registrar?—Yes. We have a registrar for the electoral district of Melbourne; it would be much more for the public convenience that he should be registrar for the central province also.

464. At present, considerable inconvenience arises, and in many instances persons are deprived of their votes by the distance they have to travel from their place of residence to the polling place where their property may happen to be. For instance, a man may be living in Melbourne, and, as regards the central province, he may have to travel to Williamstown or Flemington. This almost amounts to a disfranchisement of a man's vote. Has your experience suggested how that can be got over?—It would be convenient to have a polling place in Melbourne, instead of requiring voters to travel so far.

465. *By Mr. a'Beckett.*—How could you ensure that they would only vote there?—I think the returning officer would be a good check, in the event of a scrutiny, to see whether the same party voted in two places.

466. Now you only know by the number that have voted?—You can find out.

467. *By the Chairman.*—John Smith may wish to vote for A. B., and he is down for Melbourne. He is impersonated at Whittlesea by some party who votes for the opposite candidate. When the returning officer came to examine the voting papers he will find two numbers corresponding with John Smith's name, each number having voted for a different candidate, which of the two is he to choose or reject? Do you see any way of avoiding that difficulty?—The man might be summoned, and an inquiry made where he voted.

468. Do I understand you to say that you would suggest that there should be a central

office where any person in a province might vote?—Yes; where parties residing in Melbourne and its vicinity have votes in different localities. For instance, say residing at Richmond and having a vote at Gisborne. I think in most of those cases the parties who vote in Melbourne would be known persons. Those on the lists in the country should vote in their own locality.

Mr. W. R. Belcher,
continued,
5th Nov., 1858.

469. *By Mr. Power.*—Could not that be remedied by the registrar pointing out that there is a special list which he can use in Melbourne, or that the voter can vote at Whittlesea, whichever he pleases, but he can choose which?—The Act at present requires you to vote in the district in which you reside.

470. *By the Chairman.*—You may take your choice, under the present Act?—The difficulty is, if you wish to vote in Melbourne, there is no polling place.

471. You are now speaking of the central province?—Yes.

472. With respect to the outside provinces, having no opportunity for voters in Melbourne do you think it would be convenient to have such an arrangement?—Yes.

473. But only for those residing in Melbourne, or within a given distance?—Yes.

474. It occurs to me that it might be advisable to have a declaration at the foot of the claim. As at present, parties are not obliged to sign their names. If there were a statutory declaration at the foot of the claim, setting forth that the party there has authorized his name to appear, which would simply entail on the voter the going before a justice of the peace; do you think that would be a protection?—A very good protection.

475. *By Mr. a'Beckett.*—That would make it a personal application?—Yes.

476. *By the Chairman.*—There is nothing, as the Act at present exists, to prevent any person sending in a claim for any other?—Nothing. The declaration would identify the party with the claim, and tend very much to purify the roll.

477. Do you think it would be judicious if, at the same time the declaration was made, of which you have just spoken, that the voter should sign his name in a book, or send his signature to be recorded in a book, which should be handed to the returning officer?—I think that would be rather a tedious proceeding, and too much to ask of the voter. If he makes his declaration, I think it ought to be sufficient.

478. It would be a great convenience if he could compare the handwriting of a man on a former occasion with his present signature. Now, parties are not entitled to vote unless they can read and write. I seek to put that provision to some use. Is there any way you could suggest of securing the comparison between the time he claims his vote, and the time he comes up to give his vote?—I think the registrar would become acquainted with all the voters in each division. I think it would be advisable if the registrar could be also poll clerk, and he might assist in the identity of parties.

479. But you could not have the same man registrar and poll clerk in two places. Is there any other way by which the names might be signed in a book, so that it could be used by the officer at the election?—I do not think there is. I find a great convenience where I am senior poll clerk with Mr. Bell, for the central province. I very seldom require to ask a man his name.

480. You propose to have registrars for each division?—I propose to have registrars for each division.

481. *By Mr. Power.*—Do you conceive that would be as good a check as that of signing the names and comparing them?—A man may sign his name one day, and the same individual may write differently at another time; it would be a very good check; but I doubt it would not work here, because you are limited to a certain time in polling; and if a comparison had to be made of a name signed in a book, with the name given, it would cause much delay.

482. But the registrar would have a discretionary power?—I would have the registrar attending the polling place, it being sufficiently large for the whole of the voters without dividing.

483. The object of having separate booths is, because there may be so many voters coming up that they cannot poll them in the given time, so that one returning officer may take from A to L, and the other the remainder?—I do not see any difficulty in this; it would be a very great convenience if all elections were conducted in the way I speak of, rather than to have the divisions divided. Voters for instance, in the St. Paul's division of the central province, come to a certain tent or place in Little Collins street, and you tell them to go off away up to Lonsdale street; this they do not like. I do not see why the polling place could not be made a few yards wider or longer, so as to have sufficient accommodation for the whole division.

484. *By the Chairman.*—Is there any other remark you may wish to make?—Not any.

The witness withdrew.

Mr. George Bartrop examined.

485. *By the Chairman.*—What are you?—Clerk of Petty Sessions at St. Kilda.

486. You attended here in pursuance of a summons from the committee?—Yes.

487. Have you produced the claims for the Brighton district?—I have the claims here for the Brighton division of the south province—[*producing the same*].

488. *By Mr. a'Beckett.*—Are those the claims?—Not the whole of the claims. Those are the claims for the second special roll, Brighton division.

489. These are the claims since the special list was made up?—Yes, they were sent to me by the registrar.

490. You have taken out those papers?—The papers were used before the revision court for the second special roll.

491. *By the Chairman.*—What are those?—Those are lists which were used by myself.

Mr. G. Bartrop,
5th Nov., 1859.

45432

Mr. G. Eastrop,
contaminant,
5th Nov., 1858.

492. *By Mr. a'Beckett.*—This list with the marks in pencil, signed by Messrs. Milemore and Johnson, was the list from which the names were struck by the magistrates?—With the evidence of Milemore and Johnson and other evidence. The list was given to them for the purpose of pointing out the persons they objected to.

493. *By the Chairman.*—That list was given to them by one of the justices of the peace for the purpose of assisting the bench in revising the roll?—Yes; it only purports to be a list of persons dead or inserted more than once.

494. That list signed with your name, I understand you, is a list made up by you in accordance with instructions received?—Yes, to mark all persons' names whose names are found to be twice on the roll.

495. Duplicate names?—Yes.

496. In what manner do you mark them—some have a cross against them and some are struck out?—I think you will find they are pencilled out only in the first page. The cross is the only mark. Two or three I drew the pencil through, and afterwards I made a cross only to save time.

497. Then, in fact, the cross or the mark through signify the same thing?—Yes.

498. That is, of persons already on the roll?—Yes.

499. On examining that list, I find them to be about eighty-one?—Just about that.

500. Some names you have ticked, and not put a cross against; does that mean anything particular?—In one case it means where some person's name is down twice on the list.

501. Have you a number of the revision lists now lying in your office?—Yes.

502. Many of them?—A few. I have not counted them. I sent up thirty.

503. *By Mr. a'Beckett.*—Did they come from St. Kilda?—Yes; I sent a policeman with them.

504. Have you many left?—Yes, about 150. I have a great quantity of revision lists; an immense pile of them. About a hundred weight and a half of revision lists, which are waste paper.

505. *By the Chairman.*—They are useless now?—Perfectly useless. I have not had so many sent in since the general revision of the roll.

506. *By Mr. a'Beckett.*—Can you tell me the cost of one of these to a purchaser?—It is a large price. I have not sold any. I have rolls for six divisions.

507. *By the Chairman.*—Had you any of the old lists, which were brought out after the first election under this Act?—Those are the lists I speak of, having a quantity of.

508. And the first general roll, did you supply only this?—I supplied only the general roll for the Brighton division.

509. Did you supply the former general roll for the Brighton division?—No.

510. You supplied this, the first roll?—No, I did not. I have one or two copies for the lower house, but none of them. Those—[referring to some papers]—are the claims which were made up by one person—fifty claims in one handwriting.

511. *By Mr. a'Beckett.*—In this parcel, all of them?—Yes.

512. Did you receive them?—They were sent to me by post a few days before the revision.

The witness withdrew.

Mr. John Thomas Hinkins examined.

Mr. J. T. Hinkins,
5th Nov., 1858.

513. *By the Chairman.*—Where do you reside?—At Moonee Ponds.

514. How long have you been residing there?—Seven years.

515. Have you got the second special roll of the Keilor division?—Yes.

516. Do you know the Moonee Ponds people on it?—Yes, I do.

517. Take this in your hand. That is the official list. Be good enough to cast your eye down through, and see if you know any person on that list?—I know several names.

518. Do you know what the qualification is?—I believe it is £1000 freehold property, or £100 a year freehold, or £100 leasehold, being originally a lease for five years.

519. Would you tell the committee if you know any person on that roll not qualified?—Yes, 3126: he has a small freehold, but nothing like the value of £1000.

520. Give us the name of any person not residing in the province?—3120 has not resided in the province for years, and has no property qualification.

521. Mention any name that is down twice?—There is 3114, 3127, and 3135.

522. These three are a triplicate?—Yes.

523. *By Mr. Power.*—Do you know a person of that name—has he a son?—He has a son about two years old.

524. You do not know a second person of that name?—No. It is a remarkable name. I know the person very well. And 3192: he has a little tenement, not worth £100. He does not reside in the district; still he has his property there.

525. Any other names?—3166 has no property in the neighborhood, and has left for a length of time. He is down for freehold, but it was a leasehold farm he had where he resided. He is worth more than £1000, but his property was leasehold.

526. Would he have a freehold worth £1000?—Not to my knowledge.

527. Is there anything else you have to state to the committee?—I do not know any others.

The witness withdrew.

TUESDAY, 9TH NOVEMBER, 1858.

Members present :

The Honorable J. B. BENNETT, in the chair ;

The Honorable T. T. a'Beckett | The Honorable T. II. Power.

Mr. Richard Haines examined.

Mr. R. Haines,
9th Nov., 1858.

- 528. *By the Chairman.*—Where do you reside ?—At Gisborne.
- 529. Have you been residing there for any length of time ?—About six years.
- 530. What is your occupation there ?—I am a general merchant and storekeeper.
- 531. And through your occupation, you have found the means of becoming acquainted with the people about Gisborne ?—Yes.
- 532. You are pretty generally acquainted with the people there ?—Yes.
- 533. Will you be kind enough to look at the second special roll of the Gisborne division ?—Yes.
- 534. Is that a copy of the roll you have in your hands ?—Yes.
- 535. Do you see any names in that division of persons who have not sufficient qualification ?—Yes, several.
- 536. You are aware what the qualification is ?—I believe it to be property worth £1000, or of the annual rental of £100, or a lease for five years worth £100 a year.
- 537. Would you go through that list, and give the committee any information you can as regards the names ?—Yes.
- 538. *By Mr. a'Beckett.*—Will you state the names of people you would have objected to, if you had been at the revision court for the purpose of objection ?—No. 2234.
- 539. What is the objection to that ?—I do not believe he ever had property of the value of £100.
- 540. One hundred pounds a year, do you mean ?—No, not of even £100.
- 541. *By the Chairman.*—The next name ?—2239 : he never possessed any property that would give him the qualification.
- 542. That is, any freehold at all ?—If he has, it is a very small quantity ; it would not be worth £150.
- 543. *By Mr. a'Beckett.*—Has Gisborne any named streets ?—Yes, the streets are named.
- 544. 2234—does he live in a main street ?—He used to occupy premises in connexion with a Mr. Williams, a blacksmith. They were Mr. Williams's premises. He is a wheelwright by trade.
- 545. Does he live in a named street ?—He has left Gisborne now several months.
- 546. *By the Chairman.*—Do you know if he had left before last August ?—Yes.
- 547. Or July ?—Yes, I think he had left before July ; at all events, he never had a qualification.
- 548. The next name ?—2251 : he sold his property the other day for £20, out of which this claim was raised. 2253 has left Gisborne, and sold his property, I think for £50, three or four years ago.
- 549. The next name ?—2258 : he owns several acres of land on Mount Macedon, but I should not think the land is worth at the utmost value more than £100. 2259 : he has no qualification. I believe he had a quarter of an acre or half acre allotment. I do not know whether he has it now, but it is not worth £100.
- 550. Go on if you please ?—2262 has left Gisborne these three years, I think. He was formerly a schoolmaster, and his property was sold by auction about eighteen months or two years ago, and fetched not more than about £300. 2264 : he sold his property about eighteen months ago for £150 pounds. 2273 : he has a little property in Gisborne, about four or five acres, worth about £60.
- 551. *By Mr. a'Beckett.*—Is this in the township of Gisborne ?—Not exactly in the township, it is in the suburbs. 2274 : he is the owner of about ten or twelve acres of land at Mount Macedon, not worth more than £150.
- 552. *By the Chairman.*—Is there any man of that name living at Gisborne ?—No ; if there was another of that name, I should know him, as being postmaster at Gisborne.
- 553. *By Mr. a'Beckett.*—Are you postmaster at Gisborne, then ?—Yes.
- 554. *By the Chairman.*—Go on ?—2276 : he has property, but not worth more than £200. 2277 has property which is not worth more than £100 or £150. 2278 has property which is worth under £200. 2279 : he has left Gisborne and sold his property nearly if not quite two years since.
- 555. Was that ever worth the qualification—was it ever worth £1000 ?—I think not, since this Act has been in force.
- 556. It was not worth £1000 last July ?—It was sold for, I think, £199 about two years ago ; 2281 sold his property some time since, this year and a half.
- 557. Was it ever worth £1000 ?—Some time ago it was, because he had a share in the brewery at Gisborne. 2288 : his property is worth under £200. 2307 : his property is worth about £200. 2317 has property about the same value. 2318 : his property is worth under £300. 2320 : his property is worth under £250. 2323 : he left Mount Macedon twelve or eighteen months ago.
- 558. *By Mr. a'Beckett.*—Has he left his property behind him ?—The property is not worth £200, supposing it is his.

Mr. R. Haines,
continued,
9th Nov., 1858.

559. You know the property that did belong to him there?—Yes.
560. And it is not in your opinion worth more than £250?—No.
561. *By the Chairman.*—Go on?—2324: his property is worth under £200. 2326: his property is worth under £400; that concludes the special list.
562. There are twenty-three false names there, to your knowledge, out of about 100 names. Have you any idea at all how those names came to be so falsely put on?—No.
563. *By Mr. a'Beckett.*—What is the extent of the township of Gisborne?—I can scarcely tell.
564. Does your position there as postmaster make you acquainted with all the land there and the different owners?—Thoroughly; I have objected to no one but those I am positive of.
565. Then you know well the persons you have been speaking of?—Yes.
566. And know the land which by reputation belongs to them in Gisborne?—Yes.
567. What do you found your judgment of the value of the land upon there?—I have two or three allotments of land there myself, quite as good property, and I take it from that, putting a good value on my own property.
568. *By Mr. Power.*—Can you judge from the manner in which sales are effected up there?—Yes.
569. *By Mr. a'Beckett.*—Have you ever had any conversation with any of those persons about their qualification?—No.
570. Do you know whether any of them voted at the last election?—Yes; there were several voted.
571. Several of those you have objected to voted?—Yes.
572. How do you know they voted?—I was acting as scrutineer.
573. *By the Chairman.*—You have mentioned that those properties are of various values, from £100 up to £400 the highest?—Yes.
574. Are any of those properties worth £100 a year, because you see the qualification is in the alternative?—No; I believe I have put the extreme value upon them.
575. Even if you have not put the extreme value on them, are any of them of the value of £100 a year?—No.
576. *By Mr. a'Beckett.*—Are they tenements or pieces of land that you have been referring to?—Some tenements, half an acre of land, and a cottage.
577. What would that let for at Gisborne?—About 15s. a week, perhaps.
578. *By Mr. Power.*—That would be the outside?—Yes.
579. *By Mr. a'Beckett.*—Would the land be more or less than if let for a lease of five years?—It would be considerably less, if let for five years.
580. *By the Chairman.*—Do you happen to know whether those names were sent in for registration by the parties themselves?—No.
581. Have you had any conversation with any of those people as to their names being on the list?—Never.
582. Will you turn to the general roll. Do you see any names on that roll of persons who have ceased to have the qualification for a considerable time?—Yes.
583. Would you just run your eye through, and say how many names you see there of persons who have ceased to hold the qualification?—No. 311 has left for England; he was a man qualified in respect of his profession, being a medical man.
584. Are there any others who are dead, or who have parted with their property?—315 is dead; 325 is dead; 341 has left Gisborne, and has resided at Sunbury sometime, and he qualified in respect of a leasehold property; 345 is insolvent; 353 has left Gisborne this eighteen months or two years, he qualified as a minister; 361 is insolvent; 369 is insolvent; 376 sold his property about six or nine months ago; 386 is not now qualified; he was a schoolmaster, but ceased to act about the end of last July.
585. You have mentioned that you are postmaster at Gisborne?—Yes.
586. Under the Act, it is provided that any person sending claims through the post office shall go to the post office and get a duplicate stamped by the postmaster. Have any of the parties whom you have spoken to here come to you to obtain duplicates stamped?—No.
587. *By Mr. a'Beckett.*—Have you ever, as postmaster, done anything under the Electoral Act with respect to objections or claims?—Not for Gisborne. It is only for distant districts where they are obliged to go through the post.
588. Have you then, as postmaster, given certified copies of claims or objections?—Of claims.
589. To any extent?—No; not more than one or two, I think, of parties living in the neighborhood; they would go to the police court and leave them with the registrar, instead of sending them through the post.

The witness withdrew.

Mr. George Watt examined.

Mr. G. Watt,
9th Nov., 1858.

590. *By the Chairman.*—Where do you reside?—At Gisborne.
591. You have been there for some time?—Five or six years.
592. What are you there?—A butcher and storekeeper.
593. Are you acquainted with the persons in and around Gisborne?—Yes.
594. And in the district throughout?—Yes.
595. From your very business, you would become well acquainted with every body around there?—Yes.

596. Have you seen the second special roll of the Gisborne division for the south province?—I have looked over it in company with Mr. Haines, and marked the names along with Mr. Haines.

Mr. G. Watt,
continued,
9th Nov., 1858.

597. Have you heard Mr. Haines's evidence?—I have.

598. Have you heard the numbers and seen the names to which they allude?—Yes.

599. Have you heard the evidence he has given in reference to each individual?—Yes.

600. What is your opinion with regard to Mr. Haines's evidence—do you confirm it?—I do; I believe it is correct in every particular.

601. *By Mr. Power.*—Do you think he has undervalued those properties?—No, I think he has put the full value upon them.

602. *By the Chairman.*—Quite their full value?—Yes.

603. Have you had any conversation with any of those persons whose names are on the roll, so as to know by what means those names have come there?—I have not.

The witness withdrew.

Mr. John Cameron examined.

604. *By the Chairman.*—Where do you reside?—At Donnybrook.

605. Have you been residing in that locality for some time?—For three or four years—I have been in the neighborhood for the last five years.

Mr. J. Cameron,
9th Nov., 1858.

606. Are you acquainted with the people in and around Donnybrook pretty well?—Yes.

607. Do you know what the qualification for the Legislative Council for a voter is?—Yes.

608. Have you got the list of the Donnybrook division in your hand?—Yes.

609. Have you been through that list before this moment?—Yes.

610. Have you seen, in looking through that second special roll, any names on that roll that are not qualified?—I have.

611. Will you mention the numbers opposite to the names of such?—2672.

612. What is the peculiarity of that claim?—It is out of half an acre of land in the township of Donnybrook, worth about £20.

613. Are there any other names?—2678: he has half an acre, worth about £50.

614. *By Mr. Power.*—Has he any other property there?—No.

615. You are satisfied of that?—Yes, I am.

616. *By the Chairman.*—Go on?—2683: no qualification.

617. *By Mr. a'Beckett.*—Has he any freehold property at all?—No, not now.

618. *By the Chairman.*—Do you know if he ever had any?—I am not aware that he had.

619. *By Mr. a'Beckett.*—Do you know the man?—No; but I have made inquiry about him.

620. Have you never heard of such a person as that?—No, never.

621. *By the Chairman.*—Are you acquainted with the freeholders in and about Donnybrook?—A good many of them.

622. *By Mr. a'Beckett.*—Do you know the next man?—No, I do not.

623. Do you know most of the people in Kilmore?—I do not know many of the Kilmore people.

624. Why do you assume that that man does not live at Kilmore?—I say there is no qualification to vote.

625. I thought I understood you to say you did not know such a man?—I made inquiry about him, and the parties did not seem to know anything about him.

626. Do you know such a man?—I do not know such a man.

627. *By the Chairman.*—The committee are anxious to get your information on those whom you actually know?—Yes, exactly so.

628. It is possible that that person may have a freehold at Donnybrook, though you may not be acquainted with him. What is the next name?—2687: it is a repetition; it is counted twice.

629. *By Mr. a'Beckett.*—There are not two people of that name there?—No.

630. *By the Chairman.*—Who is the next?—2690: there is no such man known.

631. *By Mr. a'Beckett.*—Do you know the place of his abode?—Not particularly well.

632. How do you know there is not a man of that name?—He is not known at Donnybrook.

633. *By the Chairman.*—But there may be a person residing at the place where he is said to reside who may have property at Donnybrook, without the people of Donnybrook knowing it. Give the names of persons you actually know?—2694: he is a common laborer, and has no qualification.

634. Has he any property?—No property. 2695, same as 2688; double name; they are the same parties.

635. *By Mr. a'Beckett.*—How do you know that?—I know the persons.

636. Do you know Deep Creek?—Yes.

637. Do you know he lives there?—Yes.

638. Do you know Donnybrook?—Yes.

639. Is there a person of the same name living there?—No.

640. *By the Chairman.*—The man represented by the two numbers is the man living on the Deep Creek?—Yes.

641. Go on?—2700: he is a common laborer, and is the same man as 2694. 2703: he is a shoemaker, a tenant at 15s. a week.

642. *By Mr. a'Beckett.*—He has no freehold property?—No freehold property.

Mr. J. Cameron.
continued.
9th Nov., 1858.

643. *By the Chairman.*—Go on to the next?—2707: he is a quarryman.
644. *By Mr. a'Beckett.*—Has he got any freehold property there?—No, nothing.
645. No qualification at Donnybrook?—No qualification. 2708, the same man as 2688 and 2695.
646. Who is the next?—2718: he has half an acre of land and a small hut, worth about £50. The next is 2746: he has left and had no qualification. 2747: that is a repetition, the same as No. 2754. 2753: there is no such man known at Donnybrook.
647. *By Mr. a'Beckett.*—You know Donnybrook very well and know every person there?—Yes.
648. And there is no such person there?—No.
649. The next?—2769: he has one half acre allotment, worth £40 or £50.
650. Who next?—2777: he has an half acre allotment, worth £50. 2787 has half an acre of land, worth £30. 2792: he has about ten acres of land, worth £10 an acre.
651. Do you think that is the outside price?—I think so; I know the land well. 2794: he was an innkeeper there and has left.
652. He is down here as a freeholder?—He only had a leasehold.
653. How do you know that?—I know the freeholder in town; he only rented it. 2803: he has no freehold land in Donnybrook.
654. Are you quite certain of that?—Yes. 2804 is a leaseholder, not freeholder, which he is put down for.
655. What property did he hold a lease of at Donnybrook?—They were farmers.
656. Do you know who their landlord is?—No, I could not be very sure of that.
657. How do you know they leased the land—from whom did you derive your information—did you ever hear them say they were leaseholders?—No, but I know parties who know that place well.
658. *By the Chairman.*—As a matter of common repute?—It is well known about the neighborhood that they are leaseholders.
659. *By Mr. a'Beckett.*—You know the pieces of land they farm or cultivate in Donnybrook?—They are at Yuroke.
660. The qualification is described as at Donnybrook?—They have no freehold there.
661. That you can state positively, from your knowledge of Donnybrook?—Yes.
662. That those men have no freehold property about Donnybrook?—Nobody about Donnybrook knows that they have.
663. When you were speaking of their having leasehold property, you were speaking of the property they had at Yuroke?—Yes.
664. *By the Chairman.*—Mention any other?—2808 has no qualification to vote; he has left.
665. How long is it since he left?—About two years. 2810 has no qualification to vote; he has left.
666. He might have property?—He has no property there; he now keeps the Robert Burns Hotel.
667. There are several of the same name; are they the same people?—No, they are different, I know them all.
668. The next?—2834, repeated above; that is a duplicate name, the same as 2803. 2835, repeated, the same as 2805. 2836, repeated, the same as 2803 and 2834. 2858 is a laborer, no vote. 2859 is a barman at the Happy Home Hotel, no qualification. 2873 has twenty-five acres of land, not worth £1000.
669. What is it worth?—It may be worth the half of that.
670. *By Mr. Power.*—Is there a house on it?—I believe there is a house on it, but it is not worth £1000 even with the house.
671. *By the Chairman.*—The next?—2886 has one half acre allotment, worth about £50.
672. Are there any names on that list respecting whose qualification you have made inquiry and could find no information about?—Several.
673. I do not mean those you have already referred to?—Several besides.
674. Do you happen to know how those names got on the roll?—No, I do not.
675. Have you spoken to any of them at all as a matter of conversation?—I have talked to them daily, but not upon their qualification.
676. Did you ever hear any of them say they had not themselves sent in their claims?—No, I did not. I did not speak to them very much upon the subject. 2849, 2850, 2851: one of them is dead, but I do not know which.
677. Was he dead in July last, or has he been dead since the July before?—He died about eighteen months ago.
678. Have you looked over the general roll?—Yes.
679. Are there many names there that have ceased to possess qualifications?—Yes; that have left the place; a good many, about twenty perhaps; they have left the district altogether. There are several that have left the district and are still on the roll; they have left a year ago.
680. And whose leases would be out?—Yes; their leases out, and left the place altogether; a good many of them.
681. Are there any names there of men who have since died, do you know, or that were dead before last July?—Yes, I see names.
682. Do you see the names of any persons upon the general roll that appear afterwards upon the special roll?—I do: Nos. 233, 234, and 235 are the same persons as are mentioned in the special roll, and numbered 2849, 2850, and 2851.

Mr. J. Cameron,
continued,
9th Nov., 1858.

683. *By Mr. a'Beckett.*—I believe one of those persons is dead?—One of them is dead.

684. How long has he been dead?—About eighteen months.

685. Turn to Nos. 199, 200, 201, and 202 on the general roll; do you find those entered on the special roll again?—I do, several times.

686. Will you look at 247 and 248 in the general roll?—Yes.

687. Do you find them again on the special roll?—I see them. 2865 and 2866 are the same persons, and for the same qualifications.

688. Look at 268 in the general roll and see if that name occurs again on the special roll?—It does: 2881 is the same party.

689. *By Mr. Power.*—There is no other person of the same name in Donnybrook?—No other.

690. Are there any others similarly situated?—O yes; several.

The witness withdrew.

Mr. Robert Shotton examined.

Mr. R. Shotton,
9th Nov., 1858.

691. *By the Chairman.*—Where do you reside?—At Donnybrook.

692. Have you been there any time?—Fifteen months.

693. Are you well acquainted with the people in and about Donnybrook?—In the township of Donnybrook, I am.

694. And the immediate vicinity about it?—Not very far; but just round about it.

695. Have you got the second special list of Donnybrook before you?—Yes.

696. You are aware of the qualification?—Yes.

697. Do you see on that list the names of any persons who are not possessed of the qualification for the south province?—I do not see any names except those Mr. Cameron has spoken to.

698. Are you acquainted with those names?—Yes.

699. *By Mr. a'Beckett.*—Do you confirm his statement?—I corroborate what he has stated.

700. In every particular?—Yes; that is, speaking of the immediate township.

701. *By Mr. Power.*—Are there names that have been repeated in both lists?—I have got them marked as such.

702. You are satisfied there are not two persons of the same name?—As far as I can judge.

703. You are thoroughly acquainted with Donnybrook?—Yes.

704. *By the Chairman.*—Some of those names are rather remarkable?—Yes.

705. *By Mr. Power.*—There is not father and son there?—No.

706. That you can say in the case of those names that have been objected to?—Yes.

The witness withdrew.

James Weston, Esq., examined.

J. Weston, Esq.,
9th Nov., 1858.

707. *By the Chairman.*—You are residing at Broadmeadows?—Yes.

708. And you have been there some time, I think?—I have.

709. Are you acquainted with the country round that direction?—I am, perfectly well.

710. You are practising as a surgeon?—Yes.

711. And in your daily avocations you are constantly travelling round about there?—Every day.

712. And therefore you are thoroughly acquainted with the whole of that part?—Yes.

713. Will you take that list in your hand—it is the second special roll—and will you tell the committee if you see the names of any persons there who do not possess the qualification, which are not already marked off in black ink; those which are marked off in black ink having been already spoken to?—Several of them, and those I see on this list are merely marked "freeholder," so that I am not able to give an opinion; but in many cases they have only half acre or acre allotments.

714. *By the Chairman.*—Will you run your eye down that list and mention the numbers you can speak to in addition to those already spoken to?—2427: he is a gardener, occupying half an acre of purchased land and half an acre of leasehold land, and not qualified.

715. What is the value of that property?—I should think about £100, the very outside value.

716. Go on?—2600: there is no such person in the district.

717. Any others?—2623 is a servant.

718. Has he the qualification?—I should suppose not.

719. Is he at Broadmeadows?—Yes.

720. You have mentioned some half-dozen only. In casting your eye down, have you seen any others you could have objected to, if they had not already been so?—Yes, there are many.

721. Can you give the committee any information in reference to certain claims which, it has been alleged by one of the witnesses here, were sent up in a parcel to the registrar, some of which appeared afterwards on the roll, and some of which do not appear?—I can do so.

722. Will you mention the facts to the committee?—On a certain day, the date of which I have not with me, as registrar for the district of Broadmeadows, I had forms presented to me from the Government of claims to vote. I filled up, I suppose, between thirty and forty;

J. Weston, Esq.,
continued,
9th Nov., 1858.

upwards of thirty, I am quite sure, at two or three separate periods, claims that I knew which were qualified to vote, and sent them to the registrar at Gisborne. Many of those claims were inserted in the Electoral Roll; others that went in the same envelope, and were posted at the same time were not inserted.

723. *By Mr. Power.*—You are positive of that?—I am. My own name was on; Bryant's, Ward's, Reynolds's, and others were not.

724. Were not all properly qualified?—They were.

725. Were those names in the list sent up?—The forms of claims to vote were sent to me by the Government, and I enclosed them in one envelope, and I believe one half were entered and the other half omitted from the roll.

726. You are positive you enclosed all those names?—I am positive, and I could mention witnesses who were present who saw me enclose them, if necessary.

727. And those persons who have been excluded are persons who are known really to possess the qualification?—Precisely so.

728. Not questionable ones?—Not questionable.

The witness withdrew.

WEDNESDAY, 10TH NOVEMBER, 1858.

Members present:

The Honorable J. B. BENNETT, in the chair;

The Honorable T. T. a'Beckett

The Honorable T. H. Power.

Frederick Race Godfrey, Esq., examined.

F. R. Godfrey,
Esq.,
10th Nov., 1858.

729. *By the Chairman.*—You are residing near Donnybrook?—Within three miles.

730. You were deputy returning officer during the last election for the south province?—I was deputy returning officer.

731. And you have been deputy returning officer on several occasions for various elections?—Yes; I acted in the same capacity in the last election for East Bourke.

732. Do you produce the claims for registration?—Those are the claims sent in to the registrar.

733. And forwarded by the registrar to your bench?—Yes.

734. With the list?—They were forwarded with the lists in order to compare the lists with the claims.

735. Were there any objections made to claims on the day of revision?—No. I have sat on three occasions this year at the revision court in Donnybrook, and no one has attended or appeared to take any interest in them till the last court, when the second special list was revised. On that occasion two gentlemen attended, but they were there more for the purpose, as far as I could see, of having names put on, if there were any mistakes; or if there were any objections, of supporting the claims.

736. They said so?—One of them said so.

737. Who was that?—Mr. John Trainer. He said he appeared to support any claims in case of any objection being made.

738. *By Mr. Power.*—Who was the other gentleman?—The other gentleman did not say that he came there for the purpose of supporting or objecting, it was Mr. William Wilson.

739. Were they in company?—No; Mr. Trainer came first and some time afterwards Mr. Wilson came.

740. *By the Chairman.*—He was merely a spectator?—He was merely a spectator at the time—he did not take any part in it.

741. You mentioned that Mr. Trainer said he came to support any claims that might be objected to. Did the bench, in looking at the claims, find any inconsistency in any claims, or allude to them in any way? Were any remarks at all made about the claims?—There were some remarks made about some of the claims, but the magistrates could do nothing—they had no information upon the subject—they knew nothing of themselves.

742. And those magistrates could take no action?—No; there were several claims in the Donnybrook list, in which a mistake was made in stating the locality of the qualification, I apprehend, done in the printing. The place where the qualification exists ought to be put in; and in nearly every case this was put in as Donnybrook. The registrar made a mistake, intending the place where the votes should be recorded; and this gentleman, Mr. Trainer, applied for several parties to have the alteration made; and any case in which he applied to have the locality of the qualification altered, the bench did so. For instance, you see a place mentioned here—[pointing to the list]—as “Donnybrook,” which is not right. In any case that we knew, from our own knowledge that the property was not in Donnybrook, or when Mr. Trainer applied, we altered it.

743. It was evidently intended that the word “Donnybrook” should be in the last column?—Yes, and in the case of those who had no one to apply for them, we left it as it was—we were not supposed to know where the qualification was. Mr. Trainer had almost all those alterations made where you see the other names put in instead of “Donnybrook;” the alterations were made in fact on his application and on the knowledge possessed by the bench. He had

come there for that purpose, and he said, if there were any objections made, he came to support the claims.

F. R. Godfrey,
Esq.,
continued,
10th Nov., 1858.

744. Are you aware whether Mr. Trainer is a practitioner before the court—is he a solicitor?—No.

745. He is not a practitioner before the court?—No.

746. Do you know in what capacity he came there to support claims?—I do not.

747. Did he produce any written authority from any one?—No, he did not.

748. *By Mr. a'Beckett.*—Do you know the handwriting of any of those claims?—I do not.

749. *By Mr. Power.*—You say Mr. Trainer is not a professional man?—No, he keeps a small shop in Donnybrook, but he takes a very active part generally in politics.

750. *By the Chairman.*—May I ask you, is that the Mr. Trainer whose name appears upon the new commission of magistrates?—Yes, it is.

751. I understood you a while ago to say you had presided at these revision courts several times?—Yes.

752. Have you studied the Act under which you sat?—I have.

753. Will you favor the committee with your opinion whether you consider the present mode of working the registrations and objections works well, from your experience?—Most decidedly not. In the first place, the system of registration I think bad, for this reason, that many a man cannot write properly, and, consequently, sends in his claim informally. There is also a difficulty in finding out where the registrar lives; and when the claim has been sent, he does not know whether the registrar has received it, and then, when the lists come before the bench for revision, the magistrates have nothing to guide them—there is nobody there to fall back upon. My own opinion is, that the best plan would be to let the claimants apply personally to the different benches, and let them apply at any time whenever there is a court sitting to have their names put on. I think the duties of the Act are carried out by too many persons.

754. *By Mr. a'Beckett.*—Do you think any discretion ought to be left to the registrar to effect alterations with reference to the description of the qualification?—In the way in which the claims are sent in at present there is no description of the qualification given.

755. There is a column for qualification?—There is, but then it is not necessary to state the number of acres or the value of the property, but merely where it is situated.

756. *By the Chairman.*—The nature of the property?—Yes, the nature of the property.

757. *By Mr. a'Beckett.*—I am not speaking of the nature, but the description of the qualification?—That does not give the description in any way.

758. The mere locality is very vague?—Yes, I do not think the mere locality would be sufficient. I think the parties should be bound to give the description of the property they claim for, the extent or the value of it in the same way as under the old Act. You will find, in the old roll opposite to each name, there was "400 acres of land and house," and so on, in such and such a place.

759. *By the Chairman.*—The question is put upon this hypothesis, that, suppose the claim got to the registrar's, and was vaguely filled up, do you think the registrar ought to have any discretion in reference to that claim, or in reference to working out the thing, or ought he to send it to the bench with all its imperfections and allow them to deal with it?—I think the registrar might be allowed to require an amended claim, or to alter it in any way. But I propose to do away with the registrars altogether. I think they are the whole cause of the mischief in the working of the Act. I would allow every one to register in the nearest police court, and thus bring the registration home to the people.

760. Under your principle, when a man would go to register, would you require him to make a declaration?—Yes; I would require him to describe his property, and make a short declaration, which could be kept in the office as a sort of record. There should be a printed form, and the clerk of the bench could have the names put on the roll every three months sent down to the registrar general's office in Melbourne. Several men came at the last election, when I was acting as deputy returning officer, to vote, and their names were not on the roll. They said they were certain they sent in their names, and they sent them to the right man at Gisborne; still their names were not there, and I could not take their votes.

761. Have you ever met with this fact in your experience, that men come, say to Donnybrook, to vote, who had been registered for another electoral district of the province?—Yes, six or seven men, as far as I know, came to Donnybrook who were registered for Pentridge, at the last election.

762. Did they come to Donnybrook to vote?—Yes.

763. But they had a right to vote there?—Yes.

764. I am speaking of men coming by mistake to the wrong place?—Yes; several times that has been so, not at this election, but at the election for East Bourke, several men came to Donnybrook who ought to have gone to other places.

765. Do you think that would be avoided to a considerable extent if the parties went to the petty sessions court to get registered?—Yes; they would know where to go again, and would know pretty well the polling place, and they would know that their name was put on. Two or three men this time said they would never come again, because they did not know whether their names were on the roll or not. That is a great drawback. They had, perhaps, to travel six or seven miles, and they said they would not come again unless they were perfectly sure that their names were on the roll. In places where the courts may be rather scattered it would give them a little trouble to go, but then the claims might be sent in to the courts in the same way, they swearing their affidavits and sending them.

44440
 F. R. Godfrey,
 Esq.,
continued.
 10th Nov., 1858.

766. I suppose it may be almost taken as an invariable rule, that every man entitled to a vote for a province would in all probability be in close proximity to his nearest police bench within every three months?—I should think so.

767. *By Mr. a'Beckett.*—In country districts, are not the police benches very far apart from each other?—They are far apart where the population is scattered; but then I do not think one in fifty of those who have a vote ever go to the poll, and many of them never register their votes.

768. *By the Chairman.*—But, in those very scattered populations, are not the number of voters very small indeed?—Very small indeed, and those who would go to vote would go to the court. There are many men who really do not know what their qualification is. There is one man's name on the roll who thought he had a vote; he did not know that he required a five years' lease, and he qualified, and is on the roll.

769. *By Mr. a'Beckett.*—Did he himself state to you that he did not know what the qualification was?—Yes. I met him after the revision and told him his name was on the roll, and that it had no right to be. He said, he did not know that; he thought he had; he sent it in, imagining, his rent being over £100 a year, he had a vote. If a man had to come to the court to register his vote, he could not be under that mistake.

770. If your principle of a declaration was adopted, I presume that would require that the voter should declare something to this effect, that he is possessed of a qualification which to the best of his belief is sufficient to qualify him for a vote, and that it consists of such and such land, and is of the value of £100 a year, and of which he holds a lease for five years?—Yes.

771. You would make the body of the declaration contain an absolute description of the qualification?—Yes.

772. In that case, such a mistake as that you have just referred to would be avoided?—I think so, and I think a great many men now on the roll would not apply to vote.

773. *By Mr. Power.*—Men who are not qualified?—Men who are not qualified.

774. *By the Chairman.*—Are you aware of instances where parties have left their places and lost their qualification, or who have died, still being on the roll?—I know several. I do not know many of the people in the neighborhood of Donnybrook, but I could point out several names on the roll, of parties who have left for some time, and others who have died, or sold their property.

775. And whose names have not been removed off the roll?—Yes.

776. Is there any machinery at present for striking a man's name off the roll in that case?—No.

777. None pointed out by the Act?—None.

778. Then the only possible means of getting anything of that sort done would be by the registrar, if he had a personal knowledge in the case, taking on himself the responsibility of removing the names?—Yes.

779. Or the bench of magistrates?—If the name is objected to.

780. Could they not do it without an objection?—They have the right to expunge the name of any person who shall be proved to them to be either dead or to have left the property, but I do not think they have the power to do it of their own will.

781. Then, according to the present Act, the bench possesses no means of striking out the names of persons who are dead, unless the same is objected to or proved before them?—None that I am aware of; I have never done so; and the magistrates I have sat with are of the same opinion.

782. It might so happen that one of the magistrates might prove it to the bench, if he happened to know it?—Yes.

783. In the event of the magistrates not having personal knowledge of them, there is no means?—No means.

784. Is that a state of things that ought to be provided for?—Yes.

785. Has it ever suggested itself to your mind how that might be provided for? Have you ever thought of it?—I cannot say that I have studied that point.

786. Do you see any objection to a clause of this sort empowering the magistrates at any time, upon the declaration of two or three persons, or on the oath of two or three persons, stating such and such a person appearing on the roll is dead, to expunge the name?—I see no objection to that, but I would make it on the declaration of any one person; it is very often difficult to get two or three to do what one might do.

787. Is there any other information you can give to the committee.—Does anything else occur to you in reference to the present system?—If the present system were still in force, putting aside my plan altogether, I think the benches ought to be given greater power than they now have. Under the Act at present they have no power at all to do anything; I think they should be allowed to act more on their own judgment, without so much legal evidence.

788. You think, in fact, they ought to have a certain discretion to act upon their own knowledge, without requiring to be set in motion?—I think so; and if they do injustice, the parties could then apply to have their names put on again.

789. *By Mr. a'Beckett.*—Suppose they were to persevere in injustice, what remedy then should be given?—I do not think that is a case that is likely to occur.

790. *By the Chairman.*—You have two polling places at Donnybrook?—Yes, two booths. That I think is an unnecessary expense in the Act, the providing a polling place for every 600 electors; it is an absurdity. There were only seventy men came to the poll, although there were 1000 voters on the roll for Donnybrook and Pentridge.

791. Have you thought as to whether there was sufficient facility given for the voters on the day of election; whether, in fact, the voting places were sufficient from your knowledge

of the country for the south province?—I heard no complaints from any men at Donnybrook, but from some of the other parts I heard complaints that there were not sufficient polling places. I believe several men would not go to the Whittlesea polling place, it being so far away. If there had been a polling place between Whittlesea and town, or in that direction somewhere, they would have voted.

792. Then, if the Whittlesea people had had the privilege of voting at some other place, that would have been avoided?—I think more would have voted.

793. Have you ever thought of the judiciousness of allowing persons to vote at two places, or at any given number of places?—I think it injudicious, and would make them claim to vote specially at one place.

794. Then they could only vote at that one place?—Yes.

795. Then you must take one of three courses; you must allow the people to vote at more than one place; or you must necessitate a very long journey to a great number of the voters; or you must have locally spread over the provinces a much larger number of polling places?—Yes.

796. Taking into consideration the expense, and the great principle involved in returning members, which do you think would be the more judicious and more proper?—I would have more polling places; or even if the same number were made use of, and they were more scattered, they would answer the purpose better. If there had been but one polling place at Donnybrook, and another half way between that and Pentridge, instead of there being two booths at Donnybrook, it would have been better; there was the double staff and the double expense of the second booth, which was at an inn, and would, therefore, have cost the same if it had been elsewhere. One booth at Donnybrook would have been quite enough for all the voters who came to Donnybrook, or who were likely to come there.

797. Then, in fact, you would leave it discretionary with the Government as to how many polling places there should be?—No; I would not have it absolutely that there should be so many booths. It should be according to population, and the fitness of the place. I think it should be left to the returning officer, and let him ascertain from the deputies where they think the best places would be.

798. Are you aware that the returning officer named the polling places for the south province this time?—I do not know whether he did or not.

799. You think the returning officer ought to consult his deputy returning officer?—Yes; as to localities and so on.

800. Supposing that your principle was carried out, of having the registrations taken before the various petty sessions, would not that be a very good index as to the number of people likely to vote in each place?—I think it would.

801. Do you think that would form a fair criterion by which to judge of the localities of the polling places?—Yes; as to their selection.

802. Is there anything else you can offer in the way of suggestion to the committee?—No; there is nothing else that occurs to me except this, that, in looking for these papers this morning, I had to turn over a bundle of useless papers only fit for lighting pipes with; and the expense of that would be all done away with by personal registration.

803. What are you speaking of now?—Of the accumulated lists of the claims to vote; that is, the printed lists sent down, which, when revised, become the roll.

804. You say you have got piles of them?—Piles. There are heaps of them lying in all directions, blocking up the place, the magistrate's room and all; they are perfectly useless now, because they have been altered, and when the alterations have been made in them, they can be of no use again. They were sent up, supposed to be for sale, and I do not think there has been but one copy sold this year.

805. *By Mr. a'Beckett.*—Do you think the expense deters people from purchasing them?—I do; I have heard people complain of the expense.

806. *By the Chairman.*—You would propose to do away, by your system, with these lists?—Altogether.

807. Then, supposing a person made a declaration that he had a qualification, falsely, and got his name upon the roll, what machinery would you propose for striking that man's name off to prevent his voting?—I would give the bench the power to do it, if it was proved to their satisfaction.

808. Then, would you give any person the power to take out a summons in the ordinary way, calling on a man to show why he should not be struck off?—I would give the bench the power to examine a man said to have got his name on the roll falsely, to have him summoned to appear, and if he did not appear, to strike his name off.

809. Would you allow that to be done within a certain space of time, or at any time?—I think it might be done at any time.

The witness withdrew.

Benjamin Cowderoy, Esq., examined.

810. *By the Chairman.*—You are residing in St. Kilda?—Yes.

811. And are chairman of the municipality?—Yes.

812. Were you present at the revision court held for the electoral district of Brighton for the south province on the last occasion?—Yes; I was chairman.

813. Will you be kind enough to take those claims that are before you on the table. Those are the claims that were sent into the bench on that occasion?—I have no doubt they are.

F. R. Godfrey,
Esq.,
continued,
10th Nov., 1858.

B. Cowderoy,
Esq.,
10th Nov., 1858.

B. Cowderoy,
Esq.,
continued.
10th Nov., 1858.

814. The bench struck off a number of names there?—Yes; a very large number.

815. Could you explain to the committee the reason for that?—I should like the committee to understand the whole of the proceedings on that occasion. I may state that, on the first occasion on which we sat as a court of revision, that is, for this quarter, after revising some other lists that were before us, we came to this Brighton list, and on opening it we were rather astonished to find so large a number of claims for the province, and it appeared so extraordinary, that I desired the clerk to open the claims themselves, which were then in large bundles as sent up to him, and let us see what the claims were, and those claims were taken out of various bundles. We thought, on looking through the claims themselves, that they had a very suspicious look about them. There were a number of persons present at the same time from Brighton who appeared to be electors, and who had come for the purpose of objecting to those claims. We looked then into the Act, to see whether we could admit those objections, as we found no notice of objection had been given, and we found, on reading the various clauses, that there was a certain ambiguity about the Act, and we thought it advisable to take the opinion of the law officers of the Crown upon the point, as to whether we could admit those objections without a formal notice having been given as provided for in the Act. The court was therefore adjourned until the last day allowed by the Act for the revision. That first revision took place on the Friday. I had a letter written out for the attorney general at once, and I put it into his hands, so as to ensure the opinion being obtained in time for the meeting of the bench on the Tuesday following. In the meantime, without having gone into the question as a court of revision, after having decided upon obtaining the opinion as a preliminary to the subsequent inquiry, we did (certain of the magistrates) elicit, as far as we could, having a number of persons present from Brighton, that a good many of those persons whose names were on that list were dead and buried long ago.

816. On the list of claims?—Yes; and whose claims purported to be sent in here that was simply obtaining information, however. On the subsequent occasion, at the adjourned meeting of the revision court, on the Tuesday following, the attorney general's opinion was received and was adverse to the admission of any evidence on the subject.

817. *By Mr. a'Beckett.*—Any evidence in support of the objections of which notice had not been given?—Yes; of which notice had not been given. There were a number of persons present on the second occasion from Brighton, and I should wish the committee to understand that this revision took place in open court, the same as all other proceedings do, because the reverse of that has been stated in public; both sittings were in open court, and the second sitting was on the same bench as we had been sitting at during the morning hearing police cases, and all persons were summoned in the usual way who had business before the revision court, and a number of persons from Brighton attended, some of whom were well known to me and all of whom were known to some one or other of the magistrates on the bench. Notwithstanding this opinion, from the character of the list of claims before us, and from the fact we had previously elicited, that a good many of the parties were dead, it appeared to us that the claims to a great extent were fraudulent, and we proceeded to examine a number of persons from Brighton with a view to further satisfy ourselves as to the genuineness or otherwise of those claims. It was then proved in evidence not only that very many of those persons were dead long ago, but that many others were residing out of the district and had left the district and ceased to have any interest whatever in it; others were absent from the colony, and others absent in different parts of the colony, and could not have signed or sent in their claims, nor given authority for such claims to be made; and with regard to many of them, when we came to their names, it excited the risibility of all those gentlemen from Brighton, who burst into a laugh at the idea of such parties being supposed to possess the qualification for the upper house, evidently being persons in that condition of life not having any pretention to the qualification.

818. *By the Chairman.*—And that was sufficiently well known to those parties?—Yes; I believe we scarcely came to a name that was not known; that is, where the parties were resident. Those who were actually resident in the district seemed to be known to some one or other of the parties then present, and who wished to give evidence upon the point. From the facts elicited by this inquiry, it was evident to the revision court that this was an audacious fraud of some person or persons who were attempting (to use a term which has become common since) to stuff the roll of the electoral district of Brighton. We therefore began to examine the claims. We took the bundles of claims, and took each claim by itself. We examined into every claim before we made any erasure or alteration of the list. We found them generally in the same handwriting, and we inquired about that. It was evident to us that in most cases the qualification as stated here was not sufficient in law, in our opinion, to justify an insertion of the name upon the electoral roll.

819. The description of the qualification?—The description of the qualification.

820. *By Mr. a'Beckett.*—Was not sufficient to identify within the meaning of the clause of the Act?—Not sufficient, in our opinion, to identify the property, so as to justify the requirements of the clause, especially when it was stated that many of them had no freehold at all, and the fact further of their being alleged to have freehold in Brighton merely, which we did not consider sufficient for putting them on the roll, unless there was something to identify the property.

821. Allow me to read these words to you, "That the justices at such revision shall expunge the name of every person whose qualification as stated in such list shall be insufficient in law to entitle such person to vote and also the name of every person who shall be proved to be dead and if in entering the name the place of the abode and qualification of any voter anything required to be specified be omitted or if any description be insufficient for identification the justices shall expunge the name of every person so entered unless the matter so omitted or

insufficiently described be supplied to their satisfaction before they shall have completed the revision of such list." Was that the clause upon which you acted?—It was the clause upon which we acted, and instead of these omissions being supplied by evidence, the very reverse was proved in evidence.

822. *By Mr. a'Beckett.*—When you say the reverse was proved, the persons who gave evidence said they did not know where the property was?—Some of them were prepared positively to state that some of those men had no freehold whatever.

823. *By the Chairman.*—And even if they had the qualification, was the identification of the qualification in the claims sufficient to enable any person, who wished to object, to have found them out?—Certainly not.

824. Then, in fact, those claims when printed would be no guide to any person who wished to ascertain the correctness of them?—None whatever; and the very words you have just quoted were underscored by me in my own copy. On going into the matter at that time, in addition to those objections which appeared upon the face of the claims, the whole thing was so obviously a fraud upon the constitution (and we could consider it as nothing else) that we could not help taking into consideration the 19th clause, which says—"The clerk of petty sessions at every town and place shall in the months of March June and September in every year sign and publish a notice in the form contained in the sixth schedule to this Act and in pursuance of such notice every person qualified to vote as aforesaid who shall not be upon the roll of voters then in force and who is desirous to have his name inserted in the special list about to be made for any electoral province or any electoral district shall on or before the fourteenth day of April July or October in every year give to the registrar of such province or district as the case may be a notice of his claim according to the form set forth in the second schedule to this Act." We arrived at the conclusion, on looking at the wording of that clause, that those claims were not claims we could entertain at all under it. When it was proved to us that a great many of those persons were dead and buried, it was evident that those persons could not, in the first place, be qualified; and, secondly, that they could not have desired to be put on the roll of voters; and, thirdly, they could not have given, in the words of this Act, notice of their claims in the terms set forth here: so that, to the extent of the dead men, at all events, it was fraud. We found that, with regard to others who were not in the colony, that the claims were in the same handwriting as the handwriting that had supplied the names of the dead men.

825. *By Mr. a'Beckett.*—Do you know whose handwriting that was?—It came out afterwards on the second sitting. It was said that a good many of them were filled up in the handwriting of a Mr. Thomson.

826. *By Mr. Power.*—How many handwritings were there in the batch?—I think three distinct handwritings. In the case of the three parties, the handwriting of each individual was identified by parties present from Brighton. From these facts so elicited, it was very clear that, according to the spirit and intention of this Act, those could not be genuine claims, so far as related to the persons who were dead, or to the absent parties, and it was further stated that persons who were resident in Brighton, and who probably were good voters for the lower house, but who had no qualification for the upper house, whose names had been sent in upon those claims, positively repudiated the whole thing, and strongly objected to their names having been made use of in the way they had been. I wish to state that all those facts having been elicited, and this heap of claims being so obviously a thing made up for some purpose, contrary to the spirit and intention of the Registration Act, the magistrates determined to take evidence upon every one of the claims, such evidence as they could get before them; first to examine the claim with reference to the qualification, whether sufficiently stated, and then, if it was sufficiently stated, to get what evidence they could as to its genuineness or otherwise, because the suspicion was so apparent upon the face of the whole thing that it was not genuine. We therefore took each claim by itself, and where the qualification was insufficient in law, as we conceived we adopted that in many cases, as the ground for rejecting it; the handwriting assisted us a good deal, finding the claims were in the same handwriting, and evidently fraudulent. We had consequently less difficulty in dealing with others that followed; but at the same time we took care in every case to ascertain whether it was probable that the party whose name was inserted in the claim had given any authority for the claim to be filled up in his own name; and in every case in which we thought it was probable, without having positive evidence of the fact that the claim had been sent in with the concurrence of the party whose name was stated, we gave that party the benefit of the doubt, and put him on, provided the qualification was sufficiently stated.

827. *By the Chairman.*—Provided the requirements of the Act were fulfilled?—Yes; there were a number of the claims about which there were doubts as to whether the parties had given such authority or not, and we put them on—we allowed them. There were other claims which did not appear to come under the same category as the claims I have been referring to, and which we dealt with in the ordinary way. There were some which appeared to be very good claims, where the qualification was insufficiently described. Others where the property was distinctly stated to be in another district, and those we were obliged to disallow. Some, for example, in Oakleigh were sent in to the wrong district. These were claims of a distinct character to those first mentioned; they should have been sent elsewhere, but we could not allow them. That is the reason for some claims having been disallowed on this occasion, which were evidently good claims for another district.

828. Does anything else occur to you to state to the committee?—No.

B. Cowderoy,
Esq.,
continued,
10th Nov., 1858.

829. *By Mr. a Beckett.*—Were the magistrates censured by any portion of the public press for the conduct they pursued on this occasion?—I have noticed such remarks.

830. Did they incur any public odium by it?—I believe so. As far as the censure passed by the public papers upon the magistrates, and certain individuals in public meeting; they were not of that character which seemed to justify our stepping forward to give an explanation of the matter. Still it was a fact I know that the whole of the magistrates who sat on that occasion, and I think there were six or seven, were prepared to defend their conduct at any time before the public anywhere, and on any occasion. And I do not hesitate so say that, if the same thing were to occur again, under similar circumstances, and it were necessary for us as magistrates to take the same course for the protection of the public, we should not hesitate to do so.

831. *By the Chairman.*—Could you give the committee any information as to the working of the registration generally?—The present mode of working it is obviously open to very great objection; because, a fraud of this sort could be practised by any person exercising any influence, having no connection whatever with the district. It is requisite some person should give notice of objection to those names, to prevent their being put on the roll, and it is very clear the public will not take that interest in the matter which is necessary to ascertain that a fraud of this kind has been attempted, and to prevent its being effectuated at the revision, provided the magistrates did not see their way clear to disallow the votes. Then it is not every bench of magistrates that will take the same view as the St. Kilda bench did.

832. If there had been fictitious descriptions, such as to satisfy the requirements of the Act, although not true, you would have been compelled to have admitted them?—No doubt. Any faction in Melbourne could collect any number of names of known men, that could be used on the occasion of an election, and send in those names to half a dozen districts, and then at the time of the election march them round from polling place to polling place, the whole lot of them, without the thing being detected in time.

833. Are there any suggestions you could give to the committee as to any method of rectifying that?—I would suggest that the present roll is so utterly inaccurate that, in order to get a correct roll to take the sense of the country upon, and to prevent the great amount of personation that is at present possible, the present roll should be expunged—entirely annihilated—and that a fresh roll should be made; because, to my certain knowledge, the rolls, more especially those of the St. Kilda and Brighton districts (and those I have had personally under my own observation), contain a very large portion of names that have no connection with the district at present whatever. They have come upon the present roll having been transferred and transposed from roll to roll, and from year to year, until many of the names have accumulated upon those rolls containing three or four, or even half a dozen representatives of one property. That is to say, that a man has had a freehold, and has sold it; and the purchaser has put in a claim, and nobody has objected to the late owner, who still remains on the list; and the new owner is put on, who again sells the property; and the same thing occurs with a third, a fourth, and fifth purchaser, and the same with occupiers. So that upon the present lists for our district there are hundreds of names of persons who have no longer any connection with the district, or any interest in the properties there, and who are no longer residents there; many of them, though they are down for manhood suffrage. On the making out of the present list, the court of revision took the most liberal view they felt themselves justified in taking of the construction of the Registration Act; and as that stated that the persons who were not upon any existing roll were to claim, it permitted that those who were on any existing roll need not claim; and therefore those upon the old roll as householders we took on the new roll, under the head of "Manhood Suffrage."

834. You are speaking of the Assembly electoral roll?—I thought the question applied generally to registration.

835. And your remarks apply equally to the upper house as regards properties passing from hand to hand?—Only not to the same extent. There has not been an upper house so long, so that the names have been multiplying for a greater number of years for the lower than for the upper house.

836. But in the minor degree, as regards the property, the same property may represent, as relates to the upper house, half-a-dozen owners, through whose hands the property has passed?—Yes; and it does now in a minor degree, I believe. With regard to one of the properties for which I am on the list of voters for the upper house, after I purchased it, the previous owner's name was still retained on the list, and I believe that since I sold it, the subsequent owner's name is now put upon the list; and yet I still stand upon that list for that same qualification, though I have parted with my last shilling of interest in it.

837. You observe, in reference to that, there is a power given to the returning officer or deputy returning officer, when a man comes to vote, to put the question to him, "Have you now the same qualification you had when registered, or sufficient thereof to qualify you as an elector for the ——— province or district?" Now, do you consider that the power vested in the deputy returning officer of asking that question is in itself sufficient to check that evasion?—No; because many men—I do not say that everybody would be able conscientiously to answer that question in the affirmative—but many men would consider that they might do so without committing wrong by saying "Yes," when they knew that they had no qualification when they were registered.

838. That is where they have no qualification?—Yes.

839. You are now speaking of a man who has had the qualification and parted with it?—Yes; parted with it long before he was upon the last registry. The question would apply to the last registration, and the man would not have been on for a long time; and at the time of the

revision he had no qualification, and at the time of the election he had none, and therefore many men would be able to answer that question in the affirmative. I do not say it would be right, but still they would do so.

B. Cowderoy,
Esq.,
continued,
10th Nov., 1858.

840. It is not an unusual thing at an election to find some few who come forward and swallow the question without any scruple at all?—No doubt there are such persons.

841. You would commence the whole roll *de novo*?—Yes.

842. It has been suggested here, as a new system of making up the registration roll, that it would be beneficial if every person had the means to get his name upon the roll at any time, not within the mere fourteen days in every quarter, by going to the bench whenever he happened to be near it, and signing a declaration before the magistrate that he was qualified to vote, giving his name, and address, and description sufficiently accurately to enable identification. Do you see any objection to that?—I think favorably of it. I think every facility should be given to the public to be put upon the list of voters at any and every time; that is, to put on any and every genuine name, with sufficient checks provided against fraud.

843. Do you think that the obligation to sign this declaration—which of course would be perjury, if proved wilfully and maliciously false—describing with fair accuracy the property, would be a check?—You mean at the time the claim is made?

844. At the time of the claim the voter comes to the clerk of the bench, who is supplied with a number of printed forms, and has his name, and address, and occupation filled in, and also the description of his property, he also declaring himself to be possessed of a property which, to the best of his knowledge and belief, is sufficient to qualify. He declares to that before a magistrate, and if wilfully and maliciously false, it is perjury. Do you think that that would afford a better check than exists at present to, the insertion of false claims?—Unquestionably. But I think for the general convenience of the public that the opportunity of making such a declaration ought not to be limited to the times when the court of petty sessions is sitting, but that any person should at any time be allowed to make this declaration before any justice of the peace, and that forms should be provided for public use, to give the greatest possible facility for it.

845. It has been stated by a witness as a general rule, as far as his knowledge goes, that every voter, in every province for the upper house, would in all probability be within easy reach of his nearest electoral bench, once within every quarter—do you agree with that?—No doubt they would in more populous districts, but I can scarcely speak with anything like confidence as to the unsettled districts in distant parts of the country.

846. If we substituted for the word “bench”, “magistrate’s residence”, that would be within an easy distance?—No doubt, because so many gentlemen are created territorial magistrates up the country in order to secure justice to the people easily.

847. You would supply magistrates with these forms?—Yes, and the form ought to be accessible at every public office, so that a man might get a form and fill it up and go before any magistrate when he has the opportunity, and make the declaration. This is quite a new suggestion to me, and therefore I am stating this without distinctly affirming that there is no other way which would be a sufficient check for all purposes.

848. My question is this.—Does your experience suggest any insuperable difficulty to that system, that system having been proposed by another witness?—My only doubt is as to whether a plan equally efficient as regards results might be arrived at that would be less troublesome to the general public.

849. It has been stated, as one of the advantages of that system, that it would do away with the necessity of printing all the revision lists; inasmuch as, if a man once made a declaration, there would be no occasion for the bench to revise it. But it has been suggested that it should be competent for any person, at any time, to summon before the magistrates any improperly registered person, as you would for any petty crime, to show cause why he should not be struck off the roll, and that you would by that means get rid of the revision lists, which, it has been stated here, are matters of most unnecessary and heavy expense, inasmuch as they are literally useless, as they are very seldom applied for. Have you had any opportunity of judging of those revision lists in that respect?—They are scarcely ever applied for, and the lists, as far as my general information goes, when suspended, as provided for in the Registration Act, are scarcely ever consulted.

850. Are you aware whether many of the lists have been purchased from the bench at which you preside?—I am not aware of any being applied for at all, unless it was for the purpose of the last election.

851. Were there many then applied for?—Of the special list I do not know of any one being applied for at any time.

852. You are addressing yourself to the special list?—Yes, they are accumulated in the office, and become heaps of waste paper.

853. It has been often suggested that it would be judicious to make all persons, at the time they apply for their registration for the province, sign their names. You will observe that, under the Act, they cannot vote now unless they can read and write, and that, by keeping those names in a book, either having them written originally in the book or pasted into the book, with an index, the book being supplied to the returning officer at the time of the election, there might be a ready means of identifying a man by his signature, calling upon him then and there to sign his name, and comparing it with the original signature?—It would be very useful, if it were practicable.

854. Then supposing that were forwarded at the same time with the registration declaration to the clerk of the bench, would it be then very difficult to be inserted in the book, there being an index to the names?—I apprehend not.

B. Cowderoy,
Esq.,
continued,
10th Nov., 1858.

855. Do you agree with the suggestion that there ought to be a power given at all times for anyone to take out a summons for the purpose of objecting to the improper claim of another?—I do not think that that would quite meet the requirements of the case, although, by the plan you propose, a safeguard would be provided against the insertion of any improper names upon the list to a great extent; still, it would not of itself provide for the excision of the names of those who, from time to time, had parted with their qualifications; still, there must be some system of revision.

856. I was only applying that particular mode of procedure to false qualifications?—O yes; as far as false qualifications, certainly, I see no objection to that.

857. This has been suggested with regard to those names that have lapsed from persons being dead, or having parted with their qualifications; of course, you could not serve a summons on a dead man, or a man gone away; but upon the *ex parte* declaration of one or two persons to the magistrates, that they should be able to strike out the name, seeing that, if any mistake were made in the identification of the person, it could be easy for that person to make a fresh application to have his name put on. Is there anything that you could suggest to improve that idea, or could you give the committee your own idea upon the point?—There could be no objection to that in itself; but still, I think the system of revision is but imperfectly provided for, and I do not see how it could be dispensed with. I do not see why the name of the dead man should not be erased.

858. The principle proposed by one of the witnesses does away with the revision court sitting at any specified time. It appoints the bench to be a revision court from time to time?—Your question applied only to dead men.

859. Or men leaving the country, or parting with their qualification, that would enable the magistrates to strike them off at once?—Then every bench of magistrates would be a perpetual court of revision.

860. Yes, certainly; as it is now a perpetual bench for trying assaults, and anything else of that nature—do you see any reason why it should not be so?—The question is new to me; but it strikes me that the revision of the list of voters from time to time could be more efficiently done by special sittings, and the public being well notified of the fact that there were objections to persons on the list, on the ground of death or absence, or having parted with their qualification.

861. Am I to understand you that you would suggest something of this sort, that you would give notice that on such a day there would be a revision court, and that you would publish that the following names had been objected to?—Yes.

862. And allow the objections to be lodged at any time?—Yes. Let them accumulate up to a certain time, and let it be advertised that such and such names having been objected to, the court would sit to revise the list, and hear those objections on a certain day.

863. But still that admits the great principle of allowing the objections to be made at any time, instead of within the fourteen days?—Yes; I would offer the same facilities for making objections that I would for making claims, that it should be done at any time; and that the objection having been once lodged, it should not be necessary for the party making the objection to sustain it; that the magistrates should be able to hear any evidence that was available at the time of the revision.

864. Do you mean to hear any evidence in support of the objection?—Yes.

865. In addition to the *prima facie* evidence on which the objection would be lodged, as it were?—If it is only an objection lodged, without any evidence at all, it would merely furnish materials upon which to base the proceeding at the revision.

866. Would you or not require some declaration by the man who raised the objection? Allow me to point out my view for a moment, in order that you may understand the question. It is this. If any person be empowered to make an objection, without any evidence in support of it at first, a person might make a practice of objecting to every man, whom he knew was of an opposite mode of thinking in politics, speculating that a great number of those whom he objected to might not take the trouble to come and support their claims, or that they might be prevented doing so from accident, or that they might not see the *Government Gazette* with the notices, or fifty other accidents, &c., which might occur; and then, if I understand you rightly, as a matter of course, the name would be struck out. Would you not think that the person who lodged the objection, before the objection could be received, should be called upon to accompany it with a declaration by himself or some one else, that the party was dead, or had no qualification?—I did not understand the question when it was first put to me. I was not aware the question implied that evidence should be given in the shape of a declaration at the time the objection was made. I thought the question simply applied to the opportunity being offered to the public to make objections, of course stating the grounds of objection, at any time. In that case, if the evidence were not given at the time the objection was lodged, evidence would have to be given before the revision bench; but I should take the evidence at the time the objection was lodged, in the shape of a declaration; that perhaps might meet the case; and all that would be required on the occasion of the revision would be proof to the contrary—rebutting evidence, in fact—on the part of the person whose name was objected to, before his name would be erased.

867. With liberty, I presume, to the person objecting, to support his original declaration by other evidence if he pleased afterwards?—Yes, certainly; but public attention should be called to the fact that the revision is taking place; whereas, if it is a thing of every day occurrence, no one knows when he is objected to.

868. You would do away with the summons or notice, and substitute the publication of

it?—There should be a sufficient publication to enable every man to see it in the public papers, and on the doors of public buildings.

B. Cowderoy,
Esq.,
continued,
10th Nov., 1858.

869. Then, in fact, you would do away with the necessity of getting those printed lists which exist at present, and sending down those lists, so that every voter may purchase one if he likes?—Clearly, they would be quite unnecessary. It would greatly simplify the present machinery, no doubt of it. The present is a cumbrous machinery, and very ineffective for its objects.

870. Have you any other suggestion to make to the committee?—I was scarcely aware that you would ask me for any practical suggestions with regard to the selection of the best system of registration, or I would have devoted some time to thinking the matter over, and in that case I would have been happy to have offered any suggestions that might have occurred to me.

871. Perhaps you would consider the matter over in your mind, and let the committee know your views upon the subject?—I will do so.

The witness withdrew.

TUESDAY, 16TH NOVEMBER, 1858.

Members present:

The Honorable J. B. BENNETT, in the chair ;

The Honorable T. H. Power

The Honorable M. Hervey.

„ T. T. a'Beckett

Henry Carroll, Esq., examined.

H. Carroll, Esq.,
16th Nov., 1858.

872. *By the Chairman.*—You reside at Gisborne?—I do.

873. You are the registrar of the electoral district for the south province?—I am.

874. How many general rolls have there been since the Constitution came into force?—One ; the last general roll.

875. There was one, was not there, prepared, by which the first elections under the Constitution took place?—Yes.

876. That would be the first?—Yes.

877. And the present one is, as it were, the second?—Yes.

878. Then there will be two?—Yes.

879. May I ask in what way did you make up the second general roll—the one made up last January?—I received an order from the Chief Secretary's office to apply to the returning officer of the province, Mr. Were, to get from him the original roll.

880. That was the one made up two years ago?—Yes ; on that roll the usual notices by the clerks of the benches and claims came in for the first general list under the new Electoral Act, and the names from the old roll were added thereto alphabetically. None were struck off the old roll except those, I presume. I am only alluding to my own experience as clerk of the bench, where our roll for the province was revised.

881. The Gisborne roll?—The Gisborne roll, except those who were dead ; those were I believe, the only parties who were struck off. The magistrates knew who were dead.

882. As far as you were concerned beyond the district of Gisborne, to which you also acted as clerk of the bench, you did not alter the roll in any way?—No ; certainly not.

883. It was in fact the clerks of the various benches sent them up to you?—Yes.

884. I observe that the last general roll contains very nearly all the names of the old roll, and a good many others. I presume those additional names are the names comprised in the first, second, and third special list, which would be added to the first general roll?—Yes ; as the roll stands now.

885. The general roll?—The general roll.

886. Then, in fact, you made a transcript?—A complete transcript.

887. For the second general roll you made a complete transcript of the first general roll, and added to it all those special rolls?—Precisely.

888. Alphabetically?—Yes.

889. After you had made up that roll yourself, this second general roll, it goes to the printers, and is printed. Is it sent back again to you to revise?—No ; it is first called a list which I cause to be printed. When the list is printed, I send a signed copy of that list to each of the clerks of the benches, to each of the fourteen clerks of the bench of the province.

890. That is, after it has been printed?—Yes ; after it has been printed.

891. After it has been printed, is it sent back to you by the printing office with your manuscript for you to revise the proof?—No.

892. That is supposed to be done in the government printing office?—I take the number of names that are on the list, and for the purpose of expedition there is a copy sent from the printing office (Mason and Firth) directed to the various clerks of the bench in whose division it is, to revise ; because, if it came to me and I would have to re-post it again, and very likely the revision day would be gone over and the list would not be revised.

893. In looking over this list and comparing the old and the new roll, I find an immense

H. Carroll, Esq.,
continued,
16th Nov., 1858.

number of names, evidently intended for the same, in the two lists, but differently spelt. That, in fact, would be the province of the respective clerks of the bench?—I presume it would be.

894. At all events, it is not sent back to you for the purpose?—No. I can assure you, as registrar, I receive claims even from attorneys and barristers that it is impossible almost to decipher the names. Several times I have had to call in the police magistrates to assist me in making out the names.

895. When a claim is sent in to you, having the street, lane, or other place where the property is situate, and number of the house (if any), or name of the property or tenant, the sixth column there, do you copy verbatim the description as given in, or do you condense it, as it were, for the printing?—In districts, for instance, like Brighton, the place where the qualification exists is Brighton, and whenever I see Brighton I put "ditto ditto."

896. But supposing it was much more elaborate in its description, than merely Brighton; if they put the actual number of the house, would you copy it verbatim for printing, or would you condense it, and merely put it in Brighton?—I invariably make it a rule to go as near as possible to the original.

897. Do you make it a rule, not putting in at length the full description?—Out of 4000 claims, it is impossible to say to a single one.

898. What is your general rule?—I endeavor to adhere as nearly as possible to the original.

899. Take the Keilor division; will you look at that, that is the first general list—[*handing the same to the witness*]. This is the second general list—[*handing the same to the witness*]. This is a copy of that with the additional names that have been brought in by the special roll?—Precisely.

900. In the old list the properties are described rather elaborately; but I observe that, in your transcript of them for the second list, you have omitted that, and merely put them in as I have just described. For instance, take the very first name, Francis Anderson, freehold, 3000 acres of land, Kororoit Creek. On the new roll you will observe you have omitted the 3000 acres, and merely put in Kororoit Creek?—I can give an explanation of that. Under the old plan there was the description or particulars of the qualification; under the new Act it is the street, lane, or other place where the property is situated.

901. The nature of the qualification is in both, you see?—It is in both.

902. Do you think the column there—the nature of the qualification—was intended in the new list to comprise the description of the qualification?—I certainly think that that nature of the qualification was whether a man was a leaseholder or a freeholder.

903. Then, that being the case, under the new form, as given in your opinion, there is no provision made for the description and particulars of the qualification?—No.

904. Does your experience, as registrar of the district, enable you to judge whether that is beneficial or otherwise?—I think the new one is erroneous.

905. You think the old system was better?—I think it gives a better definition.

906. Do you think it is more laborious or cumbersome, filling up the old or the new?—It takes up more clerical labor to fill up in the old than in the new, but that is a mere bagatelle.

907. In that column—of the street, lane, or other place where the property is situated—do you think, stating the mere town where the property is situated is sufficient?—Not as a qualification for the upper house.

908. Still, if they were sent in in that way, would you, as registrar, consider yourself justified in interfering in any way?—I should consider myself culpable, in the highest sense of the term, if I altered the form of a claim sent in in any way.

909. *By Mr. a'Beckett.*—Would you consider yourself bound to receive it as a claim, notwithstanding the defect in the description?—Yes.

910. *By the Chairman.*—You send it on with all its imperfections?—I am merely a medium of communication.

911. *By Mr. a'Beckett.*—You consider you have no discretion?—No discretion at all; not the slightest, and I think it would be very wrong power to put into the hands of any registrar. It would give the registrar of a district or a province a political influence that would not be fair. If the registrars were allowed to interfere in any way, what is the use of the revising bench.

912. Under the Act, there are a number of lists to be printed?—Yes.

913. And I suppose there are a great number of those lists not used?—They are waste paper.

914. And a large number?—Yes, 100 for each district, and 100 for each revision in each district, and there are not twenty purchased—no, not ten; in fact, I never sold one, and I am every day getting letters from the clerks of the benches begging me, for goodness sake, not to send them any more lists; as, in the small offices they have, they have no place to put them.

915. I presume, as soon as the revision court has sat, all those lists are thoroughly waste paper?—I have received orders to have them burnt, that is, in the presence of the magistrates; those are in the printed regulations.

916. *By Mr. a'Beckett.*—Do you think, if they were sold for a small sum, that many persons would purchase them for election purposes?—The way I interpret the Act is, that it authorises me to sell for the south province up to 12s. each.

917. *By the Chairman.*—You consider you are not justified in selling any portion of the roll without the whole of them?—I would not.

918. You are now addressing yourself to the lists?—Yes, the lists.

919. Now, with regard to the rolls; do you consider the same regulation relates to the

sale of them, that you cannot sell any portion without the whole of them?—Yes; I would not sell any portion of the rolls.

H. Carroll, Esq.,
continued,
10th Nov., 1858.

920. Do you think that is judicious, as a matter of practice?—I do not.

921. Do you think it would be judicious if any person would purchase his own division in the province, any one single division, instead of purchasing the whole, that he should be allowed to do so?—I think it ought to be so, that the division ought to be sold for so much just, containing so many names, or ever so few; I think that, in the total, it would tend better to the payment of the expenses than charging for the whole. I do not think they ought to be chargeable, myself, at all, as regards the public convenience. I have known instances during the last election, for sheets to be printed, I think, taken from the original roll, and that answered all the purpose.

922. *By Mr. a'Beckett.*—It was at private expense?—Yes; they got it done cheaper than the Government charged.

923. *By the Chairman.*—That did not give the whole of the columns?—No; only the names.

924. Has your experience, as registrar of the province, for some three years now, led you to the conclusion that those revision courts are much or little used by the community; for instance, when you send away the lists, do you find, as a general rule, they are much revised when they come back for printing as the general roll?—The revised lists come back to me, in very many instances, unaltered.

925. Then, as a general rule, do you think the revision court is much made use of by the public hitherto?—Yes, I fancy so; there are, in some cases, twelve and fourteen or fifteen struck off; that shows the magistrates have gone over the list.

926. *By Mr. a'Beckett.*—But by the public?—No; not one single objection has been sent during my time by the public; there is a great apathy on the part of the public.

927. Do you consider that the time being limited to one fortnight in each quarter for making objections, that that militates against people sending in objections?—No; because the district is small.

928. I do not quite understand the sequence of your reasoning?—You ask me if I think the period allowed for sending notices of objection into the registrar, in order to have them printed, is too short. The registrar lays before the revision court the notices of objection.

929. Do you think the necessity of doing that within a given time, being one fortnight, to a certain extent prevents objections being made; or if a man could do it any time, whenever it struck him, or whenever his attention was drawn to it; do you think there would be more objections?—I think there ought to be no limited time for objections being made.

930. Do you think there ought to be a time limited for claims to be sent in—you must send claims in within a fortnight, you observe?—I do not think that is of so much consequence, because numbers of the people know already that there are four times a year, stated times, for sending in their votes.

931. Would you suggest that the objections should be sent in at any time, and that the various benches should sit, say once a month, say on the first day of the month, or any other day, to dispose of the various objections that have accumulated during the month?—Something of that sort.

932. Then, if it became a well known fact that the bench sat on the first of the month to hear objections, people would become accustomed to it, and pay attention to it?—The objection to that would be the perpetual printing and altering the lists.

933. But supposing that the objection was sent in to the clerk of the bench where the name was, and that, as it has been suggested by another witness, it should be published in the *Gazette*, that there would be a court on the first of the month, and that the following names had been objected to?—I should think that would be an improvement; that is a point that did not strike me before.

934. And not trouble the registrar with it at all?—Yes, just so.

935. In fact, sending them to the registrar, is like sending people up hill and down again?—Yes; I think it is an advantage to have only one registrar; it would not do to have too many registrars.

936. The clerks of the bench are not registrars?—No.

937. But when each list was passed, and the objections dealt with, some allowed and some rejected, then it would become a list, and would go to the registrar to form the list?—It would then be forwarded to the returning officer of the district.

938. Is there any suggestion you can give the committee in reference to the working of these matters?—I am perfectly certain of the total apathy of the public at large to raise objections against claims. The great mass of the public, their interests are so interwoven the one with the other in the country districts, that they say, "I know your qualification is not more than £10, but I do not want to strike you off the roll."

939. You think people look upon it as an invidious task?—Yes, and I would take it out of their hands altogether. I would make the paid magistrates, the officers of the service, responsible for it. I would put the onus upon them; they know invariably almost every landed proprietor in their immediate districts; and with the assistance of the civil justices of the peace on the day before the advertised revision list is to be considered, they could go over the list, "Do you know so and so?" "Yes." "Then I will strike him off." At all events he must produce his qualification, because the stipendiary magistrate being an independent man in the district, he ought not to care anything about it.

940. *By Mr. a'Beckett.*—I presume you would not prevent persons objecting who were

H. Carroll, Esq.,
continued,
16th Nov., 1858.

disposed to do so?—No, where the onus was upon the stipendiary magistrate, the paid servant of the Crown, it would be more effectively done.

941. You would not interfere with the right of objection, but throw the responsibility upon the magistrates in addition?—Yes.

942. So that, although there may be no objection, he shall be bound to exercise his own judgment upon the roll?—Yes, in our revision court I have known instances where magistrates were acquainted with persons who had not the qualification—whose qualification was not worth £20, and they have distinctly stated they did not feel themselves justified in striking a voter off the roll, because there was no objection raised.

943. Do you not think that the magistrate who struck off names ought to give to the parties whose names are struck off an opportunity of supporting their qualification by notice?—Most certainly, and the clerks of the petty session should write a note to each party objected to, that on the revision day their qualification would be tested and that they should attend. That would take away a great deal of the invidiousness. When the stipendiary magistrates do these things, the public fall into the beaten track as easily as possible. I think then you would have a more pure electoral roll.

944. Are you aware, without entering into the actual particulars, of any persons being on the roll for any of the divisions who have not the necessary qualifications?—O yes, numbers. I am of course only alluding to our own, Gisborne division. I am not acquainted with the qualifications of any others.

945. Is there anything else you could suggest?—No. I think that idea of the stipendiary magistrate would be, in fact, taking the bull by the horns.

The witness withdrew.

Edward Messiter Dyne, Esq., examined.

E. M. Dyne, Esq.,
16th Nov., 1858.

946. *By the Chairman.*—You reside at Brunswick?—At Lyndhurst.

947. Have you been there for any time?—In that neighborhood for eight years.

948. May I ask if it is not the fact that the neighborhood has sprung up since you have gone to live there?—It is.

949. You are a professional man?—I am.

950. A solicitor?—Yes.

951. And you have come much into contact there with people in your professional capacity as well as otherwise?—Yes.

952. And you are generally acquainted with the nature of that division of Brunswick and Pentridge?—I am.

953. Were you returning officer at the last election for the south province?—I was deputy returning officer for the Pentridge division.

954. Have you been returning officer before?—I was deputy returning officer on the first election as well. There have been only two, and I have been deputy returning officer on both occasions.

955. Have you ever been returning officer for the elections for the county of Bourke?—Yes, I was deputy returning officer.

956. In fact, you have been engaged in all elections as deputy returning officer?—All, except one, I have.

957. Then you have had opportunities of knowing the people residing in and about that place?—I know them all, having drawn nearly 300 conveyances of land in that part of the country, especially for Mr. John Guthrie's property, which I think consists of 100 acres of land or more.

958. You remember the roll which was handed to you as deputy returning officer on the last election?—I do.

959. Do you remember whether, in looking over that roll, you saw the names in the Pentridge division of persons registered there as voters for the south province who were not possessed of qualification sufficient to entitle them to vote under the Act?—A great many were on the roll who had no right to vote whatever in point of property.

960. Or in respect of the professional qualification mentioned under the Act?—None; neither property nor personal qualification.

961. Did you see any of these people coming to vote?—I did, and remarked it at the time. I made the remark to both the scrutineers and the poll clerk.

962. Do you remember whether the questions were put to them on those occasions?—Several of them had the questions put to them, and they answered them.

963. In the affirmative?—In the affirmative. I read the questions over to them and they answered. In fact, I had no power to refuse their votes, inasmuch as they were on the roll and answered the questions.

964. While at the same time you were convinced in your own mind they had not the proper qualification?—I know that people, who had fifty feet frontage by 135 feet back, and had only paid somewhere about £16 or £17 and the highest £35, who were on the roll, could not have the qualification.

965. Was that before the gold fields were discovered?—No, since. Property bought lately.

966. *By Mr. a'Beckett.*—And were those parties on the roll as qualified, in consequence of those recent purchases?—Yes, they alleged they were. There was one man in particular

that I remarked, because I know myself, that I did not think he had any property, but I found he had a piece of land worth about £50 or £60.

967. You know that they bought those lands for those small prices—you are personally aware of that?—I drew the deeds in many instances; and with regard to several of those properties, I have been offered them since with their huts or houses on them for about £140, and some for £120. That is the property out of which these men voted.

968. Can you give the committee any other information with respect to unqualified persons on the roll?—I only know this, that I should not have liked to have given anything like a couple of hundred pounds for a great many of the properties out of which these people voted for the upper house; and I am perfectly convinced they would have been very glad to have taken it.

969. Would any of those properties you have described have fetched anything like £100 a year rental?—I should think not.

970. Speaking of those properties, not as leasehold, but as freehold, in respect to which the qualification is property of the value of £1000, or of £100 a year, and which you have described as being not worth more than from £30 up to £200, were any of them worth the annual rental of £100?—No, none of them. They were decidedly not worth £40, or £30, a year; that could be seen by the collectors books.

971. Can you give the committee any information in reference to the present mode of registering or objecting?—It was the custom at home, when I was articled to my father, who was a great man in elections, to have a revising barrister. I think it would be a good thing if there were a revising barrister here, who should hold courts of revision either annually or otherwise. That would be a good mode of proceeding, and would save a great deal of expense.

972. Are the committee to understand you to say that you would substitute the revising barrister for the present revision court?—Yes.

973. How would you work it?—I think it would be worked better, because a great many magistrates do not like to interfere. At Brunswick, for instance, I know very well there the magistrate would not interfere; he was afraid of making enemies.

974. But he could not interfere unless objections were taken?—No.

975. Were there no objections taken?—None that I am aware of; but he must have known that there were persons unqualified to vote.

976. But under the present Act he has no power, even though he may know the qualification is not sufficient. Of his own motion he cannot strike those names off, under the present Act. Do you think it would be advisable to give the revising barrister that power?—Yes.

977. You would not have a revising barrister for a whole province, but one for each division?—No; one for each province.

978. Would you expect him to know the freeholders of the whole province?—He would go round on circuit, as in England.

979. But in England the revising barrister does not strike off merely from his own knowledge?—No.

980. You suggest that you would give the revising barrister power to do that of his own knowledge?—Yes; if he were aware of the fact that people had no right to vote.

981. You would also give the people the right of interfering?—Yes.

982. Do you know, as far as your experience of your own portion of the district goes, whether those objections are generally raised in the court—whether, in fact, the revision court is used by the public at all?—It is not, to my knowledge.

983. You do not think it is really a proceeding which is taken up at all by the public?—It has not been yet.

984. In its present state, do you think it ever will be?—I think not, if it is to come before the bench of magistrates.

985. Do you think that the people will take upon themselves the task of objecting to their neighbors, even before a revising barrister?—I think they would, if there was a court.

986. But there is a court now?—It is very little known to the public, and the days are not known. In our district I did not know myself what day they sat for the purpose of revising the list. It was not made known, generally speaking.

987. At present, there is a certain time (about a fortnight) within which you must send in claims; and there is also another time (which is also a fortnight) within which objections to those names must be sent in. Do you think it is judicious to limit the time for either sending in claims or objections to those two respective fortnights in each quarter; or do you think it would be more or less judicious to allow the claims to be sent in from time to time, and objections to be sent in from time to time, as may suit people's convenience?—The present time—a fortnight—is too short for sending in claims; and a fortnight is too short for sending in objections. I think that that should be extended.

988. You observe it is a fortnight in every three months?—Yes; but it is rather too short a time.

989. Do you see any objection to allowing people to send in claims at all times, and objections at all times?—No.

990. Is there any reason why it should be in one particular fortnight more than in any other part of the quarter?—No; especially as here property changes hands so frequently, and a great many persons' names remain on the roll after they have disposed of their property.

991. Is that your expressed opinion in regard to the roll with respect to which you are returning officer?—Yes; I knew one person in particular who did not possess the property that he voted for.

E. M. Dyne, Esq.,
continued,
16th Nov., 1858.

992. Had he ever possessed it?—He had. He was living in the same parish or place, but he did not possess the same property.

993. He had sold it, or how was it?—He was described as a leaseholder, and he voted as a leaseholder, and he was not a leaseholder; he was a freeholder.

994. Was it a freehold worth £1000?—I should say it was.

995. Then, had he been properly on the roll, there would have been no objection?—No.

996. But that was an old qualification?—An old qualification.

997. Extinct?—Yes. But no person took an objection, and of course I could not take the objection.

998. You have said one in particular. Did you only know one instance of a voter's qualification having become extinct?—That is the only one I recollect as voting.

999. I am not speaking as voting, but as being on the roll at all?—I could not say now.

1000. There—[*handing the same to the witness*]—is the general roll?—Yes. I see names on this roll, the qualifications of which have become extinct.

1001. Do you know whether there are any means of striking off those names, under this Act, from time to time, as they become extinct?—I do not see any under the Act.

1002. Do you think there ought to be a machinery of that sort?—Decidedly.

1003. It has been suggested that it might be done in this way—that if one or two persons came before the bench and made a declaration that the man was dead, or had parted with his property, that then the bench should have authority to strike that name off; at the same time giving public notice, in the event of the man's not being dead, some notification to the man to appear at the time, and defend his qualification, if he had it. Do you think that that system would do, or do you see any objection to it?—I do not see any objection to it.

1004. Are there any other particulars that you could inform the committee of, or any recommendations you can give them with relation to the general working of this Act?—I do not remember to have seen provision made for carrying out the provision of the Act with regard to claims appearing on the church doors; I did not see any lists affixed to the church doors, and I have been every Sunday at church and must have seen them, if they had been there.

1005. Is there any other information you can supply the committee with, or have you any other suggestions to make?—Not at present.

1006. Can you give any idea in round numbers of the number on the second special roll who were not qualified?—I have not counted them.

1006*. Do you think there are fifty?—Yes, more than fifty.

The witness withdrew.

WEDNESDAY, 17TH NOVEMBER, 1858.

Members present:

The Honorable J. B. BENNETT, in the chair;

The Honorable T. T. a'Beckett
" M. Hervey

The Honorable T. H. Power.

Mr. Burnet Patch Mudge examined.

Mr. B. P. Mudge,
17th Nov., 1858.

1007. *By the Chairman.*—Where do you reside?—At present at central Brighton.

1008. Have you resided there long?—Yes; more than five years; about six years.

1009. What is your occupation?—I am a schoolmaster.

1010. You were residing in Brighton somewhere about last June or July?—Yes.

1011. Do you remember the time when the claims were being sent in for the Legislative Council for the Brighton division of the south province?—I do not remember the time.

1012. *By Mr. Power.*—Not July last?—Yes; I think it was in July, but I am not sure of that. I have taken no note of it.

1013. *By the Chairman.*—Did you yourself send in your claim to the registrar for the south province of the Brighton division?—My own claim.

1014. Did you send in any others?—Yes.

1015. How many did you send in?—That I cannot tell you exactly, how many I sent in, seeing I did it at different places and different times. I could give you the names of a few I did send in.

1016. Did you send in 100?—O dear, no.

1017. Were you instrumental in filling up any portion of 100?—I think I was instrumental in filling up not more than about thirty or forty for the Council. I filled up a great many for the Assembly.

1018. Will you be good enough to take those claims in your hand—[*handing the same to the witness*]?—Do you wish me to look at these?

1019. Show me one in your handwriting, or any portion of it, in your handwriting?—I think it is useless my going into these, they are not the claims that I filled up.

1020. *By Mr. a'Beckett.*—Never mind that paper, look at the other papers. Do you know those papers—have you ever seen those papers before you came into this room?—Seen the claims?

1021. Yes?—Filled up?

Mr. B. P. Mudge,
continued,
17th Nov., 1858.

1022. Yes?—No.

1023. *By the Chairman.*—Did you ever see those papers—do not laugh, but answer the question?—I never saw them before.

1024. *By Mr. a'Beckett.*—Just find out those that are in your handwriting—you say you sent in thirty or forty?—I do not see any here.

1025. Look for them, if you please, and set aside those that are any portion of them in your handwriting—[*The witness looked through the papers*].—Do you know the handwritings of those you are passing over?—I could not swear to it.

1026. You are not asked to swear to it. Whose do you believe it to be?—Some that I passed I think are Johnson's, and a great many are Thomson's.

1027. Who is Johnson?—He is a watchmaker in Little Brighton. Some of this writing I cannot say, it is in different hands. It is not one handwriting all through the forms. It seems to me that two or three have filled up the same form.

1028. Do you know whose handwriting this part is—[*pointing to a paper*]?—No, I do not know whose those are.

1029. *By the Chairman.*—Would you be kind enough to point me out Mr. Thomson's handwriting?—All those you see.

1030. You mentioned just now that there were some of Mr. Johnson's. If you come to Mr. Johnson's, will you put them by?—Yes.

1031. *By Mr. Hervey.*—Will you be so good as copy that claim—[*handing a claim to the witness*]?—Yes—[*The witness did so*].

1032. Do you know Mr. Dargaville's handwriting?—I think I should know it; I have seen it once or twice. I heard that he filled up a good many claims.

1033. You say you sent in about thirty claims—you knew those people yourself personally?—Yes. I sent in the claims of James Johnson; he was struck off.

1034. *By Mr. a'Beckett.*—On what ground?—Because there was no one there to support his claim; that is, the wheelright.

1035. Do you know him?—Yes.

1036. What is the property?—I would not be certain, either four or five acres, with a nice cottage and blacksmith's forge, and a place for the business.

1037. Did he ask you to send in a claim?—I will tell you how I made out these claims. There was a meeting, and at this meeting these names were brought forward, and I was asked to act as secretary; and being able to read and write, I thought naturally, that people who were not able to read and write very well, I was the best person to do so, and the consequence was I acted once or twice as secretary at some of those meetings, and took down the names.

1038. Who gave you the names?—The parties themselves at the meeting.

1039. Did Johnson at that meeting give it you?—O dear yes; he was well aware that I sent it in.

1040. Was he present at the meeting?—Yes.

1041. *By Mr. Hervey.*—What was the purpose of these meetings?—The registration meetings.

1042. *By Mr. Power.*—Were they called by advertisement, or how?—I can hardly tell you: I know one meeting was called by handbills. Here is a note of this meeting which took place on the 11th of January, 1858.

1043. *By Mr. a'Beckett.*—We are talking of July, 1858?—I want to explain this, and I think there has been a great error somewhere. I have taken a great deal of pains to see how it is, and I find, on referring to the Legislative Assembly list of voters, and the province list of voters, those names were returned not for the province by me, but for the Assembly. In looking over the whole of them, I have kept a sort of check book of the names I did return; they have been returned manhood suffrage, and they appear for the province, and this book is at your disposal.

1044. *By the Chairman.*—Are you addressing yourself now to the second special list?—No.

1045. But the committee are, and we will give you the opportunity of going into that by and bye?—Very well.

1046. *By Mr. a'Beckett.*—You stated that a great many persons, whose names you intended to insert for the Assembly, have appeared on the list for the Council?—They are in the Council list.

1047. And you cannot explain how they got there?—I certainly cannot; there is the book I got; there were several of them, and I filled that book up.

1048. *By the Chairman.*—It is quite possible that somebody else may have sent in their names, but that is January; we want to confine ourselves to this second special list. You just now mentioned that a meeting at which Mr. Johnson gave you his name was held about when?—About June I think, between June and July.

1049. And I think you mentioned that it was called by handbills?—Yes.

1050. Was that signed by anybody?—No; "Registration Meeting." "Register." "Register." And all that sort of thing stuck all over the country.

1051. Do you know whence those bills emanated?—No; I used simply to go there the same as others, to see what was going on, and, knowing I was a schoolmaster, they asked me to act as secretary.

1052. *By Mr. Power.*—You did not consider it a part of your duty as a schoolmaster?—No; I was not on duty then at those hours.

1053. Are you one of the denominational schoolmasters?—Yes.

1054. Church of England?—Yes.

1055. Is it consistent with your rules to attend political meetings?—There is nothing

Mr. B. P. Mudge, about it; our hours are from ten to four o'clock, and after those hours we can do what we please.
continued.
 17th Nov., 1858.

1056. Will you read out the names?—These are the names rejected at the police court.

1057. Were none of those retained upon the roll?—Yes; some were—[*the witness read the names of two of those who were retained*].

1058. How did those two happen to be retained?—Because they were supported at the St. Kilda police court.

1059. Are you certain that all the persons whose names you sent in really had a freehold qualification sufficient to entitle them to vote for the upper house?—Every one that I sent in for the upper house.

1060. What is your own qualification?—Schoolmaster; and I have a freehold besides but I registered as schoolmaster.

1061. *By Mr. a'Beckett.*—What is the qualification for the upper house?—I understand it to be property of the value of £1000, or at a clear rental of £100.

1062. Or holding a lease?—That I do not know; I went on what the property was worth, and those properties are well worth that amount: anybody who goes and sees them will say so. Christopher Molina paid £1500 for his property.

1063. *By the Chairman.*—When you sent in that gentleman's qualification, you only stated it as property being freehold in Brighton?—Yes.

1064. You did not state the name of the street?—He is not in a street.

1065. He is in a road?—We have no roads.

1066. No roads at Brighton?—No named roads; all that I ever heard is Mr. so and so's road—"Whose road is this?"—"It is called the Gully road;" and so on. Great Brighton is very different from Little Brighton.

1067. Did you put it down as Little Brighton?—Yes.

1068. Is there no means by which you could identify the locality and position?—It would be very hard to do so in that place, there are so many cross-roads and turnings and houses up one day and down the next.

1069. But as regards locality?—There is Millard; he has a property as good as Hancock's; he has offered that property for sale, and he wants £1100 or £1000; and a party went and offered him £800 since the election was over, and he would not take it.

1070. *By Mr. a'Beckett.*—Where does James Johnson live?—He is a wheelwright—central Brighton.

1071. William Kiel: where does he live?—Central Brighton, on the metal road close by Atchinson's store.

1072. Has the metal road no name?—The Western Port road we call it.

1073. *By the Chairman.*—Then that is the name of the road. Have you examined the old list?—Yes, I had them all.

1074. Are you not aware it is done so in the old list?—I see Little Brighton and Central Brighton.

1075. *By Mr. a'Beckett.*—You have produced two claims in your own handwriting where the column for the qualification is left blank; why was that?—At Mr. Johnson's the matter was talked over, and it was said it was ridiculous to put the name of the place twice.

1076. *By the Chairman.*—Can you state positively, from your knowledge, that those are the only two of the claims sent in by you which have those columns blank in the same way?—O no; I could not say that without seeing them.

1077. Have you found any more than those two in that list of your own handwriting?—No.

1078. Have you any idea where the other thirty or forty are?—I thought they were in the registry office.

1079. Have you no idea where they are now?—No; I cannot find my own claim; my own is not here.

1080. Are you aware whether those persons whose names you sent in could read and write—could they have sent in their claims themselves?—Not all of them.

1081. How many of them do you suppose?—There might be about half.

1082. *By Mr. a'Beckett.*—Do you think that not more than one-half of those you sent in were able to read and write, so as to send in their own claims?—No. You might have seen my bill that I issued on that subject last year, advising people to embrace an evening class to learn to read and write, that they might be able to exercise their own privileges.

The witness withdrew.

Mr. James William Thomson examined.

Mr. Thomson,
 17th Nov., 1858.

1083. *By the Chairman.*—Where do you reside?—I reside in Melbourne at the present time.

1084. How long have you resided in Melbourne?—Rather more than a year.

1085. *By Mr. Power.*—What is your profession?—I have been doing nothing during that time—I am living independent.

1086. *By the Chairman.*—Where did you reside before you came to Melbourne?—At Brighton.

1087. How long were you residing there?—About six years.

1088. *By Mr. Power.*—Where did you reside before you came to this country?—In Canada and in England.

1089. *By the Chairman.*—Do you remember the registration that took place in July for the south province?—I do.

Mr. Thomson,
continued
17th Nov., 1858.

1090. Did you give in any claims to vote—any names to be enrolled?—I did.

1091. Were you employed to do that?—I was not.

1092. *By Mr. Hervey.*—Did you do it on request?—No.

1093. *By the Chairman?*—At whose motion did you do it?—At no ones.

1094. At your own?—At my own; Yes.

1095. Did you send in any number of claims?—I did.

1096. Can you tell the committee, in round numbers, how many?—I can tell you exactly, because I have the registrar's letter to me, which I will place before you.—[*The witness delivered in the same, which is as follows*]:—

Sir,
I beg to forward you claims
6, Bourke-street east,
Melbourne, July 13th, 1858.

For Keilor	...	...	...	...	...	...	...	...	147
" Gisborne	...	...	...	...	...	...	...	...	140
" Heidelberg	...	...	...	...	...	...	...	...	40
" Bulla	...	...	...	...	...	...	...	...	85
" Donnybrook	...	...	...	...	...	...	...	...	203

which you will please to add to your next special roll.

Yours, obediently,
(Signed) J. W. THOMSON.

Brighton	...	...	...	...	...	...	...	...	124
Ditto	...	...	...	...	...	...	...	...	250
Bulla	...	...	...	...	...	...	...	...	85
Donnybrook	...	...	...	...	...	...	...	...	203
Keilor	...	...	...	...	...	...	...	...	147
Pentridge	...	...	...	...	...	...	...	...	160
Whittlesea	...	...	...	...	...	...	...	...	10
Gisborne	...	...	...	...	...	...	...	...	140
Brighton	...	...	...	...	...	...	...	...	250
Heidelberg	...	...	...	...	...	...	...	...	40

1409

Received,
(Signed) H. CARROLL,
Registrar.

14th July, 1858.

1097. You sent in, altogether, I see from this paper, 1409 names for the south province?—I did.

1098. *By Mr. a'Beckett.*—From what materials did you make out those claims?—Looking over all the rolls relating to the province, and obtaining information by sending men round the country to obtain information from the assessors, and other lists of a similar kind.

1099. *By Mr. Power.*—That was an expensive proceeding?—It was.

1100. Who bore the expense?—I did.

1101. Was that from patriotic feeling?—Entirely.

1102. *By the Chairman.*—Did you satisfy yourself as to the correctness of the qualifications of those men you were sending in?—I satisfied myself that each individual was a freeholder; and, as far as in my own opinion, I satisfied myself that they either had the property qualification, or as near as I could imagine.

1103. What would you call as near as you could imagine?—£1000.

1104. That is actually the qualification?—Yes; in each case I could not say.

1105. *By Mr. a'Beckett.*—Did you see every one of those persons?—No.

1106. *By the Chairman.*—Have you seen their properties?—I knew almost every property I sent in for.

1107. *By Mr. a'Beckett.*—If you did not see them, how could you satisfy yourself they had the qualification?—From the information I received from men I appointed to get the information.

1108. *By Mr. Power.*—Were you aware whether any of those properties had been disposed of?—Wherever I found that was the case, I did not insert them.

1109. Are you aware whether any of the parties have left the district?—Wherever that was the case, or where I knew them to be dead, I omitted them, as I will show you on my own list.

1110. *By Mr. Hervey.*—Which list do you refer to?—That was my list used in reference to the district of Brighton especially.

1111. *By the Chairman.*—This is an Assembly List?—That is where I collected them from.

1112. What are these ticks?—They mark the freeholders.

1113. And each of those freeholders you enrolled on the roll for the province?—Yes.

1114. Then you have put them nearly all in?—Yes.

1115. *By Mr. Power.*—How did you know whether those men sent in their own claims to vote to the registrar themselves or not?—I was not sure they did or that they did not. I thought to make doubly sure; there was nothing wrong in sending them in again, as I was aware the revision court was to sit, to which I expected I and others would be summoned.

1116. *By Mr. Hervey.*—Out of the 1400 names you sent in, was the place of residence of the great portion principally Brighton?—Principally Brighton, and about it.

1117. To the south of the City?—Yes.

1118. *By Mr. Power.*—What was the cost of collecting those names?—It cost me about £100.

Mr. Thomson,
continued,
17th Nov., 1853.

1119. *By Mr. Hervey.*—Would you undertake to say, from your knowledge of this list you furnished, that no one party in this list had less than the qualification they should have had?—Not that I am aware of.

1120. Will you undertake to say so?—No.

1121. Will you undertake to say there were any in your list so low as £100?—Not that I am aware of.

1122. Will you undertake to say you sent in a claim where the qualification was given by the party less than £100?—Not that I know of.

1123. *By Mr. Power.*—Did you not think you were committing a fraud, if you had a doubt that it amounted to £200?—No; wherever there was a freeholder. I can show how I made up my estimate, always going on this supposition, that those who were put on the list would have an opportunity if any objection was raised that the objection would be sent to the parties; and then I and others would be there along with themselves, if a notice was served upon them, to substantiate their claims, if they could be so substantiated. That was the ground on which I based all my operations.

1124. *By the Chairman.*—You have mentioned to the committee that, in this list you have placed in our hands, the crosses represent the persons whose names you sent in?—They do.

1125. This list is a list of voters intitled to vote for a member of the Legislative Assembly?—Yes, it is.

1126. You are aware that this qualification for the Legislative Assembly is a freehold of the value of £50, or of the clear annual value of £5, or manhood suffrage, and that they are registered as such here. Now I observe, that almost universally in this list, every freeholder is marked as having been sent in by you?—Yes.

1127. Are the names of those omitted there almost universally those claiming under manhood suffrage?—Yes, invariably so.

1128. Then I understand, from your former explanation, coupled with your last answer, that you sent in the name of every man who happened to have a freehold here, and leaving it for others to object to them in the event of the qualification not being sufficient?—Yes.

1129. *By Mr. Hervey.*—That was the principle you went upon?—Yes.

1130. *By the Chairman.*—Then you did not go upon the principle of having first actually satisfied yourself that the individual's claim was worth £1000 or £100 a year; or did you go simply on that principle?—On the two principles.

1131. *By Mr. d'Beckett.*—Did you in every case satisfy yourself that the property was worth £1000?—As far as laid in my power.

1132. *By the Chairman.*—I did not ask that question. I want a simple answer, and I will have it. Did you satisfy yourself in every individual case in which you sent in a claim that the property of the claimant was absolutely worth £1000 or £100 a year rent, of your own knowledge?—I did not.

1133. Did you follow the same principle in regard to other divisions that you did at Brighton?—I took the opinion of Mr. Egan and other gentlemen in the respective districts, as well as the men I sent round to obtain the information.

1134. Cannot you answer my question. Did you satisfy yourself personally from your own knowledge and information in respect of the other districts as well as Brighton?—Not personally.

1135. Then you depended upon the representation of other persons in this matter?—I did to a great extent.

1136. *By Mr. Power.*—Who were those other parties that gave you the information?—I obtained the information from Mr. Egan, for one.

1137. Who is he?—Mr. Stephen Egan.

1138. Is he the gentleman who has lately been gazetted amongst the list of magistrates?—I think so.

1139. He was a merchant in Melbourne?—I think so.

1140. Having property in Pentridge?—Yes.

1141. Was it in consequence of the information he gave you for Pentridge, that you sent in those claims?—I think so.

1142. Did Mr. Stephen Egan furnish you with the roll of the names you did so send in?—I had not the roll.

1143. Did he furnish you with a list of names that you could send in?—One division; yes.

1144. Have you got that list?—I have not. I have written repeatedly to the man who has it.

1145. Who is the man who has it?—Mr. Hayden.

1146. Who is he?—I am not sure whether I sent it to him or Mr. Walsh.

1147. Who is Mr. Walsh?—The bookseller in Elizabeth-street. I have sought about for it.

1148. Have you got a roll marked off with those names furnished by Mr. Egan?—I am not sure whether I have it or not. The summons only came to me yesterday, and I have not had time to look through all the papers.

1149. Will you furnish the committee with the names of any persons else who gave you names?—Mr. Walsh and Mr. McIntosh.

1150. What Mr. McIntosh is that?—Mr. James McIntosh.

1151. Is he the magistrate recently appointed?—Yes.

1152. I think he lives out the Moonee Ponds way?—Yes.

Mr. Thomson,
continued,
17th Nov., 1858.

1153. Have you got his list?—I am not sure, in consequence of the short notice I had. If I had the opportunity of looking up the notes, I could perhaps say.

1154. Can you give the name of any one else who furnished you with names?—I think Mr. Burnet Patch Mudge.

1155. *By Mr. Hervey.*—The gentleman who has just been examined?—Yes.

1156. *By the Chairman.*—Does your memory serve you how many names Mr. McIntosh gave you in round numbers?—No.

1157. Nor Mr. Egan either?—Nor Mr. Egan either.

1158. Do you think you would recognize the names that Mr. McIntosh gave you, if you heard them?—I think not now, it is so distant a time.

1159. *By Mr. Hervey.*—How did it happen that they were induced to give you that information; was it at your request?—Yes.

1160. Did you request Mr. McIntosh to do so?—Yes.

1161. Personally?—Yes.

1162. Mr. Egan also?—Mr. Egan also.

1163. *By Mr. Power.*—Did you do anything in that way at the Rocky Water Holes?—I cannot say exactly at the present time. I dare say the whole of the southern province, and the other provinces as well.

1164. You acted in this way all over the country then?—In all the other provinces; as many provinces as I possibly could.

1165. It was wholesale then?—I was better acquainted with the central and south provinces than others, but I put myself in communication with other men in other districts.

1166. Did you follow up the principle in the other provinces that you did in the southern province?—I could not from my memory answer the question.

1167. If you got the information from others, could you not say how far you did it in the other provinces?—What I did in the distant provinces was more in this way—stimulating others to register the electors.

1168. *By Mr. a'Beckett.*—In the same way that you registered them?—Yes.

1169. You explained your process to them?—Yes.

1170. And recommended them to follow your example?—I did not recommend, but I suggested various ways.

1171. You suggested your's as the best?—No.

1172. Did you consider any other way was better than your's?—I left it to each individual district, after urging it upon them in the same way as the parliamentary registration committee had done to me.

1173. *By Mr. Power.*—Where did you acquire this practice?—I do not know that I acquired it anywhere, except in Victoria.

1174. You adopted it in political zeal, I suppose?—I did, after a strong appeal had been made to us through the medium of this parliamentary registration committee and the papers.

1175. *By Mr. a'Beckett.*—Were you ever in the United States?—I have passed through, but not resided there.

1176. *By Mr. Hervey.*—You say "appeal to us" by the registration committee. Whom do you include in "us"?—That is myself and other men who take an interest in political matters throughout the country.

1177. *By Mr. Power.*—Are you a member of the Convention?—I am a member of the Convention.

1178. *By Mr. Hervey.*—Are you the secretary?—I was, but I resigned.

1179. When?—Sometime ago.

1180. *By Mr. a'Beckett.*—Who is secretary now?—Mr. Walsh.

1181. *By the Chairman.*—That is the gentleman who furnished you with some of the names?—Yes.

1182. Can you furnish the committee with any other names?—I cannot.

1183. *By Mr. Power.*—Had you so many, that some of them have escaped your memory?—No, but a mass of other business has driven everything out of my mind in respect of it, until it was brought to my recollection, when the letter came yesterday evening.

1184. *By Mr. a'Beckett.*—Did you know anything of this inquiry going on?—Yes. I saw an account of the committee being appointed, but I supposed, from the members on it, such men as me would not be asked to come and give evidence.

1185. Why?—The general belief was, that it was a packed committee, and that there were no liberal members in it, and that we should not be allowed to give evidence.

1186. What do you understand by "liberal"?—Holding opinions consonant with those held by the Convention.

1187. *By Mr. Hervey.*—Do you consider this movement of yours a Convention movement?—No.

1188. *By Mr. a'Beckett.*—Do you consider that it was an evidence of liberality, the putting all those people on the electoral roll—merely copying the Assembly list—in fact, do you consider that an evidence of liberality?—I do.

1189. *By Mr. Hervey.*—It was not under the cognizance of any particular body or the views of any particular body?—No.

1190. *By the Chairman.*—Except your own?—Yes.

1191. And your own views are Convention views—you are a member of the Convention?—I am.

Mr. Thomson,
continued,
17th Nov., 1858.

1192. You were deputed from Brighton to represent the Brighton people—& few of them?—A large number of them.

1193. *By Mr. Hervey.*—Were you secretary of the Convention?—During the time the Convention was sitting.

1194. And were you secretary at the time those names were sent in?—I think not.

1195. *By the Chairman.*—But you were a member of the Convention?—Yes.

1196. And your views are in accordance with those of the Convention?—Mostly so, and further than their's on some points.

1197. *By Mr. Power.*—And the cost of collecting all this information was covered by £100, and came out of your own pocket?—In regard to the two provincial elections here, it cost me £100.

1198. What do you mean by two provincial elections?—I refer to the last provincial elections.

1199. *By the Chairman.*—That was not the question put to you. It was in reference to the provincial registration, not the elections. You were asked the expense you incurred with regard to the second special roll for the south province, and you stated it cost you £100?—That in connection with others.

1200. That was not asked you. You were asked what it cost you out of your own pocket for this south province roll?—If I said that that cost simply related to the south province, I said that which was wrong; it related to the central province and to the information I acquired from other provinces. In short, it was a kind of general expense in connection with the one general election.

1201. *By Mr. Power.*—The rolls of the other provinces were carried on in the same way, were they?—I cannot say that. I merely stimulated other provinces.

1202. In relation to what provinces?—In relation to all the provinces where they had elections lately.

1203. They have all had elections lately?—I stimulated men in all the districts then.

1204. Then the entire country has been stimulated by the same process?—No doubt men have been registered in each district.

1205. Upon your principle?—No.

1206. But you explained your views?—In some instances I did; in others I merely referred them to the appeal made by the parliamentary registration committee, and cutting extracts from the papers and enclosing them.

1207. *By Mr. Hervey.*—In this list which I see ticked by you there are 1037 voters; I should think at least 900 of them are freeholders?—Yes.

1208. Should you say that of those against whom you have made a tick—the 900 freeholders—that every one of those freeholds you believe on your honor to be worth £1000?—I believe there is none but what will ask £1000.

1209. Appealing to your sense of right and wrong, I want to know your own particular belief in this matter, and I ask you on your honor, do you believe every one of those freeholds to be worth £1000?—In Brighton it is according to the estimate placed upon them.

1210. According to your estimate?—My estimate is not their estimate.

1211. Confine yourself to my question—do you believe, on your honor, that every one of those freeholds is worth £1000? Your knowledge of Brighton is extensive; do you believe them to be worth that amount—I ask you again upon your honor?—I believe in each particular case there is no freeholder in Brighton but what the man will want that or more than that.

1212. *By Mr. a'Beckett.*—Do you state that there is no man in Brighton who has a freehold who would not sell it for less than £1000?—I do not know that he would.

1213. Do you believe that there is not a man, having a freehold in Brighton, who would estimate it at less than £1000?—He might.

1214. *By Mr. Hervey.*—Supposing there had been a penalty attached to any person sending in a claim for registration out of a property of less than a recognised value by the Act of the Legislature, would you have ventured to send in those qualifications?—No.

1215. You would not have risked it?—I would not.

1216. Now, I ask you again, as an honest member of society, do you believe that every one of those applications for registration was just and right?—I believe every freeholder was entitled to vote in the Legislative Council.

1217. *By the Chairman.*—That is not an answer to the question—do you believe that each freeholder mentioned there has property sufficient to qualify him, and by the present law to entitle him to vote—namely, a property of £1000, or of £100 annual rental?—I say, as far as my knowledge went, that each of those freeholders possessed them.

1218. For anything you knew to the contrary?—Yes.

1219. But that is a negative answer. What you are asked is, do you believe, as an honest man, coupled with your knowledge of Brighton for six years, that every man whose name you sent in has property worth £1000, or of £100 a year?—Whose estimate must I take—his own?

1220. Are you not a dealer in land?—I am not much of a dealer.

1221. Have you not bought and sold land before to-day?—A little; I have bought a good deal and sold a little.

1222. Are you ignorant of the value of land in the country, and particularly about Brighton?—No, not quite.

1223. Then, judging from your own knowledge of the value of land, I put the question to you, as an honest man, do you believe in your heart, and at your valuation, that if you had capital yourself, which you wanted to invest, that you would do so in any of those properties which you

sent in a claim arising out of to the amount of £1000, or £100 a year, in every instance?—I simply refuse to answer the question, without I am allowed to explain.

1224. First answer the question, and then explain it in any way you like?—Very well.

1225. *By Mr. Hervey.*—As an honest member of society, I ask you again, do you deem that every freeholder in this list has a property qualification entitling him to vote for a member of the Legislative Council?—I might not think it so myself, but others, I have no doubt, would.

1226. As an honest man, would you not say that that is an evasive answer?—I really say what I think. The only way to test those things, I considered at the time, was to put each freeholder on the list and to allow him to be objected to. I went on the principle that the objection would be made and that we should be able to substantiate the claim. When I say “we” I mean myself and others who took a deep interest in the matter, or the parties themselves.

1227. What would you suppose then would be the object of legislation on this subject, that a man, before he was entitled to become a voter for a member of the Legislative Council, should possess a freehold qualification of £1000 or £100 a year? Do you suppose that the object was to get the list as pure to that qualification as possible?—Yes, I assume—

1228. By what right do you assume?—In every instance in the old country, where a man is put down upon a roll, an objection is made and an appeal is allowed.

1229. You had no regard then to the law of this country?—I was not aware that the law was different in this country to what it is in England.

1230. *By Mr. a'Beckett.*—Have you carefully examined the Registration Act?—Yes.

1231. Do you not see, in looking at that Act, that it is assumed that a person who is desirous of voting must show a desire to claim; that is, that there must be a desire on the part of the claimant?—It is not so, I think. I may say the parliamentary registration committee do not think so.

1232. *By the Chairman.*—Coming back to the other question,—of your own knowledge, having resided for six years in Brighton, you are asked as an honest man, do you believe that every freeholder you sent in was possessed of the qualification of £1000, at the market price of the day—did you believe that when you sent in each claim?—I should not have given it myself.

1233. *By Mr. Hervey.*—Do you think other people would?—Yes, numbers.

1234. Do you think any other person in the whole community would have given £1000 for each of those freeholds?—There are persons in this community who would give it for them.

1235. *By Mr. a'Beckett.*—For every one?—I cannot say for every one of them—every one, as far as I know. I will give a proof of how small properties in Brighton are estimated before I leave the committee. I beg to say, in one instance very recently, Mr. Green had on sale about an acre of land, abjoining my own property, having a small frontage to the Upper Crescent. £800 was offered for it and his reserve was one thousand guineas, and it is unsold yet. John Lewis came to me—that is another of the men I marked on November the first. He had a property sixty-seven feet fronting Carpenter-street; he has built a small house upon it, and he was offered £800 for it.

1236. Is he on the roll?—No. He was struck off. He refused since £1250 for it.

1237. *By the Chairman.*—Do you consider half an acre of land at the back of Little Brighton, with a little cottage on it, is worth £1000 or £100 a year?—I would not give it.

1238. Are you not aware that many of those names filled in with your own handwriting are of that sort?—No.

1239. Would you suppose that to be the case with an acre of land—that it would be worth that?—No; an acre of land in East Brighton I would not.

1240. *By Mr. Hervey.*—Do you consider that any man would have sent in an application to be registered as a voter, looking to the law of Victoria, whose property in his own estimation was not worth £100?—I think not, unless he wanted to have it tested.

1241. Tested for what purpose?—I have put none on that had property only worth £100.

1242. *By the Chairman.*—Say £500?—Not that I know of, but I will explain the principle I went on.

1243. *By Mr. Hervey.*—You could not possibly have adhered to the principle of property, unless you are prepared to say that all those freeholds were worth £1000?—I would not have given it.

1244. Do you believe that any man should have sent in an application to be registered who had not in his own estimation property worth £1000?—I should not have done so.

1245. You are laying down two principles—that of sending in the names and letting them be objected to; that is one principle. The other principle is, that you think a man should have the full qualification specified by law, according to your own admission?—I think every man should have it.

1246. Then you abandon the former principle, and now you say you put down the property with a view of testing it?—Of course.

1247. Then, do you abandon that?—I expected that parties on the opposite side would object.

1248. *By the Chairman.*—But supposing there were no parties on the opposite side?—Then I consider, as a freeholder not objected to, he would be entitled to vote.

1249. *By Mr. Hervey.*—Whether he had a property worth £1000 or not?—It would be assumed that it was worth £1000.

1250. But assuming it was only worth £100?—Then he ought to have been objected to.

1251. *By the Chairman.*—Supposing you were possessed of a property worth say £500, which you knew in your own mind was a property that would not fetch more than £500, do you

Mr. Thom-son,
continued,
17th Nov., 1858.

consider that you were entitled to send in a claim simply upon the chance of its being objected to—would you consider yourself justified in sending in your claim on the chance of some one else objecting to it?—I think I should.

1252. *By Mr. a'Beckett.*—In fact then, you think it is justifiable to evade the provisions of the Electoral Act?—No.

1253. But the Electoral Act requires that the party should possess a particular qualification in order to justify him in making a claim. Would you think that he ought to claim, knowing he does not possess that qualification, leaving it for others to object?—I have not come across any man who would not say his property was worth £1000.

1254. *By Mr. Hervey.*—We have it in evidence that many of those struck off by the magistrates in St. Kilda made no claims, and that their properties were not worth £5?—Indeed.

1255. *By Mr. a'Beckett.*—I want you to turn your attention to the 19th clause of the Electoral Act, the 21st of Victoria, No. 33, where it says, "Every person qualified to vote as aforesaid who shall not be upon the roll of voters then in force and who is desirous to have his name inserted in the special list about to be made for any electoral province or any electoral district shall on or before the fourteenth day of April July or October in every year give to the registrar of such province or district as the case may be a notice of his claim according to the form set forth in the second schedule to this Act." Reading that, do you not think there ought to be some desire on the part of the voter himself, that the claim ought to come from him, or by his authority?—I do not know. I was not aware that it was necessary.

1256. But, looking at the close, it says, "who shall be desirous of having his name?"—It seems to me, after reading that, that if any person was put upon the roll, except those who desired it, great numbers who have no knowledge of the time when it is necessary that they should put on their names, or who, if they have the knowledge, have not a strong inclination until the time of the election comes, when they are sorry they have not done it, would never be registered.

1257. That may be a reason for altering the time, for extending the time; but still, you see, the clause says that they themselves must be desirous?—I think then such persons as me would not be wanted.

1258. You think then the necessity of these registration societies would be diminished if the parties had the right of registering themselves at any time before the election?—Yes. This which I hold in my hand now is a short programme I drew up for the registration committee.

1259. *By the Chairman.*—Is that an official body?—I do not refer now to the parliamentary registration committee, but the committee I got up in the city and around.

1260. *By Mr. Power.*—Was that as secretary to the Convention?—No. I never received any aid, nor any money. Not a sixpence from the Convention as a body, except for the Assembly.

1261. As a body—did you individually?—I did from Mr. Walsh. He gave some small attention to it; he had very little opportunity. He gave me a day or so.

1262. Was your action in this instance apart from the intentions of the Convention?—The Convention did not recognize it or even know of it, I believe.

1263. *By Mr. Hervey.*—What was the nature of the programme?—It was for my own guidance and the guidance of the committee; and it will give this committee an opportunity of knowing on what basis these operations were founded.—"First go over the list for the Assembly, say for West Bourke, and East Bourke, and Brighton, and other places, and see where names could be safely transferred to Council. Examine also assessors' lists for the same purpose, if you can get them."

1264. I suppose you mean the assessors in the different municipalities?—Yes; "See if any on Council list there are anti-progressive, that could be objected to. This is all for the revision courts. Let each member indicate and mark down as many names as he deems safe for the Council."

1265. What is the meaning of the word "safe" there?—That is, having the qualification. "Then let those names be collected, and at another meeting called on an early day be entered on the voting paper, and handed over to the respective registrars." I read that, because it shows exactly the basis on which I went.

1266. *By Mr. Power.*—In your evidence, do you not ignore that basis altogether?—I do partially.

1267. *By Mr. Hervey.*—In that programme, you do not say a word about the qualification; only the persons that may be transferred with safety?—Yes.

1268. Safety to whom?—I say the inference from that is, that I refer to the qualification.

1269. *By Mr. Power.*—But you left it open before in your evidence to have those persons challenged?—I went upon the principle that, when they were put on, they would be likely to be objected to, and that they would be able to substantiate their own claims, or otherwise, before the revision court.

1270. *By Mr. a'Beckett.*—You have stated truly, that there is great apathy in persons putting their names on the roll. Do you not think there is an equal apathy in persons making objections to names on the roll?—That has not been seen on the late provincial elections; especially I refer to the south province; there has been no apathy there whatever. So far as Mr. Bennett's agents have been concerned, they were very active indeed in opposing all that they thought were likely to oppose Mr. Bennett.

1271. Generally speaking, not making an exceptional case, there is great apathy in regard to objecting to claims?—I have not had much experience. There has not been room for much experience in that way, in reference to the Council.

1272. Would not it be an ungracious act in me to come forward and challenge the value of your property?—Not if you thought my property was not sufficient. Mr. Thomson,
continued.
17th Nov., 1858.

1273. Would not many gentlemen feel so?—They might, from the expenditure of time.

1274. I am not speaking of time, but of delicacy of feeling?—There are always a number of political agents employed on both sides to induce them to do so.

1275. *By Mr. Hervey.*—Do you not think those agents who undertake the duty of putting names on have a much more easy game to play than they have in putting names off?—No.

1276. *By the Chairman.*—Do they not come more prominently forward in sending in and sustaining objections than they do in merely sending in claims?—No.

1277. How do you account for that?—I must say the way it is generally worked, and that I account for it is, that parties who are interested in such elections on the opposite side invariably pay agents to attend.

1278. What do you mean by "the opposite side"?—I mean the opposite side—the opposite party—any man or men in a district who are objected to in a district, their politics are pretty well known. Each man's is pretty well known in Brighton.

1279. *By the Chairman.*—You said just now that the agents for Mr. Bennett were very active. Is that a thing that you know? Do you know whether Mr. Bennett employed a single agent throughout the whole province for the purpose of objecting to names?—I have no personal knowledge of it. I do not know it directly. I have substantial information that Mr. Bennett appointed agents, both for that and other purposes, in connection with his election.

1280. What is that information?—If I am called upon by the committee, I will mention it; but there is one individual told me he saw a letter from Mr. Bennett. I say I have no direct information.

1281. *By Mr. a'Beckett.*—You said just now that it would be highly patriotic in any person to object to the name of a man on the roll who had not a proper qualification. Would not it be just as patriotic not to put the name of a person on the roll who had not the proper qualification, unless you knew he had a proper qualification; that is, to restrain from putting on parties, unless you knew they had the proper qualification?—I should know absolutely that he had not.

1282. *By the Chairman.*—But what if you had no knowledge one way or the other?—I would not put him on.

1283. Had you knowledge one way or the other with regard to those you did put on?—Yes.

1284. Knowledge, or hearsay on information?—I call that knowledge.

1285. I wish you to draw the wide distinction between the two?—It depends on the credibility of the man whom I ask. If I ask a man of well-known veracity, and I have his answer that the individual whom I ask about has the qualification, of course I look upon it as a kind of second hand knowledge.

1286. If you know a thing of your own knowledge, there is no possibility of mistake; if you learn it from another person, there is every possibility of mistake. For instance, you may misconceive the information given you, to begin with; or your informant himself may be mistaken. There are fifty ways in which the matter may be open to mistake in travelling from one person to another; whereas that would not be the case with your own knowledge?—The individual might not be mistaken, and then it would be a matter of knowledge.

1287. I draw that distinction, and then I ask you the question upon that distinction, did you know of your own knowledge that all the names you put on were the names of persons who had property qualifications?—Either directly or indirectly I had a knowledge of that, through individuals whose veracity I had no reason to doubt.

1288. Then it was not personal knowledge?—It was not.

1289. *By Mr. Hervey.*—Had you knowledge of it, direct or indirect, taking your own view of it. Had you knowledge that every person you ticked off here had £1000 qualification?—Either directly or indirectly.

1290. Your information went to the extent, and it was such information as you could rely upon, that all the freeholders of Brighton have a property worth £1000?—Those I have marked there.

1291. Did you consider Mr. McIntosh, and Mr. Stephen Egan, two names in the category whom you have mentioned, and who gave you that information, as persons of unquestionable veracity?—Yes.

1292. *By Mr. a'Beckett.*—We shall be glad to hear any opinions you may have as to the improvements the registration is susceptible of, if you have formed any opinions upon the subject?—In consequence of the short notice I had from this committee, I am not in a position to give any opinions about any alterations. My views are not sufficiently matured.

1293. Would you like to consider the matter, and give the committee the information?—If the committee desire it, I shall be obliged to attend.

1294. It is not a matter of obligation; but having given your attention to the subject, and feeling in it the interest you say you do, you may have ideas upon the subject that may be useful for the committee to be acquainted with?—I shall be happy to give such to the committee.

1295. *By Mr. Hervey.*—Would you deem it desirable to keep the rolls of the parliament as pure as possible; that is, as much in accordance with the Electoral Act as possible?—I think the qualification is far too high.

1296. So long as the qualification remains at its present rate, do you, as a patriotic individual, deem that it is right and proper to keep that roll as pure as possible?—I do.

1297. And in order to keep it as pure as possible, is there any suggestion you would make in regard to penalty or otherwise to prevent men sending applications and claims to vote,

Mr. Thomson,
continued,
17th Nov., 1858.

on behalf of parties who are not entitled to the privilege of election?—I should not like to make any suggestion whatever, unless I could make it after maturely considering the matter; and the short notice I have had, and the general impression being abroad, that this committee was not of such a nature as to be likely to call any liberal man before it, I never paid any particular attention to it.

1298. *By Mr. Power.*—Where is that impression abroad?—It is pretty general out of doors amongst the masses of the people.

1299. Has it appeared in the press?—I think it has, in one or two instances by letter.

1300. *By Mr. a'Beckett.*—Are these the claims sent in by you—[*handing a bundle of papers to the witness*] ?—Yes.

1301. You say a great many of those are in your handwriting, the qualification being filled in by other persons?—Yes.

1302. How did that occur?—I had two or three clerks (say) at work, filling in. For instance, I selected the names from a list that I thought, either from the information I had obtained, or my own personal knowledge, was a list of persons qualified, and I marked them down, and the clerks, one or two of them, filled them up; I think that was the way.

1303. Filled them up from your instructions?—Yes.

1304. *By the Chairman.*—Will you take them in your hand and look through them, and see if they are all in your handwriting, or of your clerks?—The most part of them are in my handwriting, though there are some sent in by other persons.

1305. *By Mr. a'Beckett.*—The great majority of them are in your handwriting?—The great majority of them.

1306. *By the Chairman.*—And those—[*handing another batch of papers to the witness*] —are also in your handwriting—those are in fact, the claims you sent up?—They seem to be so.

The witness withdrew.

FRIDAY, 19TH NOVEMBER, 1858.

Members present:

The Honorable J. B. BENNETT, in the chair;

The Honorable T. H. Power

The Honorable T. T. a'Beckett.

Edmund Finn, Esq., examined.

E. Finn, Esq.,
19th Nov., 1858.

1307. *By the Chairman.*—You are one of the clerks of the Legislative Council?—Yes.

1308. I put into your hand the list for the Assembly for Brighton, handed in to this committee by Mr. Thomson, a former witness?—Yes.

1309. Have you made out a list of the persons mentioned in that list as freeholders, whose names were omitted by Mr. Thomson, in the list which he sent in as shown by his marks there?—I have.

1310. Have you got that list with you?—I have.

1311. Will you hand it in?—Yes—[*the witness handed in the same. Vide Appendix B*]. I would wish to remark, with regard to that list, that in some few instances I did not thoroughly understand Mr. Thomson's marks; and there are through the list probably eight or ten persons marked as dead, and I do not know whether such marks ought to have been included in the return or not.

1312. But are they freeholders omitted?—They are freeholders so omitted; there is a sort of mark, and I did not include it in the list, because I was uncertain as to what it meant.

1313. They are the freeholders who are dead?—They are marked as dead.

1314. And they are not in the list returned by you?—They are not in the list.

1315. Have you made a list of the names sent in by Mr. Thomson, according to that document in your hand, which also appeared on the general roll for the Brighton division of the south province?—I have.

1316. Have you got the paper there?—I have—[*the witness handed in the same. Vide Appendix C*].—I think it right to mention with regard to this list, that in probably a dozen instances I found the names were not literally the same as in the other list; but they were so nearly alike, I took it for granted it was a sort of trifling mistake in the spelling, sometimes an "i" for an "e," and I have queried several of the names.

1317. Did you query such names as you now speak of in the list?—Yes.

The witness withdrew.

Benjamin Cowderoy, Esq., further examined.

B. Cowderoy, Esq.,
19th Nov., 1858.

1318. *By the Chairman.*—The committee understand that, since your last examination, you have considered this matter over, and are in a position to give the committee further information and suggestion, and they would be glad to hear anything you can favor them with in that respect?—The questions in reference to the present mode of registration were put to me when I was last examined rather unexpectedly, and therefore I was not prepared to give deliberative answers to them. I accordingly answered the questions put to me on that occasion without committing myself to the principle suggested, but merely as to the

possible results of certain proposed modes of operation. I have been thinking it over since ; and it occurs to me that the practice of requiring a declaration to be made before a magistrate in each case would be looked upon by the general public as offering obstructions to the registration which would be hardly justified, and I think the accuracy of the registration might be ensured by a more simple and less obnoxious means. I adhere to the opinion I gave at the last sitting of the committee in regard to the time for making claims. I believe that one of the great evils of the present system is, that the time for making claims is limited to a few days, with certain intervals, and that I think prevents a great many persons from sending in claims, who would do so if they could do it at any time. The same objection applies perhaps with still greater force to the question of objections; so that, both in regard to the greatest facilities for getting genuine votes on the register, and the greatest facilities for expunging fictitious or bad votes from the register, I think the present system very inefficient. Assuming that the present rolls were annihilated, and new rolls made, I think that claims should be sent in (the same principle is applicable to both houses) at any time, but that those claims should be actually signed by the claimant; not merely filled up as they are now, in any handwriting, but the name of the claimant should be actually signed to the claim. I would also suggest that, in addition to the present registrars of the districts, powers should be also given to other public officers in the districts to receive claims. I would suggest that the town clerk and clerk of petty sessions, the district postmaster and the collector of rates in every district should be allowed to receive claims; and I would add, that those parties should make a declaration before they are authorised to perform those duties that they will to the best of their judgment satisfy themselves as to the genuineness of the claims at the time they are lodged with them; and I would give them the power in all cases where they have sufficient reason to suspect a claim was not a genuine claim, to fill up a blank, which would be left on the document for that purpose, so as to call the attention of the registrar to its being a doubtful claim, pretty much in the same way as the claims for counties are treated now in England, or at least were treated when I left England. The objections against claims there for counties were in almost all cases made by the overseer with whom the claims were lodged, and were treated as good claims, unless the overseer wrote upon the notice "Objected to," or stated some ground of objection. In that case they were considered as objected claims, and were published before the time of revision; but in the event of those claims not having any notice of objection appended to them, the attendance of the parties was not required to support them.

B. Cowderoy, Esq.
continued.
19th Nov., 1858.

1319. You would not take away from the public at large the power of raising objections? —No, I am speaking of the claim now.

1320. What particular office do you mean by registrar?—There should be a registrar for a province or electoral district which returns a member or members; whether it be a province or electoral district, there should be a registrar for that district, and all the claims received by those various other officers should be transmitted to the registrar for making up into a roll; he should be bound to take cognizance of any notes that were appended to those claims, intimating that they are doubtful and required to be substantiated in order that full notice may be given in all those cases.

1321. *By Mr. Power.*—You say the name of the applicant should be attached to each claim. When persons could not write, how then?—That would be met by authorising other persons to sign for them, but the person signing should sign his own name as signing it for and by the request and consent of the claimant.

1322. *By the Chairman.*—Would not it be almost better in these instances to make people attend before the clerk or the collector of rates, or whoever it is, and make him put his cross in his presence?—In the presence of one of the parties to receive the claim, that would be a better safe-guard. Then, assuming the register to be annihilated and started afresh, that is all that would be required to be done in making out the first list of claims.

1323. What guarantee or safeguard is there that those names appearing as the signature on the claim are genuine, if they are not made in the presence of a magistrate or some other person, in the shape of a declaration—how are you to know that the name may not be signed in a dozen feigned handwritings?—The same objection would apply to every bill of exchange and promissory note circulated; because you do not know, until proved to the contrary, whether that is the genuine handwriting or not of the party who professes to sign it. I would attach certainly a severe penalty to the forgery of any claimants name to a claim, the same as to any other document.

1324. In the case you speak of, namely, of a bill of exchange or promissory note, you take it upon the responsibility of the person who hands it over to you and with the endorsement on it or otherwise; you therefore look to him, and he furnishes a good guarantee if you do not know the other signature, and therefore you have something in that instance to protect you; but in this instance the same principle does not apply; the registrar cannot be expected to know the signature, nor would it be right if he did, to allow him to reject the claims?—I think the evil of fictitious names on the register would be guarded against by requiring in each case a specific description of the qualification, or if it were manhood suffrage, of the residence of the claimant; but by the facilities which I would suggest, with regard to notices of objection, the object is served of purifying the list from time to time.

1325. What is your opinion in reference to the danger that may exist of persons signing names not there own for others?—I think, that it being known that a severe penalty attached to forging or signing, without authority, the name of a person to a claim would, of itself, be such a protection; in fact, as great a protection as could be provided consistently with the facilities which I would offer to the general public for getting their names on the list.

B. Cowdery, Esq.,
continued.
13th Nov., 1858.

1326. Supposing that a political party wished to have a number of false names on the roll, I think you will agree with me, there will be no difficulty in getting a man, for a £10 note, from a distant part of the country, to sign claims, and that it would be beyond all human possibility, almost, to sheet it home to him. In that case, could not such a thing as that be done wholesale with impunity?—I do not think it could be done without discovery at the time of revision; and one of the checks I would offer to carrying out a scheme such as that would be at the revision.

1327. In the scheme of the declaration, which was alluded to, it was mentioned that one of the advantages would be, that, having to be made before a magistrate, or some person of that description, he would be enabled, when it came to be declared before him, to see that the description of the property was reasonably such an one as would enable intending objectors to object to it, if it was restricted merely to handing it in, the party being bound to receive it. How do you see that advantage in the other scheme is met in this; or do you propose to meet it in any other way?—I think your objection is met by my own suggestion—that those parties would be bound by a solemn declaration to obtain all the information they could with regard to those claims at the time they were placed in their hands.

1328. I presume you do not intend by your suggestions to make it necessary for a man to appear in person and tender?—No.

1329. If he sent it through the post, or through his son, or a small boy, or in any other way, would you make it incumbent upon that person receiving it to go all over the country and find out all the particulars about it?—No; but you will see that by allowing those various officers to receive the claims, so many of them being distributed over the district, the object of those facilities would be, in the first instance, to allow persons to leave their claims at the nearest possible legitimate place. Therefore it is to be presumed that, where there are five or six persons in one district to receive claims, those five or six persons would represent different subdivisions of the district; and they would know a great deal more about their own immediate subdivision than any other gentleman would who was merely an honorary magistrate, to whom parties might come, and who in fact, from the nature of his office could not be expected to take the same pains and trouble as paid officers would do in obtaining information. When the claim came in, the magistrate would be much more likely to pass on the claim to the registrar, than this man bound by a solemn declaration, and who I think, should be also paid at a certain rate for his trouble in collecting the names.

1330. You do not propose that this person bound to receive the claim is to inform himself. It is very well to look at it in that light in regard to a crowded place like Melbourne, or the Southern or Central Province, where the parties are all concentrated to a certain extent; but in the outer provinces, where men are scattered over a very large area and very thinly scattered, would not it be almost a matter of impossibility for those persons receiving the claims to inform themselves, but at the sacrifice of an enormous amount of labor and time, or of correspondence?—I think the knowledge that a man possesses of the residents and owners of property in a thinly peopled district is as great, and in some instances greater, than that possessed by a person similarly situated in the midst of a crowded population. It is in the crowded provinces in which I think the greatest precaution is necessary; and it is on that account, and of there being so many officers employed in all the municipalities, that I think every one of these officers should be permitted to receive claims. One or other of them, especially the collector of rates, must be supposed to know every owner of property in the district.

1331. But there are many districts in the various provinces that have no such officers?
—Yes.

1332. Would you give any of those receivers of claims power to reject in consequence of insufficiency?—No; I would bind them to receive every claim; but when there was reason to believe, from their own knowledge, that it was not a good claim, or not the claim of the party whose claim it purported to be, they could make a specific note upon it on sending it up to the registrar, so that the registrar might make a special list of all those cases. That would apply to the first as well as to subsequent registrations. Then, presuming we have got a pure register to start with, one great object would be to keep it pure, and the present system is utterly inefficient for that purpose, because the means it affords to the general public to make objections, are scarcely of a practical kind. Men will not take the trouble to go and see the special list suspended at certain places during a short interval, and if they do, they know very little about the properties; and, practically, the present system of objection is inoperative. One way by which there is such an accumulation of names as occurs on the list, is from the transfer of property. On the new name being placed on the roll, the old name should be taken off. I would guard against the accumulation of names by having, in the form of claim, a separate column, in which every person claiming in respect of a property should also give the name of the party from whom he purchased or leased, or, in cases of occupation, the previous occupier; or where he claims for manhood suffrage, he should be bound, as in the present form, to give his present place of abode; but, in addition to that, I would make him give the district or division for which he was last registered in respect of his manhood suffrage. Every claim would then reveal, not only the ground of the man's present claim, but it would also reveal the fact that he had been, or had not been, as the case might be, on some previous register for some other qualification, or that some other person was on the roll for the same qualification; and as this new claim would supersede the former claim, the registrar should be bound to make out a list of such lapsed votes, and, where necessary, send them to the registrars of the various other districts where the parties came from. In that case, every property would be represented by only one owner or occupier, as the case might be, and

every manhood suffrage man, transferring from one district to another, would have his name erased from the district where he came from. Under the present system, a man may live in four different places in the twelvemonths, and get registered on each of those four lists, and go and vote at the next election at all four places.

B. Cowderoy, Esq.,
continued,
19th Nov., 1893.

1333. You do not think the mere putting the question a sufficient check?—I think it is not a sufficient check. I think the great check must be provided in making out the register; and I think this suggestion meets one of the most serious objections to the present system. I adhere to the suggestion formerly made, that the claims should be sent in at any time of the year, but that there should be periodical revisions as at present: I should say once a quarter would do very well. I would extend the power of the revising bench of magistrates somewhat also. Then with regard to the objections: I think if some such plan as I suggest were adopted the objections would be much fewer than they need be under the present system. They are not numerous, because the system does not offer sufficient facilities for objections. I would give the same facilities for expunging from the list bad votes, that I would give to the public for registering good votes; and therefore I would allow objections to be sent in at any time to the same parties; and at the time of the revision, I think it would be unnecessary to publish the special lists as is done at present. It would be only necessary to give publicity to the list of objections, and (after the first registration) to the lapsed votes.

1334. I think I understand you to say that you would not publish from time to time the names of the new claimants?—O yes; I would have the roll made up immediately after every revision.

1335. Pardon me: before the revision court takes place, there will have three months elapsed since the last revision court?—Yes.

1336. During that period there will have been a great many claims sent in?—Yes.

1337. Some of those will have those objections you speak of, others will be free from objection?—Yes.

1338. I understand you to say, you would only publish the names of those objected to, and also the lapsed votes?—Yes.

1339. How would you give the public knowledge of the claims; because, if they do not see the claims before they reach the revision court, they may not be able to object to them. For instance, if 100 claims are sent in, fifty having objections to them, you would only publish those fifty, but it is more than probable that, if the other fifty were published, some person or other might be able to send objection to those not already objected to: have you contemplated that idea?—I think that objection would be met by the remark I was about to make, though possibly it may not be fully met by it; but it may still be considered necessary to publish the special list. The suggestion I was about to make was, that at the time of the revision any voters should have the power of attending and objecting to the names of any persons being placed on the list who had made their claims, and that, in order to give the parties objected to facilities for substantiating their claims, or giving evidence against those objections, the revision court should, in all cases, have the power of adjourning, say for a week, and that at the adjourned meeting only those objections should be entertained; that is, where the adjournment was for the express purpose of hearing those objections to give the parties objected to notice in the meantime by due publication; and it will be borne in mind that—the public having the opportunity, after every list of voters has been made out at the end of the quarter, of examining those lists throughout the whole subsequent quarter, and lodging objections on any day during that quarter—greater facilities would be thereby offered than are offered at present by the system of publishing special lists, and suspending them at certain places, during a certain period.

1340. Then according to that, do you not contemplate even a further change in the law than has been absolutely alluded to, which is this: at present you can only object to a man within one fortnight?—Just so.

1341. And during the next quarter you have another fortnight; but you cannot object in one quarter to a man who has passed the revision court, until the end of the year, when the general list comes up?—Certainly, that was in my mind just now, but I did not give expression to it, though I intended to convey it, with a view to increased facilities for objections as well as claims. Objections might be lodged at any time against any person, either at the commencement of the year, or by any supplementary list made out at any subsequent quarter. So that the magistrates sitting on the revision court might at any time take such measures as the exigencies of the case required to purify the list, and to avail themselves of any evidence to be obtained from time to time.

1342. Then, if I understand you, your suggestion would enable them after a false vote has by accident passed a revision court, to be objected to at some time in the next quarter?—Yes.

1343. But that could not be taken into consideration until the end of the quarter?—No; except that supposing the fictitious character of the claim were detected in time for any voter to attend at the revision court, and point out that fact to the magistrates, and take the responsibility of objecting to the man as not having a good claim; then the adjournment of a week would give every facility for correcting the fraud at the time.

1344. But still it comes to this, that, if you do not publish the list, persons, to ascertain who are on the list or objected to, must attend and prove their cases on the revision day?—Yes.

1345. And then, for the first time, they see the list?—Yes.

1346. But there may be a great many on the special list whom they would not know, but who, after the list was published, would be known to some person in the vicinity as being an unqualified claimant; you would allow that to be rectified in the following quarter?—Certainly.

R. Cowderoy, Esq.,
continued,
19th Nov., 1858.

1347. But that would not get over the difficulty in the event of an intermediate election?—It would not; but I think the danger of these fraudulent additions to the roll would be very much less under the new system than it is at present.

1348. Then, what you would call the publishing of the special list is not attended with any practical results at present—persons do not consult it for the purpose of making objections?—No. I think even if the present system were perpetuated, a great deal of the evil might be guarded against, by allowing the objections to be lodged at the first sitting of the revision court, and if the court saw sufficient reason for it, giving them an opportunity of adjourning for a week. Then the notices might be served on the parties, but there would be less occasion for it under the altered system I suggest. That would, I think, meet every requirement; it would be a simplifying of the machinery and a saving of expense.

The witness withdrew.

Mr. James Weare examined.

Mr. J. Weare,
19th Nov., 1858.

1349. *By the Chairman.*—Just take that paper in your hand a moment—[*handing a paper to the witness*].—I put into your hand the roll handed in to the committee by Mr. Thomson. Have you prepared from that roll the total number of freeholders whose claims are transferred from that roll as claimants to vote in the Brighton division of the south province?—I have taken from that roll the number of freeholders, as marked on that roll, purporting to be such as are transferred to the roll referred to.

1350. Have you got the result?—I have.—[*The witness delivered in the same—Vide Appendix A.*]

The witness withdrew.

MONDAY, 22ND NOVEMBER, 1858.

Members present:

The Honorable J. B. BENNETT, in the chair;

The Honorable T. T. a'Beckett | The Honorable T. H. Power.

William Nicholson, Esq., examined.

W. Nicholson,
Esq.,
22nd Nov., 1858.

1351. *By the Chairman.*—You were formerly member of the Legislative Council, under the old constitution of this Colony?—I was.

1352. In the old Council you were engaged rather actively in reference to the framing of the Constitution Bill?—Yes, I was one of the committee who drew it up.

1353. And, if I mistake not, it was on your motion that the clauses in the Electoral Bill, introducing vote by ballot, were passed through the Council?—Yes.

1354. Have you had occasion since then to study the working of the elections, and also of the registration under those clauses?—The elections I have. I have contested one election since and seen the working of the ballot at that election.

1355. It has been given in evidence here that there have been a number of persons placed on the rolls for the southern province and for other provinces who have not a sufficient qualification under the Act to warrant their being on that roll. Has it occurred to you whether the working of the ballot has afforded a facility or interposed a preventive to persons of that description coming up to vote?—I think it does neither the one nor the other. The Electoral Act provides that certain questions may be asked of an elector before he records his vote; that is all I think that can be done. I do not see that the ballot facilitates personation or does anything to prevent it.

1356. You are not of opinion that a person would more readily come forward with an undue qualification to vote under the ballot than he would under open voting, where he names the candidate he votes for?—I think there is no difference whatever in that respect in the two systems. I know that under the old system a good deal of personation prevailed, and there may be some under the present. I have been told that, under the open voting system which prevailed here before the ballot was introduced, certain parties canvassed the districts for the purpose of ascertaining who had died or had become disqualified, the object being to personate those absentees; therefore I think it a great evil to have spurious names on the roll, as they give great facilities for personation. I should recommend, indeed, that no man should have his name on any roll more than once under any circumstances.

1357. Would you explain that a little more to the committee?—An evil may arise, it may be said, by a person, if he chooses to do so, putting his name on, as entitled to manhood suffrage and as a freeholder. I should remedy that by allowing him to put both qualifications opposite his name.

1358. In the same claim?—In the same claim; and let him vote on either, selecting which; and if he became disqualified for one he could vote on the other. His name being on more than once gives room for personation.

1359. Then you would not allow a man to have his name on once for every qualification, but his one claim should embody his qualification all in one?—Yes; and that would simplify the electoral roll, and show how many electors there really were. Some parties have

W. Nicholson,
Esq.,
continued,
22nd Nov., 1858.

their names one half a dozen times as persons who have separate qualifications, their name being on for each bit of property. They are put on as "freeholder" for each piece of land they have, or each house they have.

1360. Do you think it is conducive to the general good that persons should have the power of putting in a claim for any other person?—No; I think each elector should appear in person, or should claim in his own handwriting; and parties who are not able to write might find an inconvenience in that, and they might be allowed to claim personally.

1361. *By Mr. Power.*—Could not a person who could not write learn in a very short time?—I think so.

1362. That would be a great check, if a man was obliged to write his own name?—Yes.

1363. *By the Chairman.*—How are you to arrive at this point, if you allow persons to send in their claims in writing without appearing personally—how is the person receiving the claim to know it is genuine? What is to prevent me or any other man feigning half a dozen handwritings, and sending in half a dozen claims?—All those things would be liable to abuse, but I would suggest that every elector should be identified by some witness, and he should state very clearly his place of residence in his claim, so as that he should be able to be traced.

1364. Do you think it would be a matter of such great difficulty as to be altogether impracticable, to make every one sign his name in the presence of a magistrate or clerk of the bench, or some well-known official person, who would sign as a witness to show that it was signed by the individual it purported to be signed by?—It would be a very great advantage to purity of election, but it would involve some trouble.

1365. *By Mr. Power.*—Would not it be a positive check?—It would be a great deal of trouble, but it would be a very good check. I suggested that very mode when the Electoral Act was under consideration, that every one should sign, and that his identification should be in his signature, and I justified that on this argument, that many millions of money pass through banks and other places, merely by the signature of parties who are never seen. The only question is whether the trouble could be overcome.

1366. *By the Chairman.*—In reference to the Legislative Council the voters require to be men of property, and they could afford to take a little trouble?—Yes; I think so.

1367. I want to ask you this—if an elector is to be identified upon his signature, that must necessitate the signatures being in the possession of the returning officer throughout the election, to compare them with the voters signatures at the table?—Yes; but that could be easily overcome; he would appear at the returning office, with a small note, signed by himself, which he would hand in to the returning officer, and receive for it his voting card, so that his name need not be on the voting card at all.

1368. The object in making him sign his name would be to identify the signature already given?—Yes.

1369. But it is proposed to check a man and prevent his voting at all if he be not the right person, and the only way to do that is to identify the signature he gives in with the signature he originally gave in when registered, and that would necessitate all those original claims being at the side of the returning officer?—Yes.

1370. It has been suggested that the claimant should send in, at the time he gives in his claim, his signature in a place at the bottom, that would be provided for it, and that the clerk of the bench should cut that off the claim, and paste it in a book, and hand that book to the returning officer on the day of the election?—That would do very well, indeed, and it would identify the voter at the election by his producing the piece of paper with his signature.

1371. Do you think or do you not think that that would be rather too cumbersome a proceeding for the Legislative Assembly?—It would involve a great deal of trouble.

1372. *By Mr. Power.*—But in the case of a man's death, might not he be personated, if there were a paper in existence such as you speak of?—He could not be personated without the committal of a forgery.

1373. You say you propose that the voter should hand in a paper when he registered himself?—No; he comes with his signature when he comes to vote, and you do not let him vote unless you are satisfied as to the genuineness of his signature, and if the signature is identified you hand him his voting card.

1374. *By the Chairman.*—Do you think that that would be too cumbersome a proceeding for the Legislative Assembly?—No. I should like to see it introduced, and when the public became well acquainted with it, and were sufficiently educated for it, it would be a great boon.

1375. *By Mr. Power.*—Do you think that any more simple method could be adopted?—No. I do not know of any more simple method; but I think this, that, if it could be made as simple as possible, the identity by the signature is the very best.

1376. It need not be exercised with all the electors, there would be many whom you could allow to pass without requiring their signatures?—Yes. That point was raised in the old Council, and it was met by a clause in the Electoral Act that enables any person to call upon any person to sign. I was met half way by that provision, and what is now suggested would be merely a continuation of that.

1377. And the labor would not be very heavy; it would only be in exceptional cases that you would ask a man to give his signature?—Just so. The only thing you would have to do would be to have the signatures upon the claim, and to place them alphabetically, so that they could be easily come at; or if they were not placed alphabetically, they might be numbered.

1378. *By the Chairman.*—The committee would like to get your opinion on this point. At present you can only register during a fortnight in every three months. The committee would wish to know whether you consider that is ample time for registration?—I think it is a matter

W. Nicholson,
Esq.,
continued,
22nd Nov., 1858.

of expense. If it is not a great expense to the Government to give greater facilities for making claims at all times, it is better that that should be done.

1379. Do you think there is any other object which the Government has in contemplation which is a more worthy matter of expense than purity of election?—None.

1380. *By Mr. Power.*—At any cost, would not it be desirable?—I do not know “at any cost.” I understand the compilation of the electoral roll under the new Electoral Act was something enormous: of course we should pay some attention to expense.

1381. *By the Chairman.*—You think it would be conducive to the benefit of the public generally, if they had a longer time to send in their claims?—Yes.

1382. At present, we have a revision court open every three months; do you think that is sufficient?—I think it is quite often enough.

1383. Would you restrict the time for sending in objections to claims?—There need be no restriction, except this, that the notices of objections should be delivered to the parties in sufficient time for them to appear and substantiate their claims.

1384. Sufficient time before the revision court?—That is the only restriction I see necessary.

1385. Have there occurred to your mind any means of avoiding the difficulty that exists at present where persons having originally claims cease to hold the qualification, such as having left the Colony, sold their properties, being dead, or becoming in any other way disqualified; or how those names might be struck off?—No; but it is very necessary. Under the present law you have no provision for that purpose; under the old law there was an officer whose duty it was. It is of very great consequence that they should be struck off, but I have not given my attention to that subject.

1386. It has been suggested to the committee that it might be allowable for the magistrates to do so upon the affidavit of any persons that the claimants had ceased to hold the qualification, and that the magistrates should strike the names off; and immediately after the names had been so struck off, the names should be published; and those struck off in error, or through mistaken identity, or anything of that sort, should have leave to be put on again?—An opportunity being given to satisfy the bench, that would be necessary; otherwise they might give wrongful evidence, and people might be struck off without notice.

1387. Of course, if you went upon the principle that a man was dead, you could not give him notice?—No.

1388. Is there anything strikes you that you could mention to the committee upon this subject?—Nothing else, except that I think there should be some punishment for parties who made false claims, if they could be detected in it.

1389. Are you now speaking of persons who made false claims for others, or for themselves?—For either themselves or others.

The witness withdrew.

FRIDAY, 26TH NOVEMBER, 1858.

Members present:

The Honorable J. B. BENNETT, in the chair;

The Honorable T. T. a'Beckett | The Honorable T. H. Power.

Robert Henry Woodward, Esq., examined.

R. H. Woodward,
Esq.,
26th Nov., 1858.

1390. *By the Chairman.*—Where do you reside?—I have resided at Belfast for the last twelve years.

1391. Are you well acquainted with the country all round, and the persons residing in it?—Yes; intimately.

1392. Are you an elector for the Legislative Council?—Yes.

1393. Have you had opportunities of observing the method of working of the present Electoral Act as regards registration of voters?—I have had experience of it.

1394. Do you consider that the present Act works well with regard to the registration of electors?—I do not.

1395. Will you give the committee such information as you are in a position to supply with reference to that?—In the first place, I think the registrar should not be paid 1s. a head, as I believe is now the case, for every name that appears on the roll.

1396. He does not compile that roll, and he can neither reject nor confirm names?—My opinion is, that no person should be paid, but that it should be thrown upon the elector to qualify himself, to put his own name on. As long as the practice exists of it being in the power of any one man to send in claims for those he thinks favorable to his own political views, there never can be a pure roll, and that is the method practised in the western province.

1397. Are you aware of that?—I am perfectly certain of it. I cannot say I could go into a court and swear to it as a fact, but I am perfectly certain that it has been done. These things are done in secret. You cannot find them out to prove them in a court, and that is where the mischief lies.

1398. *By Mr. Power.*—On what grounds do you form that opinion?—Sometimes from

the handwriting in which the claims appear, knowing it is a political agent in whose hand-writing they do appear.

1399. *By the Chairman.*—Then you have means of knowing that of your own knowledge?—I believe it to be the case.

1400. Did you see a good many in the same handwriting?—I did not take any notice of them, because I did not happen to be at the revision court.

1401. Have you seen them anywhere else?—It is more the information of others to me. I would not say that I have seen them. I have said I could not swear to it, though I know it to be so from the information of others, which I can depend upon.

1402. May I ask what province you are now speaking of?—The western province: the portion immediately round Belfast and Warrnambool. Even, if it were not the case, it is in the power of any political agent to do it; and I have been told by men themselves, that they did fill up the names and send them in. I have been told by the parties themselves.

1403. Then you think that that ought to be rectified?—Decidedly.

1404. Are you of opinion that nobody but the party himself ought to procure the registration of his name upon the roll?—I do think so, unless there was an officer appointed free from political prejudice and corruption.

1405. Have you thought of any manner in which you would think the system of registration ought to be carried out?—I think the party should apply to have his name put on the roll, if he finds it is not on it. I think it is his own duty to attain his right himself. He can apply for a claim, and attest it before a magistrate.

1406. At present, there is only a certain fortnight within every three months within which you can send your name in for registration?—I think a man ought to have the power of sending it in at any time.

1407. With reference to objections, the same remark applies to objections; that is, that you can only send in objections to false names within one fortnight in every quarter. Do you think that gives sufficient opportunity for objection?—No. I think that a person should be able to dispute the right at any time before the revision court; that is, such reasonable time before as to give the party notice. I would suggest that the information should be laid in the nature of ordinary proceedings before benches of magistrates, by the chief constable, or some other person calling upon the person to appear.

1408. Suppose the chief constable did not choose to exercise that supervision of the roll?—He must lay the information if the law made it incumbent upon him.

1409. Then you would allow the information to be laid by any one?—It might be laid by any one, but it ought to be made the duty of the chief constable or some officer to do it upon reliable information being given to him.

1410. Would it not be objectionable to have an officer of the Government doing these things, lest he might most innocently and unfairly be charged with having a bias to a certain class of electors?—No, I do not think that an objection. If their being on the roll falsely is made an offence, the same as any other offence against the peace of the country, I think the police are just as bound to take cognizance of it as of a robbery, or anything of that kind.

1411. Do you think that it would sometimes, perhaps, occur to a man being placed in that position that he might render himself liable to displeasure by making himself too active?—I think men in that position should do their duty without entertaining such considerations.

1412. Is it not possible that there are many men who will not do their duty?—Perfectly possible. Upon the same principle, it is perfectly possible that you can establish nothing perfect; you must only take the best means within reach.

1413. You have been speaking about persons with improper qualifications on the roll. Has it come under your observation that there have been any?—Yes, in reference to the western province, more particularly the district round Belfast.

1414. Have you ascertained any positive information upon that?—Yes, I was one of a party of several gentlemen who went over the list of those who voted at the last election; and out of those who voted in two divisions we found forty names that had no right to be on the roll whatever, of persons who had actually voted.

1415. *By Mr. Power.*—You were positive on that point?—Perfectly certain; I have not the list here. I made it out myself; I gave the numbers to Mr. Black. There were either forty or forty-two.

1416. You know nearly every resident there?—Yes, and there was a party of several gentlemen present at the time, the chairman of the municipal council, and another person longer resident than myself by two or three years were there, and some others of them nearly as long as myself.

1417. Who is the chairman of the municipal council?—Mr. Mason. There were no less than forty that we were certain of; there were thirteen or fourteen doubtful. We had no doubt, but we did not mark them off as unqualified.

1418. Several other names?—Several other names; fourteen or fifteen.

1419. How many voted on the occasion?—I cannot state, because the person who sent the roll on board the steamer to me neglected to send me my own memorandum, and I cannot be certain from memory.

1420. What was the majority in the late election?—Thirty-five.

1421. *By the Chairman.*—You have stated that there were forty false names to your knowledge on that roll of persons who voted?—Forty at least, and fifteen that we believed to be so.

1422. Are you aware whether the majority or the whole of those forty that you allude to were active partizans on the one side or the other during the election?—I believe they were.

1423. On one side?—Yes.

47070
 R. H. Woodward,
 Esq.,
continued.
 26th Nov., 1858.

1424. Assuming that they voted on the side of which you believe them to be partizans, and assuming that afterwards their names were struck off altogether as having no right to vote, would that have altered the effect of the late election for the western province?—I firmly believe it would.

1425. Is there any further information you can furnish to the committee upon the subject?—Only that I believe there is a very much larger number of names on the roll besides those I have stated as having voted, who have no qualification, and never had when put on, with half acre allotments in outlying townships which never were worth more than £10 or so.

1426. Are you aware of your own knowledge of that fact?—Perfectly aware, as far as a man can be aware of anything. I have not gone to the registry to examine if there is any deed registered in their name.

1427. You know the properties of which they are the ostensible owners?—I know that the property specified as the qualification in the roll is not of the value required.

1428. Are you then prepared to say that there is a very large number on the roll of that class?—A very large number.

1429. Can you give any idea of them?—I have already stated fifty-five, and I might say sixty, that I am perfectly certain of, in my own immediate neighborhood, within ten to fifteen miles of Belfast. I am sure that there are not many under 100 names of persons in the immediate neighborhood of Belfast that have no right to be on the roll.

1430. Is there any other suggestion in reference to the working of the Act that you would make to the committee?—I think there should be a heavy penalty inflicted upon any man who puts his name falsely on the electoral roll; for I think it is as great an offence as can possibly be committed, amongst the list of minor offences. I think it is a species of fraud, and an offence against the well being of the country.

1431. *By Mr. a'Beckett.*—Would not you put a heavy penalty upon persons who presumed to send in claims without authority?—Yes; and a heavier penalty still if they were not properly qualified agents—you must allow a man, in case of absence from the district, or other unavoidable disability, to employ an agent to do it. The mischief arises in this way: no gentleman, when he sees the roll before him, likes to thrust himself forward and say "I will lodge objections against the claims of these parties." I would not do it; and it would not do for me to pay an agent to do it, because that would be as bad as doing it myself; being an invidious thing, a man is called a common informer, and so on. I think, if an officer of police was bound to take cognizance of that offence, the same as any other offence, it would tend to diminish it. I know an instance of a person voting without any qualification at all. I was present when the person voted: the questions were put to him by direction of the solicitor, who told me he drew his conveyance, saw him sign it and receive the money for the very land for which he voted.

1432. *As a qualification?*—As a qualification.

1433. *By the Chairman.*—Are you aware that that was less than the amount?—He had sold the whole property, and the questions were put by the man who had drawn the conveyance and saw him sign the deed.

1434. *By Mr. a'Beckett.*—And he ought to be punished?—Yes; but who has to do it.

1435. *By the Chairman.*—Has the practice of double voting, that is to say, the same person voting at two different places, been brought under your notice in any of the elections?—In two instances in this election; there were two at Belfast, the numbers were the same, there was no mistake about it.

1436. Was that two persons coming in and claiming to vote?—The same number on the roll—those instances were of men voting first at Belfast and then at Tower Hill, seven miles off. Two persons did that—the two numbers were the same in both places. There are also men on this roll that, to my own personal knowledge, have not a qualification; they do not hold from me the qualification they are on this roll for—leases for certain periods and so forth. They appear by this roll to hold leases, and they have not got them.

1437. *By Mr. Power.*—Have they voted under that qualification?—Yes.

1438. *By the Chairman.*—Are you their landlord?—The representative of their landlord.

1439. And are you aware that those men have no other leaseholds?—Perfectly aware. One man I was asked to canvas, and I refused and said, "I will not ask a man to that which he has no right to do, and I will not ask the man to vote."

1440. *By Mr. Power.*—Would it not be an improvement to confine the registration to the man himself, and not to allow it to be done by an agent?—I think in that, as in many other matters of business, the reply is, whoever does it by another does it by himself. The agent must have authority. If he did it without authority, I would make the punishment very much heavier than on the principal.

1441. Would it not be better that a man should sign his name at the time?—I think it would be the very best system that could be adopted, and that he should sign it before a magistrate; that is an effectual cure, and the cure that suggested itself to me a long time ago. A man will scarcely dare to make a false claim when he has to go through such a form as that; but when a political agent can collect a number of names of men whom he thinks favorable to his own views, he can send in claims for them and is clear of all punishment.

1442. How would you provide for cases where a man could not write?—Then a mark would be sufficient. I think that the magistrate, at the time of the person signing, should question the man and satisfy his own mind that the man knew what he was applying for and

knew his own circumstances sufficiently well to be able to say that he had the qualification, not leaving any authority in the hands of the magistrate to alter the application in any way. I would make it imperative upon the magistrate to put the questions, "Do you know what qualification is," and, "Are you sure that you possess it," and I would have the particulars of the qualification printed on the top of the claim, and the clause stating the penalty underneath it.

R. H. Woodward,
Esq.,
continued,
26th Nov., 1858.

1443. *By the Chairman.*—Do you think this would meet the difficulty—if every person was obliged to sign a declaration stating that he was a claimant for registration and was possessed of property which, in his belief, qualified him for registration and that that property consisted of so and so, and if he made that declaration before a magistrate, it would be perjury if it were untrue?—It amounts to the same thing, excepting that it is making it more solemn and more impressive, and it might be marked on the face of the document that he was putting his name to, that it was perjury if it was false, and the punishment. As long as the present system exists, there can never be a pure roll in any province in the Colony. I am perfectly certain of this, from my own experience of electioneering ever since 1851.

1444. Are you aware whether the revision courts have been used at all by the public?—Not in our district; I do not believe there was an objection sent in.

1445. *By Mr. Power.*—Can you account for that?—I can only account for it by saying that a man puts himself in an invidious and unpleasant position. Any man who wished to be returned as a candidate or was a friend of a candidate would not do it, it would destroy his principal's interest and popularity with the people. There is nothing held in such contempt as a man who sends in an objection against another man's claim to vote; those people really seem to think that they have a perfect right to be on the roll and do not care how they get on.

1446. *By Mr. a'Beckett.*—In point of fact, they do not recognise the Electoral Act at all, or the necessity for a qualification?—Just so.

1447. *By the Chairman.*—Is there any other point you can offer any suggestion to the committee upon, and if any suggestions occur to you, will you attach them to the proof of your evidence?—There have been some crude suggestions about magistrates striking off the names; but I do not agree in that at all. It is possible that men could be found who might be appointed as magistrates, who would act hastily and ignorantly, or even be influenced by political bias. It would be throwing a dangerous power into the hands of the magistrates. They should only judge upon evidence. I think however, it might be made incumbent upon the benches of magistrates to purify the roll as much as in their power, and that for that end a revision court should be held (say) in the first week in January next, that the magistrates should then carefully examine the roll of their respective districts, that they should strike out the name of every voter whose qualification they or any one of them doubted from their own knowledge of him, or from such evidence as they could best procure, (having power to summon competent persons for that purpose) give immediate notice (in a form) to the person whose name was so struck out; who should have power, at any time before the first day of April ensuing, (if resident in district, if not, through his known qualified agent) to claim to have his name re-inserted on roll, producing evidence to substantiate same, and that after said time no person should have his name inserted, except in the manner suggested by me in reply to questions No. 1441 and 1442: and that magistrates should have power, if they had any doubt of the validity of the claim, to require the claimant to appear and produce evidence in support thereof.

The witness withdrew.

MONDAY, 29TH NOVEMBER, 1858.

Members present:

The Honorable J. B. BENNETT, in the chair;

The Honorable T. H. Power

The Honorable M. Hervey.

Mr. Thomas Henry Rawlings examined.

1448. *By the Chairman.*—Where do you reside?—At Epping.

1449. Are you acquainted with the country about Donnybrook and Epping, and round there?—Tolerably well.

Mr. T. Rawlings,
29th Nov., 1858.

1450. How long have you resided there?—Four years.

1451. Have you ever had occasion to observe the working of the registration of names for the voters for the Council or Assembly?—Yes.

1452. Have you got a list of the electors for the south province?—I have just looked over the list.

1453. Are you aware that, in working out the lists, there are the general and the special rolls?—Yes.

1454. Are you aware how that general roll in your hand has been made up?—No.

1455. That particular general roll?—No; not how it has been made up.

1456. It is in evidence that that general roll has been made up by copying the first general roll made two years ago?—That is my belief.

1457. And also the various special rolls in the meantime?—Yes.

1458. That is in fact a copy of the old general and special rolls?—Yes.

472172
 Mr. T. Rawlings,
continued.
 29th Nov., 1858.

1459. Assuming that to be the case, it follows that any inaccuracies on the old rolls would be communicated to that?—Yes; that follows.

1460. Would you look through that roll, and see if you find any names of men in the Donnybrook division who are not possessed of the proper qualification?—I find two or three persons who do not reside in the Donnybrook district.

1461. Did they at any time?—No; not at any time since the roll was first made up.

1462. Nor at the time the first roll was made up?—No.

1463. Do you know whether they were living anywhere else?—They were living then on the Darebin creek, in the Whittlesea, or Heidelberg, or Pentridge district.

1464. Are you aware whether these names were entered on the original general roll—on the first roll made out?—They were.

1465. And I understand you that, at the time they were placed upon the roll, they had no qualification at all in that district?—No.

1466. Do you know whether they were properly registered in their own districts?—Yes; they were.

1467. Then, in fact, they appear registered upon two divisions of the province?—Yes.

1468. With only one qualification?—With only one qualification.

1469. Are you aware how the first general roll for the province was made out, by what machinery?—Collectors were appointed by the Government of the day.

1470. Under the then existing Act?—Yes.

1471. Do you happen to know who the collector for the Donnybrook division was appointed at that time?—I believe Mr. Stephen Egan of Pentridge.

1472. And he was the person who made up the first roll?—Yes.

1473. And who consequently must have inserted those names?—I think so.

1474. Will you give the numbers of those names that are twice entered?—No. 100, No. 195, No. 253, those are all that I see at this moment twice entered. No. 129 is entered improperly altogether.

1475. In what respect?—The person is neither a freeholder, nor did he live in either Donnybrook, Whittlesea, Heidelberg, or Pentridge, at that time, nor for six months previously.

1476. *By Mr. Hervey.*—Those twice entered were entered for what other place besides Donnybrook?—In Whittlesea.

1477. Is the qualification in Whittlesea?—Yes. Nos. 1044, 1119, and 1153.

1478. What qualification do they give in the Whittlesea division?—Freehold.

1479. No particulars?—No.

1480. What in Donnybrook?—Freehold.

1481. No particulars?—No.

1482. *By the Chairman.*—Are you aware of any other names that are incorrectly put down, in looking through the list?—Not in the Donnybrook list, that I can remember at this moment.

1483. Is there any other information you can give the committee?—Not that I am aware of.

The witness withdrew.

ERRATUM.

[*Not received in time for correction in proper place.*]

In answer to question 46, in first line, instead of "200 miles" read "nine miles from Melbourne."

APPENDICES.

APPENDIX A.

1. Number of persons appearing as freeholders on the Brighton roll for the Assembly, whose names Mr. Thomson forwarded as claimants for registration for Brighton division of the South Province, as shown by the marked roll produced by him—721.

APPENDIX B.

[MEMO.—In the following lists, several names are queried in consequence, in some instances, of the doubtful manner in which they are marked, and in others from variances in the spelling of certain names as they appear in the two lists, though they, in all probability, apply to the same persons. The names marked "dead" in No. 2, have not been included.]

2. Names of the freeholders appearing on the Brighton Assembly roll, omitted by Mr. Thomson as claimants for registration for Brighton division of South Province, as shown by marked list produced by him:—

Adamson, Walter, Brighton, late merchant,
Brighton
Allee, Charles, laborer, Brighton
Alleyne, Robert G., squatter, Brighton (?)
Armstrong, William, schoolmaster, Brighton
Bail, George, laborer, Brighton
Barry, Richard, late publican, Brighton
Bignell, John, gentleman, Brighton
Bignell, Edwin Amicus, dealer, Brighton
Boxshall, Thomas, laborer, Brighton
Boxshall, George, Brighton
Brewer, John, farmer, Brighton
Brickwood, William, minister, Brighton
Brown, Thomas, farmer, Brighton
Buckley, George, clerk, Brighton
Butler, John, farmer, Brighton east
Caffray, James, farmer, Brighton (?)
Clarke, Thomas, solicitor, Brighton
Cole, George Ward, gentleman, Brighton
De Carle, Edward, Melbourne, Brighton
Ebdon, Charles Hotson, Brighton (self)
Green, William, land agent, Brighton
Hanson, John, Brighton, Bay street
Hewitt, John, storekeeper, Brighton (?)
Hewitt, William, storekeeper, Brighton
Hide, Thomas, Melbourne, merchant, Brighton
Highett, William, Richmond, gentleman, Brighton
Hitchin, John, shoemaker, Brighton south
Hughes, George, laborer, Brighton south
Hellett, Francis James, Collingwood, physician,
Bay road, Brighton
Keys, Robert, publican, Brighton
King, William Oliver, coachbuilder, Brighton
King, William Oliver, Brighton, east Brighton
Knight, William, laborer, Brighton
Knight, Henry, farmer, Brighton east
Lynch, Philip, Brighton, Bay street
Major, Alexander, laborer, Brighton
Male, Simeon, late butcher, Brighton
Marriage, John, Brighton, Hampton road

Morley, Jesse, South Brighton, Plough and
Harrow Hotel, (South Brighton)
McDonald, John, settler, Brighton (?)
McMillan, Archibald, farmer, Brighton
McMillan, John, settler, Brighton south
McSween, Ewan, laborer, Brighton south
O'Niel, Henry, nurseryman, Brighton
Read, Albert, solicitor, Brighton
Richmond, Valentine Webb, Bay st., Brighton (?)
Rusden, George William, gentleman, Brighton
Sargood, Frederic James, Melbourne, merchant,
Brighton
Selwyn, Alfred Richard Cecil, geologist, Brighton
Selwyn, Frederick Michael, Brighton, Bay street
Simmonds, John, stone cutter, Brighton
Simmonds, Jeremiah, laborer, Brighton east
Simmonds, John, Brighton, St. Andrews street,
Brighton
Splatt, Thomas, gentleman, Brighton
Stockman, Charles, carpenter, Brighton south (?)
Taylor, Henry, Melbourne, clerk, Brighton
Tennent, William Middleton, auctioneer, Brighton
Tent, Charles, gardener, Brighton south
Thomas, David John, medical practitioner,
Brighton south (?)
Thompson, Henry, Melbourne, storekeeper,
Brighton south (?)
Tetley, William Anderson, Snapper Point,
Moorabbin
Toinbee, Samuel, Bay street, Brighton (?)
Were, Jonathan Binns, gentleman, Brighton (?)
West, Joseph, East Brighton, Brewer's road
White, Isaac, late publican, Brighton
Whitecombe, Benjamin, laborer, Brighton (?)
Wilkerson, William, Brighton, East Brighton
Wilmot, William Byam, doctor of medicine,
Brighton
Wisewould, James, Great Brighton
Woolnough, John, laborer, Brighton.

APPENDIX C.

3. Names of claimants sent in by Mr. Thomson for the Brighton division of South Province, as shown by roll produced, already registered in general roll :—

a'Beckett, Thomas Turner	Kinane, Lawrence
Allee, John	King, John
Alleyne, Robt. G.	King, Richard H.
Asling, Edward—[Ashing in other list (?)]	Laing, Charles
Andrews, John	Lang, Fred. Geo.—[Lange in other list (?)]
Baker, Henry	Lawrence, John
Baker, John	Lees, William
Barry, Michael	Leslie, Richard
Battrick, George	M'Kay, John
Bent, James	Mair, William
Bennett, William	Male, Thomas
Black, David	Marsden, Joseph A.
Blanch, H. M.	Martin, Septimus
Byng, John	Mieghan, John—[Mieghur in other list (?)]
Campbell, D. S.	Murphy, James
Cargill, John	Morley, Jesse
Chavasse, J. L.	Millmore, William Isaac—[David Isaac in other list (?)]
Clarke, John	Murphy, John Robert
Cochran, James	Murphy, James
Cochran, James	Nicol, John
Coles, James	Ostley, Joseph—[Ostler in other list (?)]
Creswick, Henry	Owens, Daniel
Curley, Thomas	Owens, Dennis
Darling, Thomas B.	Overton, William
Davidson, Maxwell—[Davison in other list (?)]	Parsons, John George
Durrant, William	Plumridge, Frederick
Edsall, Brooke	Porter, Thomas
Edsall, Edward S.	Richmond, Webb Valentine (?)
Egan, Denis	Ricketts, Thomas
Finnerty, James—[Fimerty in other list (?)]	Ricketts, Charles
Fleming, John	Robinson, Robert
Foott, James	Rose, William
Foster, Felix [Forster in other list (?)]	Ross, James Hunter
Graham, James	Saunders, Edward
Grant, John	Sim, Francis B.
George, Thomas	Skinner, John Arthur
German, William	Snook, Henry
Gordon, James	Stone, Charles
Gibson, David	Straker, John
Gifford, John	Stuckey, Joseph
Goldstone, Richard	Sturt, E. P. S.
Green, William	Thomas, David John (?)
Hawkins, Benjamin	Thomas, George
Heffer, George—[Hepper in other list (?)]	Tont, John—[Tout in other list]
Hander, John—[Hender in other list (?)]	Toinbee, Saml. (?)
Holloway, Josiah M.	Vear, George
Houston, John	Watts, Charles James
Howes, George	Webb, James
Hillins, William—[Hollins in other list (?)]	Webb, Charles
Howett, Godfrey	Webb, Richard
Hughes, Ephraim	Were, J. B. (?)
Huntley, John	Wedge, Richard
Hurlstone, Peter	Wellard, Thomas—[Willard in other list (?)]
James, Joseph	Wills, Thomas
Jenkins, Henry	Wilson, William
Jennings, Henry	West, Joseph
Jones, Edward	
Keys, George	

APPENDIX D.

Melbourne, November 16th, 1858.

MY DEAR SIR,

When I had the honor of waiting upon you at the Legislative Council Chambers, a short time since, I was prepared with a sketch of a plan of electoral registration, which I fancied might be found useful, but well aware of the small value attached to gratuitous suggestions, I forbore to mention it, not being thereto requested.

Having since learned from Mr. Belcher that the Committee are anxious to obtain the opinion of registrars on the subject, I venture to submit my proposal for your consideration as to its value.

1. That there be a registrar appointed for every division of each province and district, and one chief registrar, who should be all, when practicable, clerks of petty sessions, or other persons in some way responsible to the Government; the chief registrar should always be a clerk of petty sessions.

2. That there be a "special" registrar appointed in one central town in each province for the whole colony, except the province and district in which he resided, who should receive the claims of all persons claiming to vote on freehold qualification in provinces or districts outside the province of their residence, and who would then be entitled to vote at the place of registry after due publication.

3. The registrars and special registrar should be provided with books of a uniform pattern, indexed and machine-numbered in the form of commercial ledgers. The form is enclosed.

4. These books might be opened on a given day as registers for the first general list, and on the 14th (say) of January in each year, they should be brought to a close, and signed and dated by the registrar at the foot of the last entry under each letter as such list; then copied, printed, and published by the registrars, as is at present done by the clerks of petty sessions in that capacity. The names might be entered alphabetically in different parts of the book, leaving space for the second, third, and last general lists to be added to the same letter, as consecutive entries are made in a ledger under one open account.

5. The special registrars would, of course, only require one book for each province or district, as it is the polling arrangement that requires the construction of divisions, and the absentee voter shall poll only at his place of registration before a special deputy returning officer, appointed in the ordinary way.

6. The special lists should be copied and printed, and forwarded to the chief registrar for contemporaneous publication with the general list.

7. Objections would be sufficiently notified by notice of the objections at the time of registration and publication, with the word "Objected" in the proper column; or the latter only, if objection made by notice to the registrar.

8. The registrar would attend the revision court with his book, and should be enabled to subpoena witnesses in support of his objections, which the chief registrar might be empowered by the Act to sign and issue.

9. The registrars should all be exempt from costs on objections disallowed, as they would be always subject to removal for misconduct or evident incapacity.

10. The tenant of an absentee freehold claimant, or any reputable person duly appointed in writing, might support his claim (if objected to) on revision, which would save the expense of personal attendance or counsel's fee.

11. The lists could then be revised, as at present, and handed over to the chief registrar, who would cause them to be arranged alphabetically, numbered consecutively, copied, printed, and distributed for sale and record.

12. Immediately after revision, the books could be again opened until (say) the 14th April, as at present, and so on throughout the year; the "special" claims being added to each ordinary list in constructing the rolls, and the whole forming the basis of the first list for the ensuing year.

13. The books might be either used continually, or put aside in proper custody at the close of each year, until by subsequent revision of the first general list, their value, except as evidence in case of a false claim, would have passed away.

14. The registrars would be sufficiently remunerated by a fee of 6d. per claim registered, and the chief registrars by a fee of 6d. on each name printed after revision.

The other provisions of the Act I am not entitled to discuss, but having been connected with the revision of a large number of lists under this and the former Act, I feel competent to pronounce that neither the system of collection, nor the present mode of registration by delivery of an unsigned written claim, is satisfactory to electors, candidates, or returning officers.

I cannot conceive any objections to arise from the body of the electors to personal attendance at the registry office. I imagine the elective franchise to be as much worth that amount of trouble as the registration of births, deaths, marriages, dogs, deeds, and all kinds of small Government and municipal licences.

If the foregoing suggestions be, in your opinion, of no value, I beg to apologize for intruding on your time, and remain, my dear Sir,

Your faithful servant,
GEO. W. BARTROP.

The Honorable T. T. a'Beckett.

FORM REFERRED TO IN THIRD PARAGRAPH.

First List (SOUTH) PROVINCE, 1859, at (Special) Registry Office *(Beechworth) Brighton, &c.

Date of Registry	Objections.	No.	Voters Surname.	Voters Christian Name.	Place of Abode.	Nature of Qualification.	Street, Lane, or other place, &c.	Name of the division in which qualification exists.	If the voter do not reside in the division, name division, or of special polling place, he desires to poll.	Signature of Claimant.
Letter B. Jan. 12	not sufficient value.	1	Brown	John	*Beechworth	freehold	Bay-street, Brighton.	Brighton	*Beechworth	John Brown
" "	-	2	Black	Thomas	Brighton	freehold	Point Nepean-road	Brighton	Brighton	Thomas Black.

476.476

1858.

VICTORIA.

LEGISLATIVE COUNCIL.

SECOND REPORT

OF THE

PRINTING COMMITTEE.

LAI'D UPON THE COUNCIL TABLE BY THE HONORABLE M. HERVEY AND
ORDERED BY THE COUNCIL TO BE PRINTED 14TH DECEMBER, 1858.

By Authority:

JOHN FERRES, GOVERNMENT PRINTER, MELBOURNE.

77A78

R E P O R T.

In pursuance of an Order of your Honorable House, made on the 12th day of October, your Committee have had referred to them the several Papers mentioned in the following Table, upon which your Committee beg to report as appears by such Table:—

Subject.	When moved for, and by whom.	When laid on Council Table.	By Command or presented.	Report and Remarks of Committee.
Second Progress Report of the Commissioners appointed to inquire and report upon the best mode of providing Offices for the Civil Service of the Colony, and the most eligible sites for any new buildings that may be necessary for such purpose—9th April, 1858	7th Oct., 1858	By Command	No order made.
Letter from W. Westgarth, Esq., intimating that a flock of Alpacas had been purchased for presentation to the Colony	12th Oct., 1858	"	"
List of Pensions granted under the 30th Section of the Constitution Act	19th Oct., 1858	"	"
Finance Accounts, 1856 to 1859...	Distributed by Treasurer with Estimates for 1859	"	... ..	"
Statement of Votes for Service, 1858	"	"
Health Officer's Report for half-year ended 30th June, 1858	20th Oct., 1858	"	"
Gold Fields Act—Orders in Council—pursuant to Act of Parliament, 21 Vict., No. 32	"	"	"
Statistics of the Colony of Victoria for year 1856	"	"	"
Fitz Roy Ward Improvement—Return of Receipts and Expenditure for year ending 31st August, 1858	26th Oct., 1858	"	"
Third Meteorological Report	2nd Nov., 1858	"	"
Annual Report of Government Botanist and Director of Botanic Garden—24th October, 1858	3rd Nov., 1858	"	"
Correspondence on the subject of Crimes committed by the Aborigines <i>inter se</i> , with an Opinion of the Attorney General thereon—8th November, 1858	9th Nov., 1858	... ..	Recommended to be printed.
Report of the Proceedings of the Council of the University of Melbourne during year commencing 1st May, 1857, and terminating 30th April, 1858—Pursuant to Act of Council, 16 Vict., No. 34	"	"	No order made.
Statement of Expenditure during year 1857, on account of year 1856, out of the moneys set apart under Schedule D. to Act 18 & 19 Vict., cap. 55	"	"	"

Subject.	When moved for, and by whom.	When laid on Council Table.	By Command or presented.	Report and Remarks of Committee.
Statement of Expenditure under Schedule D for and during year 1857	9th Nov., 1858	... ..	No order made.
Journal of an Expedition into the unexplored Country to the north-west and south-west of Port Augustus, by Mr. J. M. Stewart, South Australia; together with a Map relating thereto	23rd Nov., 1858	... ..	No order made, the printing of the Paper having been already ordered by the Council.
Bank Liabilities and Assets—General Abstract of Sworn Returns—Quarter ended 30th September, 1858	"	No order made.
Copy of Letter from Colonial Secretary, New South Wales—6th November, 1858—enclosing Report of Resident Commissioner at Port Curtis—29th October, 1858	24th Nov., 1858	... ..	"
A return of all persons added to the Commission of the Peace during the months of September and October, 1858, with their places of abode and business, and their trade and calling	Hon. T. H. Fellows, 2nd November, 1858	30th Nov., 1858	... ..	Recommended to be printed.
Copy of Despatch from Secretary of State—8th September, 1858—acknowledging receipt of Address from the Parliament of Victoria, on the occasion of the Marriage of Her Royal Highness the Princess Royal	"	By Command	No order made.
Report of Committee of Elections and Qualifications on the Petition of William Rutledge, with Minutes of Proceedings, Notes of Evidence, &c.	"	Recommended to be printed.
Law of Divorce—Copy of Despatch from Right Honorable Secretary of State—17th April, 1858	1st Dec., 1858	"	No order made.
Gold Fields Act—Order in Council—22nd November, 1858—revoking Bye-Law 67 of Mining Board, Beechworth	"	"
Refreshment Rooms (Joint) Select Committee—Progress Report...	2nd Dec., 1858	... ..	Recommended to be printed.
Public Library—Report of Trustees accompanying Estimates for year 1859	7th Dec., 1858	"	No order made.
Police Department—General Report of Acting Chief Commissioner upon the state of the Police Department—18th October, 1858	"	"	"
Building Stone—Report of Board	"	"	"

MATTHEW HERVEY,
Chairman.

Committee Room,
Melbourne, 8th December, 1858.

1858.

VICTORIA.

R E P O R T

OF THE

SELECT COMMITTEE OF THE LEGISLATIVE COUNCIL

OF

ELECTIONS AND QUALIFICATIONS,

ON THE

PETITION OF WILLIAM RUTLEDGE;

TOGETHER WITH

PROCEEDINGS OF COMMITTEE AND MINUTES OF EVIDENCE.

ORDERED BY THE COUNCIL TO BE PRINTED 14TH DECEMBER, 1858.

By Authority:

JOHN FERRES, GOVERNMENT PRINTER, MELBOURNE.

EXTRACTED FROM THE MINUTES.

TUESDAY, 19TH OCTOBER, 1858.

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

VICTORIA.

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

- The Honorable Thomas Turner a'Beckett,
- The Honorable Thomas Howard Fellows,
- The Honorable Matthew Hervey,
- The Honorable Thomas McCombie,
- The Honorable Daniel Joseph Tierney,
- The Honorable John Hunter Patterson,
- The Honorable James Henty,

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

Given under my hand this nineteenth day of October, 1858.

J. F. PALMER,
President.

TUESDAY, 9TH NOVEMBER, 1858.

PETITION.—The President laid upon the Table a Petition from William Rutledge, praying that it may be declared that Daniel John Tierney was not duly qualified to be a member of the Western Province, and that the election of the said Daniel John Tierney may be declared void accordingly.

PETITION.—The Honorable J. P. Fawkner moved, That the petition from William Rutledge, presented to the Council by the President, be referred to the Committee of Elections and Qualifications.
Question—put and passed.

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

VICTORIA.

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

The Honorable Robert Thomson

to be a member of the Committee of Elections and Qualifications, in room of the Honorable Daniel Joseph Tierney, for the time being disqualified from serving on the Committee, by reason of the presentation of a petition respecting his qualification.

Given under my hand this ninth day of November, 1858.

J. F. PALMER,
President.

TUESDAY, 16TH NOVEMBER, 1858.

ELECTIONS AND QUALIFICATIONS.—The President laid upon the Table for the second time the Warrant appointing a member of the Committee of Elections and Qualifications, in room of a member for the time being disqualified.

WEDNESDAY, 17TH NOVEMBER, 1858.

ELECTIONS AND QUALIFICATIONS.—The President laid upon the Table for the third time the Warrant appointing a member of the Committee of Elections and Qualifications, in the room of a member for the time being disqualified.

TUESDAY, 23RD NOVEMBER, 1858.

SWEARING OF MEMBERS OF ELECTIONS AND QUALIFICATIONS COMMITTEE.—The members of the Committee of Elections and Qualifications were sworn at the Table by the Clerk, in the manner prescribed by "The Electoral Act of 1856," viz. :—

- The Honorable T. T. a'Beckett,
- The Honorable M. Hervey,
- The Honorable J. Henty,
- The Honorable T. H. Fellows,
- The Honorable T. McCombie,
- The Honorable R. Thomson,
- The Honorable J. H. Patterson.

The President appointed the first time and place of the meeting of the Committee to be at ten o'clock in the forenoon on Wednesday, the 24th instant, in the large committee-room south of the Council Chamber.

TUESDAY, 30TH NOVEMBER, 1858.

ELECTIONS AND QUALIFICATIONS COMMITTEE REPORT.—The Honorable M. Hervey, as Chairman of the Committee of Elections and Qualifications, brought up a Report from the Committee on the Petition of William Rutledge, referred to the said Committee on the 9th instant, together with the Proceedings of the Committee and the Evidence, and moved that the same be received.
Question—put and passed.

The Report was read at the Table by the Clerk.

REPORT.

THE Honorable M. Hervey, from the Select Committee on Elections and Qualifications, to which Committee was referred the Petition of William Rutledge, complaining of the improper return of Daniel John Tierney for the Western Province, informed the House that the Committee had determined :—

1. That Daniel Joseph Tierney was returned as a Member for the Western Province.
2. That the Committee have no power to amend the variance in the Petition.
3. That the Committee have no power to proceed with the Petition, for the purpose of enquiring into the qualification of the said Daniel Joseph Tierney.
4. That the foregoing resolutions be reported to the House for its opinion and decision, in terms of the LXVII Clause of the Electoral Act.

MATTHEW HERVEY,
Chairman.

Legislative Council Chamber, Melbourne,
30th November, 1858.

48484

PROCEEDINGS OF THE COMMITTEE.

WEDNESDAY, 24TH NOVEMBER, 1858.

Members present:

The Honorables T. T. a'Beckett, M. Hervey, T. McCombie, J. H. Patterson.

The Honorable T. McCombie moved—That the Honorable M. Hervey be Chairman of the Committee.

Resolved unanimously.

The Committee agreed to adopt the following five resolutions:—

1. That counsel will not be allowed to go into matters not referred to in their opening statements, without a special application to the Committee for permission to do so.
2. That, if costs be demanded by either party, under the provisions of the Electoral Act of 1856, the question must be raised immediately after the decision on that particular case, unless the Committee shall otherwise decide.
3. That no person shall be examined as a witness who shall have been in the room during any part of the proceedings (with the exception of the parties and their agents, whose names shall be handed in), without the special leave of the Committee.
4. That the Committee will only hear one counsel on each side on the opening and summing up of the case.
5. That should any point of law arise requiring argument, the Committee reserve to themselves the power of hearing only one counsel on each side.

The Clerk of the Council handed to the Chairman the Petition of William Rutledge, praying that the election of Daniel John Tierney may be declared void, referred to the Committee on the 9th instant by the Council.

The Petition was read to the Committee. It was as follows:—

“TO THE HONORABLE THE PRESIDENT OF THE LEGISLATIVE COUNCIL OF VICTORIA.

“The humble Petition of William Rutledge, of Belfast, in the Colony of Victoria, Esquire,

“Sheweth—

“That, on the seventh day of June, 1858, a Writ was duly issued, directed to the Returning Officer of the Western Province, for the election of a Member of the Legislative Council for that Province.

“That your Petitioner is an elector within the said district, and had a right to vote at such election.

“That the Returning Officer for the said Province returned Daniel John Tierney as the duly elected Member at the said election for the said Province.

“That the said Daniel John Tierney was the only candidate at such election.

“That on the seventh day of October, 1858, the said Daniel John Tierney subscribed the declaration required by the seventh clause of the Constitutional Act.

“That the property named in such declaration was not nor is of the value of Five thousand pounds, as therein mentioned.

“That the said Daniel John Tierney is, and was, at the time of the said election, unqualified to be elected a Member for the said Province; and your Petitioner submits that the said Daniel John Tierney has therefore been improperly returned as the duly elected Member for the same.

“Your Petitioner therefore humbly prays that it may be declared that the said Daniel John Tierney was not duly qualified to be a Member of the said Province, and that the election of the said Daniel John Tierney may be declared void accordingly.

“And your Petitioner will ever pray, &c.

“WM. RUTLEDGE.”

The parties were called in.

Mr. Francis Thomas Gell appeared as agent for the Petitioner.

There was no appearance on the other side.

The resolutions adopted by the Committee were read.

Committee adjourned till half-past ten o'clock on Friday, the 26th instant.

TUESDAY, 30TH NOVEMBER, 1858.

Members present :

The Honorable M. Hervey, in the chair.
The Honorables R. Thomson, J. H. Patterson, T. H. Fellows.

The Committee deliberated.

The parties were called in.

Mr. Michie appeared as counsel for the Petitioner.

Mr. Brewer appeared as counsel for the Honorable Dr. Tierney.

The Honorable Dr. Tierney appeared in person.

The Petition was read by the Clerk.

Counsel heard on two objections to the Petition :—

First.—That the Petition was not signed in accordance with the Standing Orders.

Second.—That the Petition was against the return of Daniel John Tierney ; whereas, the name of the sitting Member was Daniel *Joseph* Tierney.

Room cleared.

Committee deliberated.

The Honorable T. T. a'Beckett here entered the committee-room.

Committee resolved unanimously that the first objection be overruled.

With regard to the second objection, the Committee unanimously resolved that the objection must be held to be premature, pending production of the return of the Writ.

Parties called in, and informed of the resolutions of the Committee.

Counsel for the Petitioner applied for leave to amend the Petition.

Committee decided to ask for the production of the Return to the Writ for the election of a Member for the Western Province.

Mr. William Henry Odgers examined. [*Witness produced the writ, with the return thereon, showing that Daniel Joseph Tierney was duly elected.*]

Counsel again heard.

Room cleared.

Committee deliberated.

Resolved unanimously—

1. That Daniel Joseph Tierney was returned as a member for the Western Province.
2. That the Committee have no power to amend the variance in the petition.

Proposed—

3. That the Committee have no power to proceed with the petition for the purpose of enquiring into the qualification of the said Daniel Joseph Tierney.

Contents, 4.
The Hon. M. Hervey
T. T. a'Beckett
J. H. Patterson
R. Thomson

Not Contents, 2.
The Hon. T. H. Fellows
T. McCombie.

The Honorable J. Henty here entered the committee-room.

Resolved unanimously—

4. That the foregoing resolutions be reported to the House for its opinion and decision, in terms of the LXVII Clause of the Electoral Act.

MINUTES OF EVIDENCE.

WEDNESDAY, 24TH NOVEMBER, 1858.

Members present :

The Honorable M. HERVEY, in the chair ;

The Honorable T. T. a'Beckett
" T. McCombie

The Honorable J. H. Patterson.

The Petition of William Rutledge against the return of Daniel John Tierney was read.

The parties were called in.

Mr. Gell appeared as agent for the petitioner.

The Committee deliberated.

The chairman stated that the committee had agreed to the following preliminary resolutions :—

1. That counsel will not be allowed to go into matters not referred to in their opening statements, without a special application to the committee for permission to do so.
2. That, if costs be demanded by either party under the provisions of the Electoral Act of 1856, the question must be raised immediately after the decision on that particular case, unless the committee shall otherwise decide.
3. That no person shall be examined as a witness who shall have been in the room during any part of the proceedings (with the exception of the parties and their agents, whose names shall be handed in) without the special leave of the committee.
4. That the committee will only hear one counsel on each side on the opening and summing up of the case.
5. That, should any point of law arise requiring argument, the committee reserve to themselves the power of hearing only one counsel on each side.

Adjourned to Friday next, at half-past Ten o'clock.

TUESDAY, 30TH NOVEMBER, 1858.

Members present :

The Honorable M. HERVEY, in the chair ;

The Honorable T. McCombie
" J. H. Patterson
" T. H. Fellows

The Honorable T. T. a'Beckett
" J. Henty.

The Counsel and parties were called in.

Mr. Michie and *Mr. Wilberforce Stephen* appeared as counsel for the petitioner.

Mr. Gell appeared as agent.

The Chairman inquired whether any person appeared on behalf of the sitting member.

Dr. Tierney stated that he had counsel with him at the present time, but had not had time to appoint an agent.

Mr. Brewer appeared as counsel for the sitting member.

Mr. Michie applied that the case might be allowed to proceed, and stated that he would offer no objection to the case proceeding, *Dr. Tierney* appearing in person.

Dr. Tierney stated that he would, before the next meeting of the committee, appoint an agent, if the committee would allow him to appear to day by counsel without an agent.

The Chairman intimated that the committee would, upon this understanding, proceed with the case.

The petition was read.

Mr. Brewer stated that he was instructed to object to the petition itself upon two grounds : first, that it was not signed by the Petitioner on the first skin or sheet, as required by the Standing Orders of the House ; and secondly, on the ground that there was no such person as Daniel John Tierney a Member of the Legislative Council, and no such person subscribed a declaration under the "*Constitution Act*," and no such person was returned as being elected at the election mentioned in the petition.

Mr. Michie submitted, with regard to the first objection, that the petition having been referred to the committee, it was too late to take a technical objection as to the alleged irregularity in the signing of the petition ; and as to the second objection, that *Dr. Tierney* having appeared, no objection could be taken on the ground of any misnomer in the petition ; and further, that the objection was of such a nature as would be met by the provisions of the 64th clause of the Electoral Act allowing the committee to proceed without being bound by

any strict legal forms and solemnities, and was heard to address the committee in support of the sufficiency of the petition.

Mr. Brewer was heard in reply.

The committee-room was cleared.

After some time, the counsel and parties were again called in and informed by the chairman that the committee had overruled the first objection, the Standing Orders being only applicable to petitions presented to the House by members of the House; and that the committee were of opinion that the second objection was premature, pending the production of the return to the writ.

Mr. Michie applied for leave to amend the petition, by substituting for "Daniel John" the name of "Daniel Joseph," and submitted that, if the committee should not think that the proper course to adopt, that then the objection should be reported to the House as frivolous and vexatious.

Mr. Stephen was heard in support of the application to amend the petition.

Mr. Brewer was heard against the application to amend, and further to contend that the objection was not frivolous or vexatious.

Mr. Michie inquired for whom *Mr. Brewer* appeared.

Mr. Brewer replied that he appeared for Daniel Joseph Tierney.

The Chairman inquired whether either side was prepared to produce the writ.

Mr. Michie stated that the writ was in the custody of the proper officer, and it was open to the committee to require the production of it.

Mr. Brewer stated that he found, by the Votes and Proceedings of the House, that, in the case of the petition against *Mr. Kaye*, the Clerk of the Parliaments produced the writ and all the papers.

The Chairman intimated that the committee were of opinion that the petitioner should be called upon to produce the writ as part of his case.

The Short-hand Writer was sworn.

Mr. William Henry Odgers called and sworn.—Examined by *Mr. Stephen*.

1. Do you produce the original writ for the election of a member for the western province, to be held on the 28th day of June last?—I do.—[*The witness delivered in the same, the return endorsed upon which was as follows:—*

"I do hereby certify and return that the Honorable Daniel Joseph Tierney was duly elected in pursuance of this Writ. ROBT. BURKE, Returning Officer."]

The Chairman inquired whether the petitioner produced this writ in support of the first allegation of the petition.

Mr. Michie stated that the petitioner was prepared not to prove the return of a Daniel John Tierney as being duly elected, but the return of a Daniel Joseph Tierney; and that, if the committee were of opinion that it was not competent to them to amend the petition, he would then ask leave to give evidence of the identity of Daniel John Tierney and Daniel Joseph Tierney as being one and the same person, and that "Daniel John Tierney" was merely a clerical misnomer for what should have been "Daniel Joseph Tierney."

Mr. Brewer was heard against the application, and submitted that the only matter before the committee was whether Daniel John Tierney was duly elected or not, and whether Daniel John Tierney took the declaration of qualification referred to in the petition referred to this committee, and that all matters relative to Daniel Joseph Tierney were altogether *dehors* the jurisdiction of the committee.

The committee room was cleared.

After some time the counsel and parties were again called in and informed by the chairman that the committee had agreed to the following resolutions:—

1. That Daniel Joseph Tierney was returned as a member for the Western Province.
2. That the committee have no power to amend the variance in the petition.
3. That the committee have no power to proceed with the petition for the purpose of enquiring into the qualification of the said Daniel Joseph Tierney.
4. That the foregoing resolutions be reported to the House for its opinion and decision, in terms of the 67th clause of the Electoral Act.

1858.

VICTORIA.

PROGRESS REPORT

FROM THE

SELECT JOINT COMMITTEE

OF THE

LEGISLATIVE COUNCIL AND LEGISLATIVE ASSEMBLY,

ON THE

REFRESHMENT ROOMS,

TOGETHER WITH THE

PROCEEDINGS OF THE COMMITTEE.

ORDERED BY THE COUNCIL TO BE PRINTED, 14TH DECEMBER, 1858.

By Authority:

JOHN FERRES, GOVERNMENT PRINTER, MELBOURNE.

EXTRACTED FROM THE MINUTES.

TUESDAY, 12TH OCTOBER, 1858.

REFRESHMENT ROOMS AND STABLES (JOINT) COMMITTEE.—The Honorable W. Highett, in accordance with *amended* notice, moved, That the Honorables J. Stewart, S. G. Henty, J. H. Patterson, J. Hodgson, and the Mover, be appointed Members of the Joint Committee of both Houses of Parliament to manage the Refreshment Rooms and Stables.

Question—put and passed.

THURSDAY, 2ND DECEMBER, 1858.

REFRESHMENT ROOMS (JOINT) COMMITTEE.—PROGRESS REPORT.—The Honorable J. Hodgson brought up a Progress Report from the Joint Committee of both Houses of Parliament appointed to manage the Refreshment Rooms and Stables, and moved, That the adoption of the Report be made an Order of the Day for Tuesday next.

Question—put and passed.

TUESDAY, 14TH DECEMBER, 1858.

REFRESHMENT ROOMS.—ADOPTION OF PROGRESS REPORT OF (JOINT) SELECT COMMITTEE.—The Order of the Day for the adoption of the Progress Report of the (Joint) Select Committee on the Refreshment Rooms being read, the Honorable J. Hodgson moved, That the Report be now adopted.

Debate ensued.

Question—put.

Council divided.

Contents, 14.
 The Hon. J. H. Patterson
 G. S. Coppin
 T. H. Power
 T. H. Fellows
 T. T. a'Beckett
 J. Hood
 Dr. Tierney
 Dr. Hope
 C. Vaughan
 Dr. Wilkie
 W. Roope
 G. Urquhart
 J. B. Bennett
 J. Hodgson (*Teller*).

Not Contents, 8.
 The Hon. H. Miller
 B. Williams
 W. Highett
 T. McCombie
 J. F. Strachan
 W. J. T. Clarke
 J. P. Fawkner
 A. Fraser (*Teller*).

The question was therefore passed.

REFRESHMENT ROOMS (JOINT) SELECT COMMITTEE PROGRESS REPORT.—The Honorable J. Hodgson moved, That a Message be carried to the Legislative Assembly to acquaint them that the Council have adopted the Progress Report of the Joint Select Committee.

Question—put and passed.

PROGRESS REPORT.

THE SELECT COMMITTEE, appointed on the 12th October by both Houses of Parliament to manage the Refreshment Rooms and Stables, have the honor to submit the following Report:—

1. That the Committee, having had under their consideration a letter addressed by the Stable Keeper to the Comptroller of the Refreshment Rooms and Stables, recommend that the Tariff of Charges be increased—

				From	£	s.	d.	to	£	s.	d.
Stand, without feed—Saddle Horse ...	...	...			0	0	6		0	0	6
Ditto, ditto, Gig ...	...	...		"	0	0	6	"	0	1	0
Bait, without corn, Six hours ...	...	...		"	0	1	6	"	0	2	0
Ditto, ditto, Twelve hours ...	...	...		"	0	3	0	"	0	3	6
Ditto, ditto, Twenty-four hours ...	...	...		"	0	5	0	"	0	5	6
Bait, with corn, Six hours ...	...	...		"	0	2	0	"	0	2	6
Ditto, ditto, Twelve hours ...	...	...		"	0	4	0	"	0	4	6
Ditto, ditto, Twenty-four hours ...	...	...		"	0	6	0	"	0	6	6
Livery—Three feeds of corn ...	...	per diem		"	0	6	0	"	0	6	6
Ditto, ditto ...	...	per week		"	2	2	0	"	2	5	0

And that £50 per annum be added to the salary of the Stable Keeper, making it £150 per annum.

JOHN HODGSON,
Chairman.

2nd December, 1858.

PROCEEDINGS OF THE COMMITTEE.

TUESDAY, 2ND NOVEMBER, 1858.

Members present :

The Honorables J. Hodgson, W. Highett.

A quorum not being present, no business was transacted.

TUESDAY, 9TH NOVEMBER, 1858.

Members present :

The Honorables J. Hodgson, W. Highett.

A quorum not being present, no business was transacted.

TUESDAY, 23RD NOVEMBER, 1858.

Members present :

The Honorables J. H. Patterson, W. Highett.

No quorum. No business transacted.

WEDNESDAY, 1ST DECEMBER, 1858.

Members present :

The Honorable J. Hodgson, in the chair.

The Honorable J. H. Patterson, Dr. Findlay, Mr. Aspinall.

The Comptroller submitted a letter from the Stable Keeper, requesting that the Tariff may be increased.

The letter was read by the Clerk.

Committee deliberated.

The Honorable J. Hodgson proposed a new Tariff:—

	£	s.	d.
Stand, without feed	0	0	6
Ditto, Gig	0	1	0
Bait, without corn, Six hours	0	2	0
Ditto, ditto, Twelve hours	0	3	6
Ditto, ditto, Twenty-four hours	0	5	6
Bait, with corn, Six hours	0	2	6
Ditto, ditto, Twelve hours	0	4	6
Ditto, ditto, Twenty-four hours	0	6	6
Livery (Three feeds per diem)	0	6	6
Ditto, ditto, per week	2	5	0

Adopted unanimously.

Proposed by Dr. Findlay, That £50 per annum be added to the salary of the Stable Keeper, making it £150 per annum.

Adopted unanimously.

Committee adjourned *sine die*.

1858-9.

VICTORIA.

R E P O R T

OF THE

SELECT COMMITTEE OF THE LEGISLATIVE COUNCIL

OF

ELECTIONS AND QUALIFICATIONS,

ON THE

(SECOND) PETITION OF WILLIAM RUTLEDGE;

TOGETHER WITH

PROCEEDINGS OF COMMITTEE AND MINUTES OF EVIDENCE.

ORDERED BY THE COUNCIL TO BE PRINTED 20TH JANUARY, 1859.

By Authority:

JOHN FERRES, GOVERNMENT PRINTER, MELBOURNE.

EXTRACTED FROM THE MINUTES.

TUESDAY, 19TH OCTOBER, 1858.

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

VICTORIA.

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

- The Honorable Thomas Turner a'Beckett,
- The Honorable Thomas Howard Fellows,
- The Honorable Matthew Hervey,
- The Honorable Thomas McCombie,
- The Honorable Daniel Joseph Tierney,
- The Honorable John Hunter Patterson,
- The Honorable James Henty,

to be members of a Committee to be called "The Committee of Elections and Qualifications."
Given under my hand this nineteenth day of October, 1858.

J. F. PALMER,
President.

WEDNESDAY, 20TH OCTOBER, 1858.

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

TUESDAY, 26TH OCTOBER, 1858.

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

TUESDAY, 9TH NOVEMBER, 1858.

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

VICTORIA.

Pursuant to the provisions of "The Victoria Electoral Act of 1856," I do hereby appoint—
The Honorable Robert Thomson

to be a member of the Committee of Elections and Qualifications, in room of the Honorable Daniel Joseph Tierney, for the time being disqualified from serving on the Committee, by reason of the presentation of a petition respecting his qualification.

Given under my hand this ninth day of November, 1858.

J. F. PALMER,
President.

TUESDAY, 16TH NOVEMBER, 1858.

ELECTIONS AND QUALIFICATIONS.—The President laid upon the Table for the second time the Warrant appointing a member of the Committee of Elections and Qualifications, in room of a member for the time being disqualified.

WEDNESDAY, 17TH NOVEMBER, 1858.

ELECTIONS AND QUALIFICATIONS.—The President laid upon the Table for the third time the Warrant appointing a member of the Committee of Elections and Qualifications, in the room of a member for the time being disqualified.

TUESDAY, 23RD NOVEMBER, 1858.

SWEARING OF MEMBERS OF ELECTIONS AND QUALIFICATIONS COMMITTEE.—The members of the Committee of Elections and Qualifications were sworn at the Table by the Clerk, in the manner prescribed by "The Electoral Act of 1856," viz. :—

- The Honorable T. T. a'Beckett,
- The Honorable M. Hervey,
- The Honorable J. Henty,
- The Honorable T. H. Fellows,
- The Honorable T. McCombie,
- The Honorable R. Thomson,
- The Honorable J. H. Patterson.

TUESDAY, 30TH NOVEMBER, 1858.

PETITION.—The President laid upon the Table a Petition from William Rutledge, praying that it may be declared that Daniel Joseph Tierney was not duly qualified to be a Member of the Western Province, and that the election of the said Daniel Joseph Tierney may be declared void accordingly.

PETITION.—The Honorable J. P. Fawcner moved, That the Petition from William Rutledge, presented to the Council by the President, be referred to the Committee of Elections and Qualifications.
Question—put and passed.

MEETING OF ELECTIONS AND QUALIFICATIONS COMMITTEE.—The President appointed the time and place of the meeting of the Committee of Elections and Qualifications to be at half-past ten o'clock in the forenoon on Wednesday, the 1st December, 1858, in the large Committee Room, south of the Council Chamber, to consider the Petition of William Rutledge, referred this day to the Committee.

THURSDAY, 20TH JANUARY, 1859.

ELECTIONS AND QUALIFICATIONS COMMITTEE.—The Honorable M. Hervey, as Chairman of the Committee of Elections and Qualifications, brought up the Report of the Committee on the Petition of William Rutledge, presented on the 30th November last, praying that the election of Daniel Joseph Tierney might be declared void, and moved, That the report be received and be printed, together with the Proceedings of the Committee and the Evidence.
Question—put and passed.

REPORT.

THE Honorable M. Hervey, from the Select Committee on Elections and Qualifications, to which Committee was referred the Petition of William Rutledge complaining of the improper return of Daniel Joseph Tierney for the Western Province, informed the House that the Committee had determined:—

1. That Daniel Joseph Tierney, being unqualified according to the provisions of the Constitution Act, is not duly elected a member of the Legislative Council of Victoria.
2. That the Committee are of opinion that, had Macrae-street, Sandhurst, been opened out as promised by the Government, Dr. Tierney's property in that street would have improved in value.
3. That the above resolutions be reported to the House.

MATTHEW HERVEY,
Chairman.

Legislative Council Chamber,
Melbourne, 20th January, 1859.

49/496

PROCEEDINGS OF COMMITTEE.

WEDNESDAY, 1st DECEMBER, 1858.

Members present:

The Honorable M. Hervey, in the chair.

The Honorables J. H. Patterson, R. Thomson, T. T. a'Beckett, T. McCombie.

Committee deliberated.

The committee agreed to adopt the following five resolutions:—

1. That counsel will not be allowed to go into matters not referred to in their opening statements, without a special application to the committee for permission to do so.
2. That if costs be demanded by either party under the provisions of *The Electoral Act of 1856*, the question must be raised immediately after the decision on that particular case, unless the committee shall otherwise decide.
3. That no person shall be examined as a witness who shall have been in the room during any part of the proceedings (with the exception of the parties and their agents, whose names shall be handed in) without the special leave of the committee.
4. That the committee will only hear one counsel on each side on the opening and summoning up of the case.
5. That should any point of law arise requiring argument, the committee reserve to themselves the power of hearing only one counsel on each side.

The Clerk of the Council handed to the Chairman the Petition of William Rutledge, praying that the election of Daniel Joseph Tierney may be declared void, referred to the committee on the 30th ultimo by the Council.

The Petition was read to the committee. It was as follows:—

“TO THE HONORABLE THE PRESIDENT OF THE LEGISLATIVE COUNCIL OF VICTORIA.

“The humble Petition of William Rutledge, of Belfast, in the Colony of Victoria, Esquire,

“Sheweth—

“That, on the seventh day of June, 1858, a Writ was duly issued, directed to the Returning Officer of the Western Province, for the election of a member of the Legislative Council for that Province.

“That your Petitioner was an elector within the said district and had a right to vote at such election.

“That the Returning Officer for the said Province returned Daniel Joseph Tierney as the duly elected Member at the said election for the said Province.

“That the said Daniel Joseph Tierney was the only candidate at such election.

“That, on the seventh day of October, 1858, the said Daniel Joseph Tierney subscribed the declaration required by the seventh clause of the Constitutional Act.

“That the property named in such declaration was not, nor is, of the value of Five thousand pounds, as therein mentioned.

“That the said Daniel Joseph Tierney is, and was, at the time of the said election, unqualified to be elected a Member for the said Province; and your Petitioner submits that the said Daniel Joseph Tierney has therefore been improperly returned as the duly elected Member for the same.

“Your Petitioner therefore humbly prays that it may be declared that the said Daniel Joseph Tierney was not duly qualified to be a Member of the said Province, and that the election of the said Daniel Joseph Tierney may be declared void accordingly.

“And your Petitioner will ever pray, &c.

“WM. RUTLEDGE.”

Mr. Hugh J. Chambers appeared as agent for the sitting member.

Mr. Francis T. Gell's written declaration as agent for the Petitioner was handed in.

Committee resolved to adjourn until twelve o'clock on the 2nd instant, and directed that notice of the meeting be served to the agents.

THURSDAY, 2ND DECEMBER, 1858.

Members present:

The Honorable M. Hervey, in the chair.

The Honorables R. Thomson, T. McCombie, J. H. Patterson, T. T. a'Beckett.

Parties called in.

Mr. Francis Thomas Gell appeared as agent for the Petitioner, Mr. H. J. Chambers as agent for the Sitting Member.

Mr. Michie and Mr. Stephen appeared as counsel for the Petitioner, and Mr. Brewer for the Sitting Member.

Counsel heard to open the case on behalf of the Petitioner.

The Shorthand Writer was sworn.

Mr. W. H. Odgers was sworn and examined, and produced the Writ before the committee.

The Clerk of the Parliaments was sworn, and produced the original Declaration made by Dr. Tierney in the Council.

Mr. William Rutledge was sworn and examined.

Mr. William Rutledge re-examined.

The Honorable J. Henty here entered the committee-room.

The committee adjourned until a quarter-past ten o'clock on Tuesday, 7th instant.

TUESDAY, 7TH DECEMBER, 1858.

Members present:

The Honorable M. Hervey, in the chair.

The Honorables R. Thomson, T. T. a'Beckett, T. McCombie, J. Henty.

Parties called in.

Mr. Andrew Kerr examined.

Mr. William Rutledge re-called and re-examined.

Mr. George William Hart called and examined.

The Honorable T. T. a'Beckett left the committee-room during the cross-examination of the witness.

Mr. Charles James William Russell examined.

The Honorable T. T. a'Beckett re-entered the committee-room.

The Honorable J. H. Patterson entered the committee-room.

The committee adjourned until Friday.

FRIDAY, 10TH DECEMBER, 1858.

The Council having adjourned from Tuesday, 7th, to Tuesday, 14th, the committee meeting was thrown over to the last mentioned day.

TUESDAY, 14TH DECEMBER, 1858.

Members present:

The Honorable M. Hervey, in the chair.

The Honorables R. Thomson, J. H. Patterson, T. T. a'Beckett, T. McCombie.

The parties were called in.

Mr. George Avery Fletcher was sworn and was examined and cross-examined.

Mr. Wilberforce Stephen proceeded to sum up the evidence.

On an objection raised, the committee decided that counsel should be allowed to sum up, and also to reply on any evidence adduced for the Sitting Member.

Mr. W. Stephen summed up.

Committee adjourned till Friday, 17th instant, at a quarter-past ten o'clock.

FRIDAY, 17TH DECEMBER, 1858.

A quorum not being present, no business was transacted.

TUESDAY, 18TH JANUARY, 1859.

Members present:

The Honorable M. Hervey, in the chair.
The Honorables J. H. Patterson, T. McCombie, J. Henty.

The parties were called in.

Mr. Brewer was heard to open the defence for the Sitting Member.

Mr. John Hollins Craig was sworn and was examined by Mr. Brewer.

Cross-examined by Mr. Michie.

Re-examined by Mr. Brewer.

Mr. Edward Nucella Emmett was sworn and was examined by Mr. Brewer.

Cross-examined by Mr. Michie.

Re-examined by Mr. Brewer.

Committee adjourned until ten a.m. on Wednesday, 19th instant.

WEDNESDAY, 19TH JANUARY, 1859.

Members present:

The Honorable M. Hervey, in the chair.
The Honorables J. H. Patterson, T. McCombie, J. Henty.

Mr. Robert Frederick Howard was sworn and was examined by Mr. Brewer.

Cross-examined by Mr. Stephen.

Re-examined by Mr. Brewer.

Mr. John Cowan Duncan was sworn and was examined by Mr. Brewer.

Cross-examined by Mr. Stephen.

Re-examined by Mr. Brewer.

Mr. George Holmes was sworn and was examined by Mr. Brewer.

Cross-examined by Mr. Stephen.

Re-examined by Mr. Brewer.

The Honorable J. H. Patterson, a member of the committee, was sworn and examined.

Committee adjourned until ten o'clock, on Thursday, the 20th instant.

THURSDAY, 20TH JANUARY, 1859.

Members present:

The Honorable M. Hervey, in the chair.
The Honorables T. McCombie, J. H. Patterson, J. Henty.

The Honorable Alexander Fraser was sworn and was examined by Mr. Brewer.

Cross-examined by Mr. Michie.

Re-examined by Mr. Brewer.

Mr. Brewer was heard to sum up on behalf of the Sitting Member.

Mr. Michie was heard to reply on the whole case.

The committee-room was cleared.

Committee deliberated.

Proposed by the Honorable J. Henty—

That Daniel Joseph Tierney, Esquire, being unqualified according to the provisions of the Constitution Act, is not duly elected a member of the Legislative Council of Victoria.

Question—put and agreed to unanimously.

Proposed by the Honorable J. H. Patterson—

That, had the promise of the Government been carried out as regards the opening of Macrae-street, the committee are of opinion that the qualification would have been sufficient according to the Act.

Question—put.

Committee divided.

Content.

The Hon. J. H. Patterson.

Not Contents.

The Hon. M. Hervey
T. McCombie
J. Henty.

Proposed by the Honorable J. Henty—

That the committee are of opinion that, had Macrae-street, Sandhurst, been opened out as promised by the Government, Dr. Tierney's property in that street would have been improved in value.

Question—put and agreed to unanimously.

Resolved—That the above resolutions be reported to the House.

MINUTES OF EVIDENCE.

WEDNESDAY, 1ST DECEMBER, 1858.

Members present :

The Honorable M. HERVEY, in the chair ;	
The Honorable T. T. a'Beckett	The Honorable R. Thomson
„ T. McCombie	„ J. H. Patterson.

The counsel and parties were called in.

The Chairman intimated that the committee had agreed to the following preliminary resolutions :—

1. That counsel will not be allowed to go into matters not referred to in their opening statements, without a special application to the committee for permission to do so.
2. That, if costs be demanded by either party under the provisions of the *Electoral Act of 1856*, the question must be raised immediately after the decision on that particular case, unless the committee shall otherwise decide.
3. That no person shall be examined as a witness who shall have been in the room during any part of the proceedings (with the exception of the parties and their agents, whose names shall be handed in) without the special leave of the committee.
4. That the committee will only hear one counsel on each side on the opening and summing up of the case.
5. That, should any point of law arise requiring argument, the committee reserve to themselves the power of hearing only one counsel on each side.

The Petition of William Rutledge against the return of Daniel Joseph Tierney, as member for the western province, was read.

Mr. Michie and *Mr. Wilberforce Stephen* appeared as counsel in support of the petition.
Mr. Gell appeared as agent.
Mr. Brewer appeared as counsel for the sitting member.
Mr. Chambers appeared as agent.

Ordered, That this Committee be adjourned to to-morrow, at Twelve o'clock.

THURSDAY, 2ND DECEMBER, 1858.

Members present :

The Honorable M. HERVEY, in the chair ;	
The Honorable T. T. a'Beckett	The Honorable R. Thomson
„ T. McCombie	„ J. Henty.
„ J. H. Patterson	

The counsel and parties were called in.

Mr. Michie was heard to open the case in support of the petition.
The shorthand writer was sworn.

Mr. William Henry Odgers called and sworn.—Examined by *Mr. Stephen*.

1. Do you produce the original writ for the election of a member for the western province, appointed to be held on the 28th day of June last?—I do.—[*The witness delivered in the same.*]

Mr. W. H. Odgers,
2nd Dec., 1858.

The witness withdrew.

George William Rusden, Esq., Clerk of the Council and Clerk of the Parliaments, called and sworn.—Examined by *Mr. Stephen*.

G. W. Rusden,
Esq.,
2nd Dec., 1853.

2. Do you produce the original declaration made by Dr. Tierney of his qualification?—I do.—[*The witness delivered in the same, which is as follows*]—

“ I, DANIEL JOSEPH TIERNEY, do declare and testify that I am duly seised at law or in equity of an estate of freehold for my own use and benefit in lands or tenements in the Colony of Victoria of the value of five thousand pounds, sterling money, above all charges and incumbrances affecting the same; and further, that the lands and tenements out of which such qualification arises are situate in the parishes of Sandhurst, Strathfieldsaye, Warrnambool, and Wangoom, in the county of or reputed counties of Villiers and other counties unnamed, the descriptions of which lands and tenements are as follow:—

- No. 1. Allotment 9, section 3, parish of Strathfieldsaye.
- No. 2. Allotment 16, section 17 C, town of Sandhurst.
- No. 3. Allotment 6, section 13 C, town of Sandhurst.
- No. 4. Allotment 2, section 25, town of Warrnambool.
- No. 5. Allotment 1, section 25, town of Warrnambool.
- No. 6. Allotment 16, section 2, parish of Strathfieldsaye.
- No. 7. Allotment 36, section 2, parish of Strathfieldsaye.
- No. 8. Allotment 2, section A, parish of Wangoom.
- No. 9. Lot 53, portion 60, parish of Sandhurst.
- No. 10. Lot 54, portion 61, parish of Sandhurst.

And I further declare that I have not collusively or colorably obtained a title to, or become possessed of, the said lands or tenements, or any part thereof, for the purpose of enabling me to be returned a member of the Legislative Council of the Colony of Victoria.

“ DANIEL JOSEPH TIERNEY.”

3. *By Mr. Brewer*.—What is the date of that?—It has no date; it takes date from the time it was made, the records of the house being sufficient proof of that. The date on which it was made was the 7th October last.

4. *By Mr. Stephen*.—You are the proper custodian of this document, are you not?—I am. This has been in an iron safe since it was used to be compared with the Proceedings of the house as printed, and I believe the Proceedings of the house to be the proper record of every thing else.

5. *By Mr. Brewer*.—Would you state the date on which the house met?—On the 7th of October last.

6. And what was the date on which the petition now before this committee was presented?—On the 30th November last.

The witness withdrew.

William Rutledge, Esq., a member of the Legislative Assembly, called and sworn.—Examined by *Mr. Stephen*.

W. Rutledge, Esq.,
M. L. A.,
2nd Dec., 1853.

7. You are the petitioner in this case?—I am.

8. Are you an elector of the western province on the electoral roll?—I am.

9. And you were entitled to vote at the last election, when Dr. Tierney was returned?—I believe so.

10. I believe Dr. Tierney was the only candidate at that election?—He was the only candidate.

11. Have you seen the particulars of Dr. Tierney's qualification, as stated in the declaration which has been delivered in by the last witness?—Yes.

12. Are you personally acquainted with any of the lands mentioned in that qualification?—I am.

13. I believe you had, on the the last occasion, when the last petition was before the Election Committee, a surveyor here from Warrnambool?—I had.

14. What was his name?—Mr. Woodward.

15. Is Mr. Woodward here now?—No.

16. Can you account for his absence?—He went away by the steamer to Port Fairy on Tuesday, not being able to remain during the week from his own affairs.

17. Are you able to make statement with reference to some of the items of the qualification mentioned in Dr. Tierney's declaration?—Yes

18. What are they?—No. 4, allotment 2, section 25, town of Warrnambool; and the next one to that, No. 5, allotment 1, section 25, town of Warrnambool; and No. 8, allotment 2, section A, parish of Wangoom.

19. Have you a map of the district of Warrnambool with you?—I have.—[*The witness produced the same*].

20. That is one of the lithographed maps issued by the Government?—Yes.

21. Do you see those allotments 1 and 2 of section 25 marked on that map?—I do.

22. Will you state what sort of land it is—is it open or built open?—It is neither fenced nor built upon.

23. How much of it is there?—Two quarter acres in the township of Warrnambool.

24. Each allotment is a quarter of an acre?—Yes.

25. Are there any improvements at all upon them?—None whatever.

26. Do you know when they were purchased from the Government?—I examined the *Government Gazette*, and noted down from it the time they were purchased, the month and the year, and the sums that were paid for them. I noted down from the *Government Gazette* that they were purchased in October, 1854.

27. Whom were those allotments purchased by?—They were purchased in the name of Dr. Tierney.

28. And what was the price paid for them?—No. 4, allotment 2, of section 25, I find to have cost £95, and the next one No. 5, allotment 1, of section 25, cost £101.

29. You have been conversant with land in that neighborhood for how many years?—For very nearly fifteen years. It will be fifteen years in January next.

30. You are yourself the owner of considerable land in that neighborhood, are you not?—Yes, I am.

31. And have been in the habit of buying and selling land there?—Yes, I have sold some, not a great deal; I have been in the habit of buying a great deal, and selling some.

32. Can you give an opinion of what the value of the land you have specified is now?—I can. I went to the place very recently, and inquired of gentlemen most likely to know the value of land, and who have been buying and selling more recently than I had.

Mr. Brewer objected to this being given as evidence by the witness.

33. What is your own estimate of the value of this land?—My estimate of the very outside value is £150 for each of those quarter acres; and I do not believe they would sell for that.

34. You do not think they would sell for that?—No, I do not. From any information I could gather, I do not believe they would sell for that. I consider that that is the very outside value of them; and I consider that, if I wanted to sell them, I could not get that much for them.

35. If you were offered £150 each for them, and they were your land, would you take it?—If they were mine, I would take it to-morrow, if I had them to sell; but I do not believe I could get it.

36. Does your evidence apply to the date of Dr. Tierney's declaration, and the time he was elected—has there been any material alteration in the value since then?—My present opinion of the value applies equally to the time the declaration was made and to the present time.

37. Has there been any change worth speaking of in the value of land during the interval?—No change that I can possibly imagine or think of, from the 7th October to the present time; I do not conceive there has been any change in the value of land in that neighborhood.

38. As to the other allotment that you know, No. 8, allotment 2 of section A, in the parish of Wangoom—have you a map of that with you?—I have.—[*The witness produced the same.*]

39. You know that allotment?—Yes.

40. That appears not to be a town allotment?—That is a country or suburban allotment, as it is called.

41. How far is it from Warrnambool?—From one part of Warrnambool, at the town boundary, I should not think it is a mile.

42. It is suburban land, with reference to Warrnambool?—Yes, it is what is called Warrnambool suburban land.

43. What is the extent of that?—Eight acres.

44. Are there any improvements upon it?—None.

45. Is it unenclosed?—Unenclosed.

46. How long ago was it purchased?—It was purchased in 1854.

47. From the Government?—Yes.

48. In whose name was it purchased?—In the name of Dr. Tierney.

49. And what was the price?—It was purchased at £30 per acre.

50. That would be £240?—Yes.

51. From your own judgment, will you put a value upon that at the present time?—I do not conceive that it is worth £20 an acre: I am satisfied that it is not worth that.

52. It is not worth £20 an acre?—Yes, I have been assured by first-rate judges, that it is not worth £15.

53. *By Mr. Brewer.*—It is your own opinion that is required?—I derive my opinion from a variety of circumstances. If the committee wish, I can mention the circumstances which I derive my opinion from.

54. *By Mr. Stephen.*—All my learned friend thinks I have a right to ask from you, as a skilled witness is, your own opinion, and you think that £20 is the outside value?—I think it would not sell for that.

55. If it was your land, would you take £20 an acre for it—if you could get it?—Most certainly I would, and I do not believe I could get it, because I have land in the neighborhood that is fenced in and let at a high rent, and far better land, that I have offered at £20 an acre and could not get it. I have offered it for some considerable period past with a good tenant, giving £2 rent for it; whereas, this is neither fenced nor let, and I could not get £20 an acre for it.

56. You do not know the other pieces of land mentioned in the declaration?—No.

Cross-examined by *Mr. Brewer.*

57. Your land is principally situate at Belfast, is it not?—No.

58. Are you not principally a proprietor of land in Belfast?—I am not.

59. With respect to Warrnambool?—No, I have a great deal more land in the neighborhood of Warrnambool and nearer to Warrnambool than in the neighborhood of Belfast.

60. And in Warrnambool itself?—I possess in the town of Warrnambool either two or three half acres, and in the town of Belfast I possess four or five half acres. That is all I possess in the two towns, and my other lands are situated nearer to Warrnambool than to Belfast.

61. Do you possess land also in Belfast in the private township—is there not a Government township as well as a private township at Belfast?—I do not understand the terms Government township and private township.

W. Rutledge, Esq.,
M. L. A.,
continued,
2nd Dec., 1856.

W. Rutledge, Esq.,
M.L.A.,
continued,
2nd Dec., 1858.

62. The one is a town proclaimed by the Government, and the other a town cut up out of land by a private individual?—I would not recognise any claim of the Government on property I had bought and paid for.

63. Have you got any property besides the two half acres you have mentioned in Warrnambool itself?—In the town of Warrnambool?

64. Yes?—I have not.

65. Have you had any other land in Warrnambool, in the town itself—have you had at any time more land than the two half acres?—Yes.

66. How much?—I cannot exactly remember at this moment; I have had other lands in the town of Warrnambool, which I have sold.

67. What quantity and when have you sold them, and what prices have you got for them?—I do not remember the exact quantity. I have had sundry allotments, some of them taken for debts, and I have sold some of them, and some during the present year.

68. What have you sold them for?—I do not remember precisely; I have not my ledger with me now.

69. You are giving your opinion now as a skilled witness. Have you had any other dealings in land in Warrnambool, except what you have just mentioned, and the particulars of which you do not recollect?—I have not had any other dealings; I have sold some lands, as I have said. I have not been a land jobber in Warrnambool.

70. Have you been a land agent in Warrnambool, or in the habit of buying and selling land there for other people?—No.

71. Then your only experience of land selling in Warrnambool is in the case of some small quantity of land, the price of which you do not recollect—is that the case?—That is not the case.

72. Speaking of your own individual experience, not what you have heard from other people?—My experience in jobbing in land goes to the extent that I have said, but my experience in the knowledge of the value of land does not rest at all upon that point.

73. In the way of dealing with land?—I am not a dealer in land. I have not been a dealer in land in the town of Warrnambool to a greater extent than I have told the committee. I may have owned other pieces of land in the town of Warrnambool, and have sold them, but I do not recollect the price of any that I sold, at this moment.

74. Did you lose by the transaction?—I cannot say. Some of the land I have sold was taken for bad debts, and I daresay I did lose.

75. Do you know the allotment opposite Dr. Tierney's on which is situated Dobson's Hotel?—I do.

76. Do you know the quarter acre opposite again to that in Lava-street, sold to a person of the name of Denny?—I know it, as I do a great many other parts of Warrnambool.

77. The corner allotment opposite Dobson's, in Lava-street, in the same way as Dr. Tierney's is the corner allotment opposite Dobson's, in Liebeg-street—do you know whether it was sold for £400, or not?—I do not know.

78. Supposing that to have been sold for £400, would not the value of Dr. Tierney's land be somewhat more than you have stated?—Certainly not; it might have sold for £600, and the value of Dr. Tierney's not be more than what I have said. It depends entirely upon the time at which it was sold.

79. You do not know anything about that?—I do not; but if you tell me the time that you allege it to have been sold, I will tell you more about it.

80. Has Warrnambool increased in population since 1854?—I have reason to believe it has increased in population, but the value of land has greatly decreased.

81. What quantity of land does Dobson's Hotel stand on?—I do not know of my own knowledge, but I have heard that it stands on a quarter of acre. I do not know that of my own knowledge.

82. Do you know what was given for that piece of land?—I think it has been mentioned to me what was given for it, but I do not even remember that precisely. I have heard it said what was given for it. The party who sold it for Dobson's Hotel was the very gentleman who valued these two quarter acres for me a few days ago, and put the outside price of Dr. Tierney's allotments at £300.

83. *By Mr. a'Beckett.*—£300 the two?—Yes.

84. *By Mr. Brewer.*—Do you know of the Bank of Australasia having made a purchase of a quarter acre of land in the township of Warrnambool?—I know of it so far as heresay, but only that. It is a long time ago.

85. Do you know what was given by them for it, whether £1200 or otherwise?—I have heard the sum that was given from the best source possible, namely, the manager of the bank; but at this moment I do not recollect what it was.

86. Was it anywhere near £1200?—It might be £1200 for aught I remember, but it was a very long time ago; it was in what was called "the mad days" in the price of land.

87. Do you know of any land sold lately in the neighborhood of the land you have spoken of in the parish of Wangoom?—I sold some myself, not close to it, but in the parish of Wangoom.

88. Do you know of any that has been sold lately in that particular locality?—I do not know of any at this moment, nor did I hear of any at the time I was ascertaining the value of this.

Re-examined by *Mr. Stephen.*

89. Who was it that sold the land for Dobson's Hotel?—It was Mr. Aitken.

90. Will Mr. Aitken be able to give evidence here?—I think so.

Examined by the Committee.

91. *By the Chairman.*—Will you state what is the highest value that either of those lots have attained since their first purchase?—That I could not say, for I was out of the colony a considerable portion of the time. I was out of the colony from the beginning of 1854 until October, 1856, and I understand from a variety of circumstances, and I can swear that I know it to be the case, that land during that time was a vast deal higher in price than it is now. That I know of my own knowledge, because land that I sold for £30 an acre when I was away, and which I sent out a power-of-attorney from London to convey, would not fetch anything like £20 now.

W. Rutledge, Esq.,
M.L.A.,
continued,
2nd Dec., 1858.

92. *By Mr. Michie (through the Committee).*—You say that this land for the bank was purchased during “the mad times.” I suppose you mean the time at which town allotments were selling excessively high here—at a period of great excitement?—Very great.

93. Is it not within your experience as to land in the sister colony, for instance, that there have been instances of great discrepancies in value at different times, of the same property—speaking of Mr. A. B. Sparke’s land, for instance?—Yes, that is within my knowledge.

94. Land valued at one time at £34,000 was subsequently valued at £6,500?—Yes.

95. And that was considered to be the correct value too?—Yes; lands that I have known to be bought for £14,000 I have seen offered for £1400 and could not be sold for that, in New South Wales, and I think that similar results I might point to even in the Colony of Victoria; and in the town of Warrnambool, I recollect now, that I bought allotments myself in the latter part of 1853, a few months before I left the Colony, and I do not believe, if they were now without any buildings upon them, I could get one-fourth of what I paid for them.

96. *By Mr. Brewer (through the Committee).*—But you hope they will increase in value?—I hope they will, but I should be very glad to sell them now at little more than half what they cost, and have offered them for sale.

The witness withdrew.

Mr. Michie stated that he was not in a position to proceed further with the evidence to day, and applied for an adjournment of the committee to next Tuesday, when he believed he should be in a position to present the whole of the evidence in support of the petition, and conclude the case for the petitioner.

Ordered—That this committee be adjourned to Tuesday next, at a quarter past ten o’clock.

TUESDAY, 7TH DECEMBER, 1858.

Members present :

The Honorable M. HERVEY, in the chair ;

The Honorable T. T. a’Beckett
” T. McCombie
” J. Henty

The Honorable R. Thomson
” J. H. Patterson.

The counsel and parties were called in.

Mr. Andrew Kerr called and sworn.—Examined by *Mr. Michie.*

Mr. A. Kerr,
7th Dec., 1858.

97. You are the town surveyor of Warrnambool?—Yes.

98. And in the employ of the municipality?—Yes.

99. How long have you resided at Warrnambool?—Two years and a half.

100. And how long in the Colony?—About six years.

101. What is your profession?—Engineer and surveyor.

102. Have you followed that profession since you have been in the Colony?—Yes.

103. I believe, before you were in the service of the municipality of Warrnambool, you were engaged as surveyor to the corporation of Melbourne, were you not?—Yes, assistant surveyor and draftsman.

104. Are you acquainted with the value of Warrnambool property?—Yes.

105. Have you ever been engaged valuing there for any purpose?—Yes, on several occasions.

106. Do you know the situation of Dr. Tierney’s allotments there?—Yes.

107. What allotments are they—what is the size of them?—There are two quarter-acre allotments in section 25, and there is one, allotment 2, I think, of section A, in the parish of Wangoom, eight acres. There are three altogether, two quarter-acre allotments in the town of Warrnambool, and one just outside the boundary.

108. A suburban allotment consisting of how many acres?—Eight acres.

109. What should you say is the value of each of the town allotments?—The utmost value that I could put upon them would be £75 for each allotment.

110. *By Mr. a’Beckett.*—Would you say £150 the two, or £150 each?—£150 the two.

111. *By Mr. Michie.*—The utmost value would be £75 upon each allotment?—Yes.

112. Could that be got cash?—If they were obliged to be sold for cash, I do not think they would bring that at the present time.

113. That, in your opinion, is the outside value?—Yes.

Mr. A. Kerr,
continued,
7th Dec., 1858.

114. What, in your judgment, is the value of the eight acre suburban allotment?—The outside value of the eight acres, in my opinion, would be £16 an acre.

115. What should you say was the value of those same lands in the month of October of this year—would it vary at all?—There could be very little difference.

116. Would there be any difference in value?—No, I do not think there would be any difference perceptible.

117. Has there been any fluctuation in value in the last twelve months?—There has been a good deal in the last twelve months, but not within the last two or three months.

118. Have you attended any sale of allotments in the month of November last—was there a sale there on the 30th of November last?—Yes.

119. In this very same neighborhood?—Yes.

120. Town and suburban?—Yes.

121. A Government land sale?—Yes.

122. What prices did allotments of equal size, and as nearly as possible in the same situation, fetch at that sale?—There were three quarter-acre allotments sold in the same block, section 25. The numbers of the allotments were 12, 13, and 14. No. 12 brought £30 10s.; No. 13 brought £25; and No. 14 brought £25.

123. Were these allotments, in your judgment, as well situated for commanding a money valuation as Dr. Tierney's?—At the present time I do not think they are quite so well situated for selling, because Dr. Tierney's is abutting against the line of road that goes out to Woodford.

124. And these do not?—No.

125. What difference would you allow for that difference in situation?—The difference I would allow is the difference I put in the value.

126. The difference between your valuation of Dr. Tierney's allotments and the prices at which those which you have just mentioned went at the Government sale represents the difference between the situation of those allotments?—Exactly.

127. Do you remember being present at a private sale on the 30th November last?—Yes.

128. Of lands in the same neighborhood?—Yes, of suburban lands, about a mile from Dr. Tierney's.

129. Near the suburban land of Dr. Tierney's?—About a mile distant from Dr. Tierney's land, and about the same distance from town.

130. Was that a sale by auction?—Yes.

131. What price per acre did that land fetch?—The land was not sold; there was a reserve of £16 an acre on it, and the highest bid was £14 10s., and consequently the land was not sold.

132. *By Mr. a'Beckett.*—How far was that land from allotment 2, parish of Wangoom?—This land was situated on the Belfast road, and Dr. Tierney's land is on the Woodford road, about a mile apart, but the same distance from town.

133. Do you think that the one is as valuable as the other?—More so. The land that was submitted to sale was of a superior description altogether.

134. If you had your choice given you, and had the liberty of selecting either of the two, which would you select?—Most decidedly the one on the Belfast road.

135. *By Mr. Michie.*—Is it superior in point of fertility?—Yes, better soil.

136. Much better soil?—Yes, much better.

137. And the highest bid for it was £14 10s.?—Yes.

138. *By Mr. a'Beckett.*—And the reserve was £16?—Yes.

139. Did you have that from the proprietor, or how do you know what the reserve was?—The auctioneer mentioned it in the sale room. He said, unless he got a bid of £16, it would not be sold.

140. How did it come that there was a bid of £14 10s., then?—He did not state that until he got as high a bid as he could.

141. *By Mr. Michie.*—He stated that as an excuse for not knocking it down to the bidder?—Yes.

Cross-examined by *Mr. Brewer.*

142. What was your original profession?—Engineer and surveyor.

143. Were you not originally an engineer alone?—They are both combined.

144. Engineer and surveyor?—Yes.

145. Where?—A man cannot be an engineer without understanding surveying.

146. You cannot be an engineer without understanding surveying?—No.

147. Did you act as a surveyor at all at home?—Yes.

148. Of land?—Yes.

149. Where?—In Fifeshire.

150. Do you know the allotment of Mr. Denny's?—Yes.

151. How far is that distant from Mr. Tierney's?—About thirty chains.

152. Just the width of the street, is it not?—Mr. Denny has got a store at some little distance.

153. The other allotment in Lava-street opposite Dobson's—do you know that allotment?—Yes.

154. Do you know what that was sold for?—It is not sold yet—it belongs to Dr. Tierney.

155. The other corner?—I am not aware whether that is sold.

156. Who holds that allotment now, do you know?—I am not aware—there is no building upon it.

157. You do not know what it was sold for?—I am not aware that it is sold at all.
158. Do you know what Dobson's was sold for?—It was sold for upwards of £100.
159. And how much more?—I am not quite sure of the exact sum.
160. I am speaking of the corner allotment, just opposite Dr. Tierney's. Do you mean to say that was only sold for about £100?—I am not sure of the exact sum, I think it was either £120, or between that and £150; I do not know the exact sum.
161. What portion of that allotment was sold?—A quarter acre.
162. The whole of it?—The whole of it.
163. Do not you know whether that land that I have spoken about, that belonged to Mr. Denny, belongs to Mr. Cust now?—It cannot be Mr. Cust's; he is insolvent, he cannot be the proprietor of it at this time.
164. Does that prevent the land having been sold to him by Mr. Denny?—Decidedly not.
165. *By Mr. a'Beckett.*—Do you know what Mr. Denny sold it to Mr. Cust for?—I do not; I think it must have occurred before I went there.
166. What made you say it was sold for £120, you thought?—It was the proprietor of the hotel told me; it was bought for the purpose of building the hotel upon it.
167. You do not know at all, of your own knowledge?—No.
168. *By Mr. Brewer.*—You know nothing about it of your own knowledge?—No.
169. Opposite Dr. Tierney's allotment is Dobson's hotel, is it not?—Yes.
170. On the other side, in Lava-street, opposite; again, the other corner, opposite the one we have been speaking of—Mr. Denny's, is a Government reserve, is it not, with no building on it?—There is no building on it, but I think that property is all sold. I think so, but there is no building on it.
171. Do you say that that corner allotment is sold?—The one opposite Dobson's?
172. No, the one opposite Dr. Tierney's—the Government reserve?—I think that corner is a Government reserve, but I am not quite sure, I could not say positively; it is vacant ground I know.
173. Do you know where the Bank of Australasia is?—Yes.
174. Whereabouts is it?—In Timor-street.
175. Do you know what was given for that allotment?—It was an enormous sum; that allotment was bought at the time when prices were most ridiculously high.
176. Do you know what was given for it?—I have heard that £1400 was given for it, but that is in a different part of the town altogether. There is as much difference between one and the other as there would be between the bottom of Elizabeth-street and North Melbourne, in the value of property.
177. How far is that from the allotments of Dr. Tierney's?—I think it would be about three-quarters of a mile.
178. In the lower part of the town?—More in the business part of the town.
179. Were any country lots in Wangoom sold at the Government land sale?—Yes.
180. Was any sold as high as £12 15s. an acre?—There was one lot sold for that.
181. How far from Warrnambool?—At Lake Wangoom; it is about eight or nine miles; I could not say the exact distance.
182. How many acres?—Forty-eight acres two roods and thirty-two perches.
183. About how far was that beyond Dr. Tierney's allotment in the parish of Wangoom?—I should say about eight miles; but I am not quite sure as to the exact distance.
184. What was the number of the allotment you say was put up for sale by auction for private sale?—Twenty-two; I could show it on the map.
185. *By Mr. Michie.*—How far out of Warrnambool—a mile?—No, not so far; about half a mile from the town.
186. *By Mr. Brewer.*—Was that allotment 22 on the Belfast road?—Yes.
187. In fact, a suburban allotment, was it?—It was about half a mile from the town; you may call it a suburban block.
188. Was it or not a suburban allotment?—A suburban allotment outside the town boundary.
189. Do you know the difference between suburban allotments and country lands?—The blocks are smaller; this was 22 acres, and the adjoining lot was 18 acres.
190. That is country land, is it not—do you know any suburban land that size?—The suburban lots about Warrnambool are that size, most of them.
191. Do you know the section of land of Dr. Tierney's at Wangoom?—Yes.
192. You have told us it is eight acres?—Yes.
193. Are there no improvements there?—No.
194. Or in the neighborhood before you come to it—Mr. Lyall's, for instance?—Yes, Mr. Lyall's allotment is cultivated.
195. Is not Mr. Lyall's the furthest allotment from the town boundary?—Yes.
196. And Dr. Tierney's the second?—Yes.
197. How far from the town boundary was the land you say was put up for sale by auction?—About half a mile; I could not say exactly the distance.
198. And how far is Dr. Tierney's from the town boundary?—It would be about a quarter of a mile.
199. That is the distance between the commencement of Mr. Lyall's allotment and the back of it?—Yes.
200. Does not it make a great difference in the value of suburban lots, their comparative nearness to town?—Not such a very little distance as that—a quarter of a mile would make very

Mr. A. Kerr,
continued,
7th Dec., 1858.

little difference. The value of the land is more importance than a quarter of a mile distance from town. Good soil will have more effect upon the value of the land than a quarter of a mile distance from town.

201. What kind of soil is Mr. Lyall's?—Very common soil, not good at all.

202. Will you look at this map, as a peculiar instance of the difference of value of land more or less distant from town. Can you state what would be the value of this first row down here, the second row, and the third row, and the back allotments—[*pointing to the plan*]?—I would not be disposed to place any difference of value in those three rows.

203. Are you aware of the difference of prices that were given at the land sale?—That land was all sold in Warrnambool before I went down there. I am not aware what price was given for it.—[*The witness pointed out to the committee the position of the lands referred to, and explained the same to the committee on the plan.*]

204. *By Mr. Brewer.*—Do you know what Mr. Lyall gave for his land?—That land was bought before I went to Warrnambool, and I do not know what he gave for it.

205. You have not heard at all the prices given for any of that land?—No.

Re-examined by *Mr. Michie.*

206. One of those allotments about which my learned friend has cross-examined you is very close to a lake, is it not?—Yes.

207. Does that give it peculiar value?—Yes.

208. Is it also of superior soil?—Yes, very superior soil.

209. That is the one that sold for £12 15s.?—Yes.

210. Can you point that out to the committee?—It is not shown on that map.

211. In what direction would it be with reference to that map, supposing that map were extended?—It is in a northerly direction from Warrnambool, this Lake Wangoom.

212. *By Mr. Thomson.*—Has that allotment a water frontage?—Yes; it abuts on the lake.

213. It goes right down to the water's edge?—Yes.

214. *By Mr. Michie.*—Is that a fresh water lake?—Yes.

215. Are there any fish there?—I do not know.

216. *By the Chairman.*—Has land varied much in value since you went to Warrnambool?—It is reduced very much in value since I have been there.

217. What was the very highest value that, at any time, either of those lots of Dr. Tierney's ever attained within your knowledge?—You can scarcely say, unless there have been some adjoining allotments for sale.

218. Cannot you call to your memory anything that would lead you to know something about their value at any time?—At the time the hotel was built I believe he could have sold it for as good a figure as that allotment was sold for.

219. *By Mr. a'Beckett.*—You do not know what that was?—No.

220. Within a certain amount, can you say what it would be?—I think he might have got £100 for it.

221. Was that the highest it ever reached?—Yes.

222. *By Mr. Michie.*—What did those other country lands go at in the immediate neighborhood of the one that fronted the lake that sold for £12 15s.?—There was only one allotment sold at Wangoom, that one of 48½ acres was the only one that was sold there, the rest were distant a long way, at Mortlake.

223. That is away a very many miles to the westward?—Yes.

224. *By Mr. Henty.*—Whose allotment is that abutting on the lake—to whom was that sold?—It was bought in the name of Thomas Daniel Joseph and John James Slattery.

225. *By Mr. Michie.*—When was that purchase made?—On the 30th of November last.

226. *By Mr. Henty.*—At what price?—£12 15s. an acre.

227. *By the Chairman.*—What is the total quantity of land embraced within the town boundary of Warrnambool?—Sold?

228. No, embraced—what is the extent of the town?—There are about 6000 and some odd acres altogether in the town of Warrnambool.

229. Is it divided into business parts and other parts?—There is a large town reserve. There are only about 400 or 500 acres sold altogether; the rest is town reserve.

230. Is there one portion of the town for business and the other not for business?—There is one portion of the town better adapted for business than others; Timor-street is considered at present the best business street in the town.

231. *By Mr. McCombie.*—How far is Dr. Tierney's allotment from Timor-street?—A good half mile.

232. *By Mr. Brewer.*—How many chains is Dr. Tierney's allotment from Timor-street?—Timor street runs at right angles from the street Dr. Tierney's allotment is in, and is a mile long from the centre of it; it would be from thirty to forty chains.

233. *By the Chairman.*—Timor-street is the business part of Warrnambool?—Yes, at the present time.

234. Dr. Tierney's lands are not in that business street?—No.

235. What sort of neighborhood is there in the neighborhood of them?—There are very few houses at all in the neighborhood at the present time; there are no houses built on the block that his is part of.

236. *By Mr. McCombie.*—Is there much of it sold?—Yes; it is all sold now. It was sold before I went to Warrnambool, and is not yet built on.

237. *By the Chairman.*—Was there ever any particular rush for the land in that part since you went there?—No.

238. Was it ever a business part of Warrnambool?—No.

239. Did it ever reach those high prices you speak of as the Bank of Australasia having given?—No.

240. *By Mr. McCombie.*—You say £100 is the highest value that the allotments there have ever reached?—Yes.

241. *By Mr. Michie.*—Is there any street that you can properly term a business street in Warrnambool?—Timor-street is the best business street; a portion of it there are a good many shops and stores on.

242. And a great appearance of human life in the street generally?—Yes.

The witness withdrew.

The Chairman intimated that, before another witness was called, the committee desired to have Mr. Rutledge re-called.

William Rutledge, Esq., a member of the Legislative Assembly, again called in and further examined by the Committee.

243. *By the Chairman.*—What did you state to be, in your opinion, the present value of the allotments of Dr. Tierney's, in Warrnambool?—I stated £300; but I stated that as the outside value.

Mr. A. Kerr,
continued,
7th Dec., 1858.

W. Rutledge Esq.,
7th Dec., 1858.

The witness withdrew.

Mr. Michie stated that the petitioner had been desirous to procure the evidence of Mr. Fletcher, the town surveyor of Sandhurst, who was however unable to attend; the petitioner had therefore requested that any two surveyors in Sandhurst should be instructed to value the land and give evidence before the committee of its value. This had been done, and he (Mr. Michie) now proposed to call those witnesses to put their own value upon the allotments. He (Mr. Michie) further stated, that he also proposed to put in Mr. Fletcher's letter upon the subject of the value attached by him to the land in question, and was heard in support of the reception of this evidence; and stated that, if this letter were excluded, he should be under the necessity of applying for the further adjournment of the committee, in order to procure the attendance of Mr. Fletcher.

Mr. Brewer stated that he was instructed to oppose the admission of this evidence, inasmuch as there was a clause in the Act providing for the reception, by the committee, of declarations taken before any justice of the peace, in the presence of agents representing the opposing parties in the case, and of which clause he proposed to avail himself, in conducting the sitting member's case.

Mr. Michie stated that he would not press the reception of the letter in question.

Mr. George William Hart called and sworn.—Examined by *Mr. Stephen.*

244. What is your profession or business?—A land surveyor. I am surveyor to the Mining Board at Sandhurst.

245. Have you been long in the practice of the profession of a surveyor?—Yes.

246. How long generally, and how long in the Colony?—Most of my time I have been engaged in that profession, except the first two or three years in the Colony. I have taken it up again since.

247. How many years have you been in the Colony?—Six.

248. And, except the first two or three years, you have been practising as a surveyor during all that time?—Yes.

249. How long have you been at Sandhurst?—Two years and a-half.

250. Are you acquainted with Dr. Tierney's property at Sandhurst?—Yes.

251. I believe he has some property at Sandhurst, some at Strathfieldsaye, and some at Epsom; all in the neighborhood of Sandhurst?—Yes.

252. What property has Dr. Tierney at Sandhurst?—He has two allotments.

253. Is that a map of the township of Sandhurst—[*handing a map to the witness*] ?—Yes.

254. Which are the allotments that you speak of as belonging to Dr. Tierney?—Allotment 6 of section 13, portion C; and allotment 16 of section 17 of the same portion.

255. What extent of land is there in allotment 6 of section 13—those are both town allotments, are they not?—Yes.

256. How much land is there in each of these allotments—have you looked at this land for the purpose of giving evidence before this committee?—Yes.

257. You have been over it lately?—Yes; I went over it on Saturday last.—[*Witness referred to his note-book.*]—There is 1 rood and 28 perches in allotment 6 of section 13; it has a frontage of 112 feet to Macrae-street.

258. At what sum do you value that?—My report is here; I think it is £672: I put it at £6 a foot.

259. Are there any improvements upon it?—No; it has been fenced, but the fence is considerably out of repair.

260. And you think a fair value is £6 a foot?—I do.

261. Do you think it would sell for that, ready money?—Yes.

Mr. G. W. Hart,
continued,
7th Dec., 1858.

262. If put up for sale by auction, you think that is what it would fetch?—Yes; it is by auction that I judge.
263. And for cash?—Yes; the present value, in fact, without reference to past or future.
264. *By Mr. a'Beckett.*—According to the plan, there seems to be some buildings upon it?—No, those were before the township was laid out; they are old tents.
265. *By Mr. Stephen.*—Can you point out allotments 16 and 17—what street do they front?—Munday street.
266. How much of that is there?—There is thirty-one perches only.
267. What frontage is there?—A frontage of sixty-six feet.
268. What do you value that at?—At £400.
269. Upon the same principle as the other?—Yes.
270. Do you think that is the fair value that it would now fetch?—I do.
271. *By Mr. Henty.*—How much per foot is that?—I take it in the lump at £400.
272. *By Mr. Stephen.*—Is that in the same state as the other one—are there any improvements upon it?—No, it is not even fenced; there is an old frame tent on it, which is hardly worth the trouble of pulling down.
273. It is not fenced?—No.
274. Has there been any fluctuation in the value of property there since the 7th of October last?—No.
275. Will the evidence you now give apply to the 7th of October last?—Yes.
276. And how long before that—how long is it since there has been any fluctuation?—It has been gradually reducing in value this last year and a half.
277. Has it been reducing in value much during the last two or three months?—Not more than in the usual ratio.
278. *By Mr. a'Beckett.*—Is it still going on reducing in value, do you think?—I should think so.
279. *By Mr. Michie.*—Then you do not know what it may be worth this time next year?—No.
280. *By Mr. Stephen.*—It is clearly falling in value, is it?—Yes.
281. *By Mr. a'Beckett.*—What value had it a year and a half ago?—I should say it was worth at least £600 then.
282. The one you now value at £400?—Yes.
283. Do you think the other allotment has diminished in the same ratio?—Yes, the other allotment was valued very highly some time ago. There was a great discussion about having the Murray road past there, but it seems to be dropped now; the people are losing heart about it. Some few holders of land do still think it will pass there some day.
284. What is the highest estimate you ever put upon that land?—I believe it has been very high, but I cannot say what.
285. Can you recollect what you have heard it mentioned as being worth at any one time?—Yes; I was told the other day of its having been worth about £1300.
286. *By Mr. Stephen.*—How long ago is that?—I cannot say.
287. You heard that it had been once worth that?—Yes; about a year and a half ago, most likely.
288. *By Mr. a'Beckett.*—Did you ever hear any estimate of the value of the other allotments?—No.
289. *By Mr. McCombie.*—Why do you value the other allotments higher?—Because Munday-street is a more thriving neighborhood. All here—[pointing to the plan]—is covered with the residences of the people of Sandhurst; but this street is all dug over, and it is stopped there—[pointing to the plan].
290. Do you think that land ever would have sold for that extreme value?—If the street had been opened it would.
291. *By Mr. Stephen.*—It would have fetched that, if the street had been opened?—Yes.
292. *By Mr. Michie.*—It might have fetched three times that, perhaps, if something else had happened?—Yes.
293. *By Mr. Stephen.*—Are allotments 60 and 61 at Epsom in the same map?—No; they are not in the map now before the committee.
294. Whereabouts is Strathfieldsaye?—It is to the south-east of Sandhurst.
295. How far from Sandhurst?—One end of it, where these two upper allotments of Dr. Tierney's are, is nearer by two or three miles than the other part, where the other lot of Dr. Tierney's is. Those two upper lots are about six or seven miles from Sandhurst.
296. In which direction?—South-east.
297. Which allotments are you speaking of now?—The two together; 16 and 36, of section 2.
298. Are those the nearest allotments of Dr. Tierney's to Sandhurst, of those in the neighborhood of Strathfieldsaye?—Yes.
299. Are there any improvements upon that land?—No; it is in its original state.
300. Open land, with no fence?—Yes.
301. How many acres does it consist of altogether?—The two together consist of ten acres, one rood, six perches.
302. Have you been upon the ground within the last few days?—Yes; I have been all over it, and round it.
303. What do you consider that land to be worth?—About £12 per acre.

304. Does that make about £122 10s. in the whole?—That is what I made it, leaving out the six perches.
305. What sort of soil is it?—It is very good soil; very fair soil. There is a road on one side, and the adjoining lot is under a very good crop of hay; and the small lot above it, number 35, I think it is, is under a very fair crop of oats.
306. What is the other allotment belonging to Dr. Tierney?—Number 9 of section 3.
307. That is further from Sandhurst?—Yes, by about two miles and a half, or three miles perhaps.
308. *By Mr. Henty.*—What is the area of that?—20 acres and 24 perches.
309. *By Mr. Stephen.*—How many miles is that from Sandhurst?—About nine miles and a half or ten miles.
310. Are there any improvements upon that?—No.
311. It is all open?—All open.
312. What do you value that at?—About £5 an acre.
313. Whereabouts are the allotments 60 and 61 in the parish of Sandhurst?—They are to the north of Sandhurst.
314. They are allotments 60 and 61 of the parish of Sandhurst?—Yes, they are in Epsom.
315. What is the proper description of those—they are described in Dr. Tierney's declaration as lots 53 and 54?—Those numbers only refer to the auction.
316. Then the lot 53 and lot 54 in the declaration is no part of the proper description?—No; they are allotments 60 and 61 in the parish of Sandhurst.
317. The whole portions 60 and 61 belong to Dr. Tierney?—Yes; they are described and referred to in the Government plans and *Gazette* as allotments 60 and 61, and those lots 53 and 54 describe the same allotments. They are two of what are called the suburban garden allotments of Sandhurst.
318. Are they next to one another?—Yes.
319. They form one piece of ground?—Yes.
320. What state are they in—is there any fence on them?—No; there is a tent on the land—a sort of store I believe—for which some small rent is paid. But when I went to inquire, I could get no satisfactory answer.
321. What is the extent of land in each of them?—1 acre 1 rood 24 perches in each.
322. What do you value them at?—About £125 each.
323. Have you seen the statement in Dr. Tierney's declaration of his qualification?—I have seen nothing about it.
324. Would you look at that—[*handing to the witness a copy of the Minutes of Proceedings of the Legislative Council of the 7th of October, 1858, containing a copy of Dr. Tierney's declaration*]. Leaving the two in Warrnambool and the one in Wangoom out, are those the same allotments as you have now been giving evidence about?—Yes; those are quite right.
325. Those seven lots of land mentioned in the declaration are the ones you have been speaking of?—Yes.

Cross-examined by *Mr. Brewer.*

326. You have been speaking about a road, the main Murray road?—Yes.
327. Can you tell whether that is the road that is pointed out on this plan which has been procured from the Government office—[*showing a plan to the witness*]?—Yes; that is it.
328. As shown by this plan, it goes to the White Hills hamlet?—Yes.
329. And that is straight on to the Murray, is not it?—Yes; that is called the Great Murray road.
330. As shown by this plan of the 20th March, 1857: will you look at the date of that?—Yes.
331. Is that the road the opening of which you have stated would make a very material difference in your estimation of the value of that property?—Yes.
332. On the other side of Macrae-street is Pall Mall, is it not?—The name of Pall Mall does not go further than there—[*pointing to the plan*].
333. *By Mr. Michie.*—Pall Mall does not extend much beyond the frontage opposite to the camp, does it?—Not the name of Pall Mall.
334. *By Mr. Brewer.*—Is not Macrae-street a continuation of Pall Mall?—Yes.
335. As shown by this Government plan, Pall Mall is a continuation of Macrae-street towards the camp, is it not?—Yes.
336. Do you know of any sale having taken place lately of land in Pall Mall?—Yes.
337. Do you know Mr. Barrow's land—have you heard of a sale lately by him of twenty feet frontage to Pall Mall?—Yes.
- Mr. Michie* objected to any inquiry being gone into as to the price which allotments in Pall Mall might have been sold for; the witness having already stated that Pall Mall did not extend beyond a particular point, and submitted that the price which land fetched there was no guide to the committee as to the value of Dr. Tierney's allotment.
338. *By the Chairman.*—Pall Mall is confined between Mitchell-street and Munday-street, is it not?—Yes.
339. Those are the boundaries of it, north and south, are they not?—Yes.
340. *By Mr. McCombie.*—Is Macrae-street built upon?—Some part of it.
341. *By Mr. Brewer.*—The Mechanics' Institute is nearly opposite this land, is it not?—Yes.

Mr. G. W. Hart,
continued,
7th Dec., 1858.

342. And that which was known as Fraser's store is there, is it not?—I do not know such a place.

343. Howard's store?—No; there is no Howard there.

344. The store that was Howard's?—That was an hotel: that hotel is there.

345. How many feet are there between that portion of Pall Mall where Mr. Barrow's land is and Macrae-street—are there 100 feet?—Yes.

346. How many hundred feet?—I am not prepared to answer that question. I do not know the number of Mr. Barrow's allotment, nor do I know the section.—[*The witness referred to the plan.*]—I think Mr. Barrow's land is there—[*pointing to the plan*].

347. What distance would that be?—[*The witness measured the distance on the plan*]—More than half a quarter of a mile—about fifteen chains, and each chain is sixty-six feet; that would be about 300 yards.

Mr. Brewer was heard in support of the admissibility of evidence of what the land in Pall Mall already referred to had been sold for.

The Chairman intimated that the committee, being all personally acquainted with Sandhurst, would prefer that the evidence of the value of land in Pall Mall should not be gone into, as it would not influence their judgment of the value of the land in question at all.

Mr. Brewer stated that he proposed to ask this witness what the land in Pall Mall had recently fetched, in order to show that there had been no depreciation in the value of land in Sandhurst during the last eighteen months, as stated by the witness.

Mr. Michie was heard against the reception of the evidence on this ground.

The Committee deliberated.

The Chairman intimated that the committee did not wish to limit *Mr. Brewer* at all in the evidence which he thought proper to elicit; but that they thought that the question now proposed to be put was travelling out of the evidence which would be likely to influence the judgment of the committee.

348. *By Mr. Brewer.*—Have you heard of a sale of land in Pall Mall at the rate of £150 a foot?—Yes.

349. How long ago?—About a month ago. I cannot say as to the price; it was somewhere about that.

350. *By Mr. McCombie.*—Was it a positive sale, or merely a rumor of a sale?—A positive sale. I saw the conveyance of the land.

351. *By the Chairman.*—What extent of land was there?—I cannot say; I took no particular interest in it.

352. *By Mr. Henty.*—What buildings were there on the land?—There were first-rate buildings on it.

353. *By Mr. Brewer.*—What kind of buildings?—A large shop.

354. Of what kind?—A boot and shoemaker's shop.

355. Built of timber, is it not?—No; the back of it, which was sold as a part of that sale, was brick. *Mr. Ward* the solicitor's offices are in the back of it.

356. Do you know the block of land you have spoken of—the first allotments of *Dr. Tierney's* in Macrae-street?—Yes.

357. Do you know lot No. 1 there?—[*The witness referred to the plan*]—That is the lot on which the Black Swan hotel is.

358. What should you value that land at—do you know the quantity there is in that lot?—No; there is a double frontage.

359. Do you know how much was given by *Mr. Irons* for that allotment?—No.

360. What should you value that allotment at per foot?—I dare say £50 or £60 a foot frontage; there are three fronts to it.

361. There are two fronts to *Dr. Tierney's*, are there not?—Yes. The Black Swan has three fronts—and they are very conspicuous fronts. There is a full front to Bridge-street, a full front to Macrae-street, and a full front to the open space leading to Pall Mall. It is one of the oldest established houses there; they do a very large business; it has been known as long as Sandhurst has, and I believe is one of the oldest houses in Sandhurst; I never knew it begin.

362. Do you know what it was sold for?—No, I do not.

363. The next allotment—*Mr. Garsett's*, the druggist,—what should you value that at?—He has lately built a new brick house on it.

364. What should you value the land itself, the frontage, at?—Without any buildings, about £10 a foot one frontage, but the other frontage is very good; the Bridge-street frontage is much more valuable, whereas the Macrae-street frontage has fallen off, owing to the other frontage being so much thought of. *Mr. Garsett* used to be in Macrae-street, but he has removed now, and built a very nice house in Bridge-street, so that there is a very nice front there now.

365. That is with reference to the road?—Macrae-street is not at all a thoroughfare now, and Bridge-street is.

366. Do you know the allotment which is occupied, or belongs to *Mr. Holmes* there?—Yes.

367. What number is *Mr. Holmes's*?—Lot 4.

368. What should you value that at per foot frontage?—About the same thing, being a double frontage. I should think it would be about £10 a foot on the Macrae-street side, that is getting out of Bridge-street. If that ever were made a street it would improve those lots immediately.

369. The proposed line of Macrae-street?—No, the other side of it.

370. *By Mr. McCombie.*—Where is Jemmy Irons's quartz crushing machine?—The one that blew up, you mean? Mr. G. W. Hart,
continued,
7th Dec., 1858.

371. No, that was the company?—That was out here somewhere. I think this is where it was. I have seen some of the remains of the machinery there—[*pointing to the plan*].

372. *By Mr. Brewer.*—Where is Macdonald's ginger-beer manufactory?—The last lot; I think it is further off; it is here—[*pointing to the plan*].

373. State the number of the lot, and the block?—It ought to be, if I can judge, allotment 6 and 7 of section 23. I think it is there.

374. What should you value lot 5 at per foot frontage?—About the same as Dr. Tierney's, I think at about £6; £6 or £7; it might be worth a pound more or so, being nearer town. It is wonderful how it runs up; it is almost a graduated scale—a pound at a time. I have known land go a little bit further, or nearer towards Pall Mall, the great centre of the place.

375. Do you know of any land on that side of Macrae-street, between Dr. Tierney's and Mr. Irons's, either sold lately or under treaty for sale?—No.

376. *By the Chairman.*—That is between No. 6 and No. 1?—Yes. I do not know of any part of that being under treaty for sale.

377. *By Mr. Brewer.*—Any part of the frontage?—No, I am not aware of it, at the present moment.

378. If I understand you rightly, all your calculations are based upon all these lands being put up for sale?—By public auction.

379. A compulsory sale?—Not under execution.

380. But from circumstances compulsory that is put up and obliged to be sold—absolute sale?—By auction.

381. And for cash?—Always for cash. I am putting it at what I consider it would bring.

382. Without any reserve?—Without any reserve.

383. A difference in the mode of sale would make a difference in the price, would it not? I do not understand the question.

384. If credit were given instead of cash?—Of course. I should say that would make some difference. Very few people pay ready money entirely; generally one-third cash, and three and six months' bills for the remainder.

385. *By Mr. McCombie.*—Was not the Black Swan sold lately?—It was sold in August.

386. Mr. Barrow bought it?—Yes.

387. *By Mr. Brewer.*—Was not it sold for £7000, that allotment and the buildings on it?—I cannot tell; I have nothing to do with the conveyancing business at present, and therefore I do not know these things as well as I did some time ago; I do not know what is going on exactly.

388. How long is it since you have not known what was going on?—About six months.

389. Then for the last six months you have not known the state in the market of the land?—I have known it more, but with reference to the mortgages and sales that take place. I know better what goes on in the public auction. I hear a good deal from one person and another of what goes on.

390. Do you assist in selling land yourself; survey and value it for private individuals?—Yes.

391. Have you bought any yourself?—No.

392. Going now to the land at Strathfieldsaye, 16 and 36, that land is bounded on two of its sides by roads, is it not?—Yes.

393. And opposite the frontage there is a village reserve, is there not, with only a road between that land and the village reserve?—Exactly so.

394. And one of the roads you have spoken of is the main road from Sandhurst to where? To the Exe Creek.

395. And on to McIvor?—There may be a road through, I do not know; I believe there is a road goes that way to McIvor, but it is not very much frequented.

396. Does not the fact of there being two roads, and being only separated by a road from a village reserve, make a difference in the value of the land?—Not at present.

397. To a man who does not want to sell, that is, not under the necessity of selling?—My instructions were to put the present value.

398. Would that make a difference to a man who was not under the necessity of selling?—It might be so to the owner, but not to the purchaser; if I wanted to purchase, I would go according to the present value.

399. Would you not be actuated by motives, as to whether it was for investment or occupation? Supposing you wanted to purchase that for investment, would you give more money for it in consequence of its having two roads and being opposite the village reserve?—I think I should; I certainly should.

400. Is there not also a public-house near that land, pretty close?—I have not seen that.

401. Near the road-side?—No; there is no public-house near.

402. Is there not one on No. 29?—There may be, but I do not know of it; I cannot tell whether there is or not. If I knew the name of the public-house I could tell; but this I can say, that when I was on the hill at the apex of the triangle of these two lots, where it is rather high ground, on looking down that road, looking northward, I could not see a public-house of any sort. I saw one cottage, but I saw no public-house; in fact, I should have been very glad to have known there was a public-house; it was a very hot day, and I had to go three miles and a half to find a public-house.

Mr. G. W. Hart,
continued,
7th Dec., 1858.

403. Do you know what was given for those allotments you have spoken of at the Government sale?—I heard it yesterday.
404. As much as £16 an acre for one, was not there?—Yes.
405. With respect to allotments 60 and 61 at Epsom, I think you said that you had heard some small rent was paid for this?—I did hear there was some small rent, but I could not find out whether it was exactly true or not.
406. You did not ascertain what it was?—No; it was a very small store, a small frame tent.
407. How many feet frontage is there to that land?—350 links (231 feet) frontage to each of the lots.
408. Do you know whether that land is auriferous?—No; I cannot tell. Some people say it is likely it is, and I wonder it has never been dug on.
409. There has been a great deal of digging in that neighborhood, has there not?—Yes; a great deal.
410. Very rich diggings?—Yes.
411. Are you not aware that the lead, just in that immediate neighborhood, has been lost?—No.
412. Are you not aware of that?—No; it is dug, all the other side of that creek.
413. Water, I believe, is of very great value, is not it, in that neighborhood?—Yes.
414. Do you not know that Dr. Tierney receives £2 a week for the use of the water on that land?—I did not know it an hour ago.
415. Do you know it now?—I do now; I did not know it when I came into this building.
416. *By Mr. Hervey.*—How do you know it now?—When our affair was settled, and we had arrived at our valuation, and written it down, and given it in, we did not mind being a little more communicative. Before that we had been most cautious in not saying a single word on the subject, and then he did mention this to me.
417. *By Mr. Michie.*—Who did?—Mr. Russell.
418. *By Mr. Brewer.*—Then, in point of fact, Dr. Tierney receives £2 a week for the use of the water?—He did not tell me the amount, he told me that he was getting a rental for water, that the water was let out for so much per annum, I think he told me.

Re-examined by *Mr. Michie.*

419. Let out by whom?—I suppose by Dr. Tierney. I suppose he claims that creek with the land.
420. How much frontage is there to this creek?—The creek would have about the same frontage and it runs right through the two lots.
421. Mr. Russell I suppose merely told you he had heard this?—Yes, by inquiry.
422. Somebody told Mr. Russell and Mr. Russell told you?—Exactly so, that is since we have been at the house here.
423. In fact, it is only hearsay upon hearsay?—Precisely so, I had not fallen upon that information in searching these dates.
424. What is the source of this water?—It is not very far, it is somewhere about a mile off in an easterly direction. I think it rises somewhere near the racecourse, or near some small ranges to the east of this.
425. Is the frontage on the other side of the creek still in the Crown?—No, it is not.
426. It is sold?—Yes.
427. To whom?—I cannot tell that: one lot I can tell. One lot does or did belong to Mr. Winch.
428. Of the police?—Yes.
429. Does the water appear to be used as a sort of easement—are there many footsteps over Dr. Tierney's land?—No, there are not many footsteps.
430. Is the land fenced?—No.
431. And for land unfenced in every direction, the rent of £100 is paid for the water to be got from that extent of frontage; is that the story?—That is the story.
432. *By Mr. Thomson.*—I thought you said you had not heard the amount?—I do not know the amount, only that there was a rent paid.
433. *By Mr. Michie.*—I thought you said it was £100 a year?—Somebody else said that, and I picked up the idea.
434. Is it paid by any individual?—I do not know who pays it or how it is paid. I only heard a short time ago that there was some sum paid for the privilege of drawing water there, I believe, and a certain amount was derived from it in some shape or other.
435. Is there anything to distinguish this land being Dr. Tierney's land from the neighboring land?—Just in that immediate locality they are the only pieces that are not dug on. It is only two small allotments from the Shamrock Hotel.
436. There is no board to the effect that those who draw water will be prosecuted according to law?—No.
437. Nothing to make people strike an attitude and say "We have got to Dr. Tierney's land; we must not draw water here"?—No.
438. The diggers are not in the habit of attituding and suddenly controlling themselves when they come to private property?—No.
439. They take the water where they can find it?—I should say so.

440. What part of Pall Mall is the land which was sold at £150 a foot in?—I will see if I can recollect by memory of the range of shops.

441. At what part between the two ends of what we all understand to be Pall Mall—how far from either end of Pall Mall is it where the land was sold at £150 a foot with all the improvements on it?—Rather more north than the half of it.

442. Very nearly the centre?—Yes.

443. Almost centrally situated with respect to the camp?—I think it is as nearly opposite to the fire engine as possible.

444. Is not that a first-rate situation for business?—One of the best in Sandhurst.

445. It is not possible to find a better situation for business in Sandhurst?—No, there are as good, but not better.

446. For many yards both above and below that, the place is thronged day and night, is it not?—Yes, pretty well; there is a very good traffic and a very good business done all through. In fact, there must be, they pay such high rents.

447. And a very great crowd there on Saturday night?—Yes.

448. Where Chinese buy their flour, and butter, and bacon, and all sorts of things?—Yes, the regular Tottenham Court Road style.

449. And on this land there are some very first-rate buildings?—Yes, a very good shop and a right of way leading to Mr. Ward's office and three or four offices there. All that was included in the purchase.

450. *By Mr. McCombie.*—Are there back buildings as well?—Yes.

451. *By Mr. Michie.*—The back buildings for certain businesses would be as valuable as the front, would they not?—Not quite so valuable, but they would be very good property.

452. With respect to the Black Swan, whereabouts is that?—That is No. 1, at the junction of Bridge-street and Macrae-street, and facing Pall Mall.

453. That is an excellent situation, is it not?—Very good.

454. When that was sold for the sum of money just mentioned, included in that was the good-will of the business?—Yes.

455. With respect to Mr. Garsett, I understand you that this place was originally built to what was contemplated to be the best frontage, and his expectations having been thrown out he shifted back?—Formerly he had a shop in Macrae-street on the same allotment, and Macrae-street fell into desuetude, not being used so much as it used to be, and he faced about and built a new brick house on the other side.

456. He faced about to the population; he went to that which, supposing he had continued in Macrae-street, would have been his back premises?—Yes.

457. So that, in point of fact, he converted what originally were his back premises into his frontage?—I do not know whether he has let the shop.

458. He has right-about-faced to the population, has he not?—Yes, he has gone round to the population.

459. So that Macrae-street is now a sort of back neighborhood altogether, is it not?—It is a very nice quiet neighborhood; you cannot call it a good business neighborhood.

460. If a hermit was disposed to live there, instead of going to the business part of Pall Mall, that is the neighborhood he would select?—Yes; it would be a good place of business for Mr. Holmes, who has been in his establishment there as long as Sandhurst has been Sandhurst, and is well known, and he requires a great deal of room, and he does well there.

461. The outside value you put upon that is about £10 a foot, is it not?—The land alone I am speaking of.

462. Has Macrae-street ever been opened up straight through?—Never, to my knowledge.

463. The hobby about opening up Macrae-street has died away?—There was rather a stir about it a few days ago.

464. But the sludge hobby has displaced it?—Yes; I have not heard much about it now. Two years and a half ago it was very much the fashion to talk about it.

465. *By Mr. Henty.*—Are you aware whether any rent is derived from these allotments, 13 and 17, in Macrae street?—No, I am not aware of whether there is any rent or not.

466. *By Mr. McCombie.*—Are they used for any purpose?—No; there is a bit of a tent upon the one in Munday street, a very shabby bit of a frame tent, hardly worth pulling down. I think formerly there have been some tents upon the land, but whether they paid rent or not I cannot tell; perhaps if the owner of the land was not there, they might have put them up without.

467. Is there such a thing as letting property on building leases in Sandhurst?—On tent leases, at so much per week.

468. *By Mr. Henty.*—Those allotments are not occupied in that way?—No, neither one nor the other.

469. And you believe no rent is derived from them?—I have no reason to believe there is, because I do not believe they are made any use of.

470. *By Mr. Michie.*—The auriferous diggings are on the other side of the creek, are they not?—I have observed that all the auriferous land seems to be on the westward side of the creek.

471. *By the Chairman.*—That is with regard to portions 60 and 61?—Yes; there is scarcely any digging on the eastward side of the creek.

The witness withdrew.

Mr. G. W. Hart,
continued.
7th Dec., 1858.

Mr. Russell,
7th Dec., 1853.

Mr. Charles James William Russell called and sworn.—Examined by *Mr. Michie*.

472. What are you?—A surveyor.

473. Where practising?—Sandhurst.

474. Have you been practising as a surveyor there long?—I have been practising in and about Sandhurst for the last seven years.

475. Are you well acquainted with the value of property in that neighborhood?—I am.

476. Will you be so good as to take the map and look at allotment 6 of section 13, Sandhurst, having a frontage of 112 feet to Macrae-street; looking at that allotment, at what should you in your judgment value that?—It has 112 feet frontage. I have made inquiries generally there of the owners of other property that is to be disposed of.

477. I want your own valuation, and not a valuation derived from people who want to dispose of property there?—The value I should put upon it is £5 a foot.

478. Allotment 16 of section 17, Sandhurst, at what do you value that?—£6 10s. per foot, or £429 for the allotment.

479. Allotments 16 and 36 of section 2, parish of Strathfieldsaye, abut on each other?—Yes, they join each other.

480. They are one allotment, in effect?—They were sold originally separately, they are now one plot of ground.

481. What should you value those at per acre?—I have taken the average of the ten acres at £20 an acre. I have put it down so. Perhaps the one portion of the three acres might not be quite so valuable as the other from its position, but taking the quality of the land and its peculiar position at the junction of five cross roads, I thought the price I put down fair; and knowing also the prices of other lands in the neighborhood, I could not be far wrong in my estimate.

482. What is the distance from Sandhurst?—Seven miles. I believe it does not exceed seven miles, I do not know positively; it is said to be six miles from the public house, which is about 200 or 300 yards this side of it; but I think it is a very long six miles.

483. Would you put £20 an acre on land seven miles from Sandhurst?—Yes, on that road; it is one of the best pieces of land I have seen on the Sheepwash, and the Sheepwash is notoriously good land.

484. Allotment 9 section 3 of Strathfieldsaye, being 20 acres 24 perches, what do you consider that worth?—It is uncultivated land, not very good; some part of it is tolerable and it is watered by the creek; it has a water frontage.

485. What do you value that at?—I value it at £5, and I would justify that by sales that have taken place in the immediate vicinity, and considering the quality of the land, I consider that is a right valuation.

486. Allotments 60 and 61, suburban garden allotments, Epsom, do you see those?—The valuation I put upon that is by taking the rental upon portions of it. A large portion of it remains unoccupied, other portions of it are occupied and are letting for £120 a year. There is a large waterhole of permanent water that is let for £100 a year; then there are two stores, £10 ground rent each, making £120.

487. Do you take the rent for that waterhole?—I take that as part of the value.

488. Do you receive the rent from any lessee of the waterhole?—I know the proprietor, I know no more than the proprietor told me so. The person hiring it told me that he paid it.

489. What is his name?—I do not know him personally, but I can give you his name; he is a man I know well by sight and have been in the habit of seeing for years past; I have not his name in my book, I have a memorandum of it, but I have not it with me.

490. Did you book him as the first lessee of the sort you ever met with?—I know that water is very valuable there, and it is not at all an improper price to pay for it. It is a considerable length, it reaches the length of the section. This particular creek was sold with those allotments, though the Bendigo Creek was not; it is private water.

491. *By Mr. McCombie*.—If it is a creek, how could it be a waterhole?—It is not a running creek, it is detached waterholes partly connected.

492. *By Mr. Michie*.—A waterhole is that which is usually upon particular property, the proprietor having the exclusive right to every point of access to the water; whereas, in a creek here there is a divided interest, the owner of the land on the other side of the creek can get at it?—No, it is within a trifle of the entire length.

493. But there is another side to the creek?—No; he has it both sides.

494. Has Dr. Tierney got both sides of the creek?—Yes.

495. Has the lessee hired it from year to year?—He has a lease of it for a year, he told me; it is the waterhole in the allotment, a piece of what used to be called Picaninny creek, or what I should call the Epsom creek. It is so insignificant a creek that it was sold with the land, not like the Bendigo creek, which was retained by the Government.

496. What value do you give to those allotments 60 and 61?—I value those two allotments at £600—that is, five years' purchase on the present rent; that is the way I preferred to take the value. There are other ways that I might arrive at it, that would give about the same amount. It is the very centre of the business part of Epsom, and has a frontage to the main Murray road, in the village of Epsom.

497. Do you think the land would have sold for that cash at any time between October and this, bearing in mind the tightness of money and so on?—The land is very valuable all

about; besides this waterhole there is a permanent spring upon it, that the people in the neighborhood derived their water from the whole of last summer and it never failed, and that is a very unusual thing.

Mr. Russell,
continued,
7th Dec., 1858.

Cross-examined by *Mr. Brewer*.

498. Your valuation has been upon the presumption of immediate sale for cash, at the present time, has it not?—It is the value I should put upon it at the present time if I was desiring to invest money, and that was offered me, I should think that was a fair price to give for it. If I had to raise money, I should think I was not justified in parting with it for less.

499. Do you know of any land, either sold or proposed to be sold, on that side of Macrae-street in which Dr. Tierney's allotment is, lately?—I do. There is a piece of land here divided from Dr. Tierney's by the pound.

500. What frontage would that be in Macrae-street?—Twenty-six feet.

501. *By the Chairman*.—What is the number of it?—No. 4, I believe; it is the same length, and twenty-six feet wide.

502. *By Mr. Brewer*.—Do you know how much is asked for that piece of land?—£450 was the price. The measurement is 26 feet 4 inches frontage.

503. *By Mr. Thomson*.—Is it for sale?—The owner of it has raised his price very much indeed, and has excluded it from sale.

504. *By Mr. Brewer*.—The owner wants £800 for it, does not he?—Yes, that is the price that he now wants.

505. And refuses £450, which is offered?—Yes.

506. And that same sum had been offered some years ago?—Two years ago.

Re-examined by *Mr. Michie*.

507. Where is that?—Between Holmes's allotment, or the house and business place of Holmes, and the public pound.

508. How far away from Dr. Tierney's?—About three times the length of this room.

509. How much does that come to a foot?—About £17 a foot.

510. *By Mr. Thomson*.—The £800 or the £450?—The £450, the sum offered.

511. *By Mr. Michie*.—Is there any special reason for that sum being offered?—No special reason that I am aware of. I know for what purpose it was.

512. What was the object?—The object was to put a chapel upon it.

513. *By the Chairman*.—Was not that a symptom of the value of the adjoining lots of Dr. Tierney's?—There is one lot between.

514. It does not seem to have influenced your opinion at all?—I did not take that as a rule that I must measure the other one by.

515. Why did you exclude it?—Because I found the other allotments in the same neighborhood had not been asked so much for by the owners; some on the opposite side I understood they were offering at £8 or £9.

516. *By Mr. Thomson*.—Do you consider them equally valuable on the opposite side of the street?—Yes, I do.

517. *By Mr. McCombie*.—Then could you get any of those for £8 to £9?—There is very little to sell; I merely know one person who has any to sell.

518. And what does he want?—All those who are holders of land there, I think, have bought it with a conviction that, in a few years, that road would be the road to the White Hills and the Murray. Strangers, perhaps, have not so good an opinion of it, or are not so well acquainted with the circumstances affecting the probability of that road being opened, and therefore do not come forward as purchasers.

519. Do you recollect Irons's quartz crushing machine being here?—I do.

520. What allotment was that upon?—It was down here—[pointing to the plan].

The witness withdrew.

Mr. Michie stated that this was all the evidence he was prepared to call at present; that, with a view to obtaining the evidence of Mr. Fletcher, the town surveyor of Sandhurst, he proposed to take his examination before a justice of the peace, in the manner provided by the Act, and suggested that, as Mr. Brewer had intimated that he proposed to avail himself of this clause of the Act, a joint commission should be appointed to take the evidence of Mr. Fletcher, at the same time as the evidence of Mr. Brewer's witnesses.

The Chairman inquired whether there was any objection on the part of the sitting member to the course proposed.

Mr. Brewer stated that, until the case for the petitioner was closed, he did not feel called upon to state what course he proposed to pursue with respect to the conduct of the case of the sitting member.

Mr. Michie stated that, under these circumstances, he would prefer a *vivâ voce* examination of Mr. Fletcher, and applied that a summons for his attendance might be issued, and for the adjournment of the committee *pro formâ* to Friday next, upon the understanding that business would be proceeded with on the following Tuesday.

Ordered—That this Committee be adjourned to Friday next, at a quarter past ten o'clock.

TUESDAY, 14TH DECEMBER, 1858.

Members present :

The Honorable M. HERVEY, in the chair ;

The Honorable T. T. a'Beckett
 „ T. McCombie

The Honorable J. H. Patterson
 „ R. Thomson.

The Counsel and parties were called in.

Mr. Stephen stated that a summons had been served upon *Mr. Fletcher*, who was the last witness he proposed to call; that the agent for the petitioner had received a telegraphic message to the effect that *Mr. Fletcher* had left Sandhurst for Melbourne, and applied for a short postponement to allow of his attendance, which was momentarily expected.

After an interval,

Dr. Tierney stated that *Mr. Brewer* had been obliged to leave for Tasmania, that he would return in a few days, and applied for leave to appear in person for this day in the absence of his counsel, which leave was granted by the committee.

Mr. George Avery Fletcher called and sworn.—Examined by *Mr. Stephen*.

G. A. Fletcher,
 14th Dec., 1858.

521. What are you by profession?—A surveyor.
522. Do you occupy any office in the town of Sandhurst?—I am town clerk and town surveyor of Sandhurst; I have been so for nearly three years.
523. Do you know *Dr. Tierney's* land in the town of Sandhurst?—I know the allotments that have been pointed out to me.
524. Allotment 6 of section 13, fronting Macrae-street—do you know that?—I do.
525. What do you value that at?—I estimate the present value in the market for cash, if submitted to public competition, would be £500.
526. How do you estimate that value?—I estimated it in the first instance in a round sum for the piece of land, and I did so from happening to know what had been *bonâ fide* offered to the owner by a gentleman very anxious to get it. The valuation, if divided by the feet, would be about £4 10s.; but I gave it in one sum, because there has been an offer made to that effect some few months ago.
527. Will you state, with reference to the evidence that you are about to give to-day, has there been any change in the value during the last few months—for how long back will it apply?—Property generally is rather dull of sale just now; there has been a depreciation in the same agricultural allotments of about twenty-five per cent. I think the crops are very bad, and there are no buyers.
528. Has there been any difference between now and October?—The agricultural land might have fetched a little more then, but the town lots I think not.
529. Then this value of £500 would be the value then?—Yes.
530. It fronts Macrae-street?—Yes.
531. Is Macrae-street formed at all?—No. The footway is formed in it.
532. Is there any expectation of any change in value, with reference to the formation of Macrae-street?—A very great value would be attached to this property, contingent upon the opening of the street; but it is perfectly uncertain as to that. I took the property as it stood, with the disadvantage of no thoroughfare, at this figure. Of course, if it was opened, it would be worth more money.
533. Do you know allotment 16, fronting Munday-street?—Section 17 C?
534. Yes?—I valued that in the same way; that is, its price by auction for cash, at £3 a foot, or £198.
535. The first one you valued upon the basis of an actual offer that was made?—Yes.
536. For that sum?—For that sum.
537. How long ago was that offer made?—I think it must be eight or nine months, or a year ago.
538. Has the value, do you think, increased or diminished, since then?—It has not increased, decidedly; in the opinion of the party who made that offer, it has decreased.
539. Can you state at all, with reference to the general opinion of the neighborhood of the town of Sandhurst—has land similarly situated increased or fallen in value, or has there been any change in the market value during the last eight or nine months?—No, not to speak of. The great portion of the land in Macrae-street—the portion that is open—is being held over, with a view of having a price for it some day. There was none in that street changed hands for, I think, about two years, or at least not any that I am aware of.
540. You have seen the allotments at Strathfieldsaye?—Yes.
541. First, allotment 9 of section 3, what do you value that at?—The estimated area being twenty acres on the Emu creek, it is rather more than eight miles from the town, perfectly unimproved, £100 per lot.
542. Did you value that by the acre?—It is about £5 per acre, it is taken at £5 per acre, and there are a few perches over, which I did not take into consideration.

543. Allotment 16 and 36 of section 2, that is in the same neighborhood of Strathfieldsaye? Mr. G. A. Fletcher, continued, 14th Dec., 1858.
—Yes; it is nearer to Sandhurst. A part of it is better land than the other, and a small portion of it worse. I value that lot at £82, that would be an average price of £8 an acre. The good land is worth £10, but there is a portion perfectly barren in the upper corner; so that it would make an average of £8 an acre.

544. Nos. 16 and 36 lie in one block of land, do they not?—Yes.

545. *By Mr. Patterson.*—Do you put £82 on each?—No; the whole ten acres; the two lots together make 10a. 1r. 6p., and I value that at £82 the lot.

546. *By Mr. Stephen.*—Portions 60 and 61 in the village of Epsom, what do you value that at?—£220.

547. Is that by the acre, or by the frontage?—Neither; or at least it is the two things combined.

548. *By Mr. Patterson.*—£220 for the two lots?—Yes.

549. *By Mr. Stephen.*—What is the extent of that?—2a. 3r. 8p., portions 60 and 61.

550. I believe there is a waterhole in that ground?—There is the Picaninny creek passing through it.

551. Are you aware that that creek is let by Dr. Tierney?—Yes, I believe so; the creek and the ground with it; nearly the whole of the lower portion of the allotment with the creek is let.

552. Do you know how much it is let for?—The tenants have it for £8 a month; I believe that is their agreement.

553. Did you take that into account at all in your valuation?—Yes, decidedly; or else the land would not be worth this money, or anything like it. You must not consider this as a permanent rental; they are paying that £8 a month for destroying property. The committee are probably aware that there is a large quantity of old workings that is being worked over again, and they are renting it for the purpose of obtaining the tailings from this creek. They wash the best first, and then they sell the gravel to the road contractors, but there will not be any quantity for any time.

554. *By Mr. McCombie.*—It is not for the permanent worth only they pay?—No; it is for these tailings; the bed of the creek will make a permanent waterhole afterwards, but not worth £100 a year, or anything like it.

555. *By Mr. a'Beckett.*—What do you think the permanent waterhole would let for?—They are mixed up so much now, the two things together, the creek is so full of tailings, the two things would be taken together. I daresay the waterhole should bring in £50 a year.

556. And do you think land that would let for £50 a year is not worth more than £220?—On the average sale of property in Sandhurst, it does not fetch three years' purchase, and with £50 a year there is a very great chance of that being done away with. If there was to come a heavy fall of rain, all the water in the creek would be just filled up with sludge; it is only kept out by a bank at some little distance.

557. Assuming that it continued to be a good waterhole, you say it would let perhaps for £50 a year?—I say, if it is a permanent waterhole; but they state there that the ground is not good for retaining water unless the dam was well made—it would not hold the water at all—the ground is so porous that it keeps sinking rapidly, and the ground is honeycombed all round, and it would want a dam constructed for the purpose of getting a rental from it solely for water.

558. Why is it available for water now, with all those disadvantages?—I say to make it worth £50, you must make a water dam.

559. *By Mr. Stephen.*—What would be the cost of making such a dam?—I cannot tell.

560. In fact, it is a very speculative value, but if they succeeded in making a good waterhole, it would fetch £50 a year?—Yes.

561. And the expense of making a waterhole is altogether incalculable?—It is; it is the under stratum in the soil that lets the water out.

562. You say that there has been some change in the value of country allotments during the last few months?—There are fewer buyers for small farm lots.

563. Would any of those prices that you have been speaking about fall within that description—has there been any alteration in the value of land at Strathfieldsaye?—As a general rule, I should say they would fetch twenty-five per cent. less than they would three months ago, owing to the failure of the crops.

564. Then these two allotments at Strathfieldsaye would be worth twenty-five per cent. more, three months ago?—Yes.

565. Then in this allotment at Epsom, has there been any alteration in the value of that?—The men, in the way they are working it, are damaging the property, and it is falling in value. They are taking away what they are paying £8 a month for; and when that is done, they will not pay £8 a month, nor anyone else.

566. The reduction of twenty-five per cent. only applies to Strathfieldsaye?—Yes.

567. Not to the land at Sandhurst?—No.

Cross-examined by *Dr. Tierney.*

568. How do you arrive at my land in Macrae-street being worth £500, in, as you call it, a round lump—is that the way generally of valuing town allotments?—No; I only calculated it at so much per foot frontage; but I was not aware, when I first made this valuation, what purpose it was for. I was under the idea that it was for the purpose of effecting a mortgage, and consequently I named a round sum.

Mr. G. A. Fletcher,
continued,
14th Dec., 1858.

569. Then you did not calculate at all as to its having a frontage to Macrae-street, and another frontage to the reserve in Bridge-street?—Decidedly, I did, or else it would not be worth anything at all.

570. Did you value it as you value for assessment to the town of Sandhurst?—Yes, something in the same way.

571. Do you know Bakewell's allotment, next premises to my allotment—there is an allotment reserved by the Government between? I am speaking to twenty-six feet four inches, held by a man of the name of Bakewell?—Yes; I know Mr. Bakewell has some land with a store on, on the Bridge-street side.

572. Do you know what he gave for that?—I did not know that he had a piece of land fronting Macrae-street; he has the Bridge-street frontage.

573. Did you not ascertain the value of that portion of land which is next to my allotment?—It is not next to your allotment.

574. Next to the one portion which is reserved? I ask you distinctly, did you apply to Mr. Bakewell, or Mr. Holmes, the parties who have the land next to mine, to ask what was the value of their land?—I did not.

575. Do you know what Mr. Bakewell gave for his land?—I do not.

576. Are you aware that he was offered £450 for it?—I am not.

577. Are you aware that he gave £500 in ready cash for it?—I am not.

578. Are you aware that he would not take £800 for it?—I am not.

579. You have been residing for two years in Sandhurst?—Yes.

580. Are you aware of the original plan of Sandhurst?—Yes; I have seen it very frequently.

581. You were not there when it was laid out?—No.

582. How many years afterwards was it you were there?—I cannot tell the date when it was laid out; I only know the length of time I have been there.

583. You could not, as surveyor, tell now when that land was sold first—holding the position you do, you could not say what year that was sold in?—No.

584. You were not there when the town was originally surveyed?—I was not.

585. Do you know Macrae-street?—Yes.

586. Is Pall Mall part of Macrae-street?—Pall Mall is Pall Mall, and Macrae-street is a street in the same line.

587. Are you not aware—is it not the fact—that Pall Mall is Macrae-street?—I am not aware of it.

588. Are you aware that, in the title deeds originally granted by the Crown, when that land was surveyed—the land in the present line of Pall Mall—was defined as being in Macrae-street?—I am not.

589. Is there some land sold in section 23?—Yes, two or three allotments.

590. *By Mr. McCombie.*—Where is McDonald's gingerbeer manufactory?—In section 21.

591. Where is Jemmy Irons's quartz-crushing machine?—That is Irons's, those two allotments; this is McDonald's.—[*The witness explained the same on the plan.*]—This land was purchased under the idea that Macrae-street was the main Government road, and then it was diverted along Bridge-street; the same line of street continues on all the Government plans, but still, of course, the parties possessing property in Bridge-street oppose the opening of that strenuously.

592. *By Mr. Thomson.*—Is this street reserved by the Government?—They will not put the land up for sale there. When they put the land up for sale it is immediately opposed by the owners of property in Bridge-street.

593. *By Mr. McCombie.*—Why should the ground, not being sold, prevent the street from being used—what blocks up the road of Macrae-street?—It is one chain of diggings; you could not get over it unless there was a road made across it.

594. *By Dr. Tierney.*—Is not this road kerbed and channelled as far as McDonald's brewery?—Yes.

595. Are you aware of land being sold in Macrae-street, or that portion of it called Pall Mall by Mr. Barrow, to a Mr. Campion a week or two ago?—Yes.

596. Are you aware that £150 a foot was given for that land?—No.

597. How much was given for it by Mr. Campion?—He gave £3000 for the land and buildings.

598. For how many feet frontage?—It would be difficult to state.

599. Is there more than twenty-six feet frontage on that portion?—There is not in one portion, but there is a right of way, and a lot of brick offices.

600. I ask the straightforward question, How much frontage has that land that Mr. Campion bought from Mr. Barrow facing Pall Mall?—The shop has got a frontage of from twenty to twenty-one feet, and the right of way a frontage of eight or ten feet, if you may call it a frontage.

601. Do you know Mr. Holmes's place in Macrae-street?—I do.

602. Did you ask him what was the value of his land?—I did not.

603. You did not ascertain from any one in Macrae-street the value of their property?—I did not ask them what they would take: I merely estimated what they would get, if they were obliged to sell it.

604. *By Mr. a'Beckett.*—Supposing they were not obliged to sell it, what would a willing purchaser give to a willing seller—supposing that a person were willing to sell, and a person were willing and ready to buy, what would be the probable purchase-money: not

alluding to a compulsory sale, and not a fanciful price either one way or the other, but such a price as a person willing to sell would get from a person willing to buy or wishing to buy?—
 In reference to this lot in Macrae-street, there is such a large amount of contingent value, that any man owning that property would stick to it rather than take a low price, because the value would be doubled instantly, as soon as the opening of the street was determined upon.

Mr. G. A. Fletcher,
 continued,
 14th Dec., 1858.

605. *By Dr. Tierney.*—You have said that somebody was anxious to get my land; that is very indefinite. Are you aware that any one offered me £500, or that some one anxious to get it applied to me and that I was anxious to sell it?—I do not know that you were anxious to sell it, because you wanted considerably more. It was somebody wanted it for a timber yard, and was very anxious to buy at that, but he would not give more money for it.

606. If you were the owner of that property, would you not place great value on it in consequence of that road being proposed?—I would not set a great value on it, but at the same time I would not sell it unless I was obliged.

607. Are you aware that there was £4500 given for an allotment in Macrae-street?—No.

608. Could you tell me how much the Honorable Mr. Fraser got for his allotment?—No.

609. You were not there at the time?—No.

610. You have spoken of the allotment in Munday-street?—Yes.

611. And you have valued that at £3 a foot?—Yes.

612. Do you know Mr. Hart, the surveyor, in Bendigo?—I do.

613. What sort of a gentleman is he; does he do much business?—Yes, pretty well.

614. Do you know Mr. Russell?—Yes, I do.

615. Supposing Mr. Hart had placed a value of £10 a foot on Munday-street, would you say that he did not tell the truth?—No, I should not say so, but I should say he made a great mistake.

616. And supposing Mr. Russell valued it at the same, would you say that he did wrong?—Yes, I should say the same.

617. Did you inquire or ask the parties who had land in the next allotment to mine in Munday-street what they would sell for?—I did not; but I will tell you what I asked. There was an allotment opposite the corner of the street put up for sale a few weeks ago, and there was not a bid for it, and I asked what it was bought in at, and I was told it was bought in at £3 ls. a foot.

618. Did you ascertain the value of the property from persons owning property in the street?—If this land was taken into account, I asked the owner how many *bonâ fide* bids he had, and he said "Not one."

619. *By Mr. McCombie.*—What was the reserve upon that allotment?—It was bought in at £3 ls.

620. What would have been taken for it?—The gentleman is very wealthy, and he would not sell unless he got his own price; he would not take less than £5 a foot for it.

621. Would he have taken £5 a foot?—Yes.

622. *By Mr. Stephen.*—Can you state the number of that allotment on the map?—No. 10 of section 11.

623. *By Dr. Tierney.*—How did you arrive at the valuation of allotment 9 of section 3, parish of Strathfieldsaye?—Simply by looking at the land and estimating what the average quality of it was, and from knowing what land in that neighborhood had lately fetched.

624. Are you aware that I was offered £5 an acre for that land, allotment 9 of section 3, on the Emu Creek, which you have valued at 30s. an acre?—No; £5 an acre.

625. Then how is it that you have come to the conclusion that it is worth now £5 an acre, when the other day, when you wrote a letter down here, you said it was worth only 30s. an acre?—Because the wrong piece of land was looked at.

626. Are you aware that the allotment next to mine is fenced in?—I am.

627. Are you aware that I paid part of the cost of fencing it?—I am not.

628. Then you did not ask the party next to my allotment the value of his land or anything about it? Did you see my allotment?—Yes.

629. Did you see it fenced in?—Yes, I saw the fence, and I looked over the fence.

630. Do you know what I paid the person for fencing?—No; that man was not at home, and his wife could answer no inquiries I put to her.

631. *By Mr. a'Beckett.*—Did you say you did not go over that lot?—I did go over it.

632. I thought you said you looked over the fence?—No, I went over the adjoining lot also, I saw this fence.

633. You went all over this allotment of Dr. Tierney's?—Yes.

634. And therefore you are able to speak of the variations in the quality of the land?—Yes.

635. Did you have a plan with you when you examined the land, so as to identify it?—This time I had.

636. And you had a plan with you when you went over the land?—Yes, and I measured it too, because there is a misdescription in the survey mark, which would mislead anyone, and which gave me a great deal of trouble to identify it; but I am quite certain I was on the right piece, and I went over it longitudinally, and diagonally, and laterally.

637. Did the person whose land adjoins tell you it was Dr. Tierney's land?—No; but the person on the next allotment but two or three knew the number of his, and then I measured them up from his, and I am quite certain it was it; he knew the number of his allotment that he was on, and I could trace it up from that.

Mr. G. A. Fletcher,
continued.
14th Dec., 1858.

638 *By Dr. Tierney.*—As to the Epsom property, are you aware that there is a permanent spring on that land?—There may be a spring in the creek; there are a great many of them.

639. Are you aware that I am receiving for the water alone £2 a week?—No; I am aware that you are receiving that for the water and tailings, as I stated before, and that they have got nearly all the value out of it.

640. Are you aware whether I am receiving anything for tentage?—Yes, I believe you are.

641. How much?—I do not know *bonâ fide* how much those parties pay, but the rental there for those tents would be £10 per annum—that is the price that is charged, I think.

642. Then if a person swore that that allotment was worth £600 altogether, do you think he would not be swearing correctly?—I think he would swear what he could not get.

643. Are you aware that this party did what you did not do, that he went and ascertained the particulars? Will you swear positively that I am getting £2 a week for that for having the tailings removed from it, and not from the water?—I cannot swear it at all, I can only state the arrangement which the parties in possession of the ground told me they had made; I could not put them on their oath, so that I could not swear it.

644. *By Mr. a'Beckett.*—The parties on the ground told you that that was what they paid for the tailings and the water?—Yes; and they said it would not be worth their while to keep there much longer. They had worked out the tailings so far, and they wished they could see Dr. Tierney himself to make another arrangement.

645. *By Dr. Tierney.*—Are you aware that I have been receiving that for some months?—The man told me that he had had it for six months.

646. You said something about the measurement of 700 feet, in the letter you sent down?—There is a frontage of 700 links. I merely gave that in the description as an element of value—that is the frontage to the main road.

647. What would you value that frontage at?—I do not value it by the frontage.

648. Not for tentage?—No; you could not get tents to occupy the whole of that frontage.

649. I believe the lead of gold has been lost before it came to my land?—Yes; and was taken up on the other side.

650. Have you any doubt that that may be a valuable allotment yet, as to gold—has it had a fair trial, in point of gold working—are you aware that I had land on the racecourse?—I am not.

651. Are you aware that I fenced in six or seven acres of land, and got a very large sum for it, in the very same line—will you swear that there was not to the amount of half a million of money got on two of my allotments on Bendigo, or that £20000 was not got on it?—No; but I can swear that £20,000 was not got on this.

652. What did those allotments, 12 and 29, cost me?—I am not aware.

653. Will you swear that allotments 12 and 29 did not cost me £600?—I do not know anything about those allotments. I have not been to look at them, and I know nothing about them.

654. How much per square foot has been given for that land, for digging purposes, in that neighborhood?—The land adjoining these lots we are speaking of, £5 for forty feet. There have been trial holes put down on these allotments of Dr. Tierney's, and they have not paid.

655. *By Mr. McCombie.*—It has been tried, and found that the lead was not there?—Yes.

656. *By Dr. Tierney.*—Will you swear that I did not get £2000 for two allotments very close to that?—I think property at Epsom is only worth one-fourth what it was two years ago. It has gone down seventy-five per cent.

657. Supposing those two allotments were dug, would they not be valuable as gold workings?—There are diggings on them; there are holes down on them.

658. *By Mr. a'Beckett.*—Those tailings are the result of old diggings, are they not?—Exactly.

659. Then there have been diggings on this very land?—Yes.

660. Are those tailings washing stuff that has been brought there from other places to be washed, and which has been left?—Yes, and what has been washed also from the creek.

661. *By Dr. Tierney.*—Do you mean to say that my two allotments were dug on?—There are holes on them.

662. How many?—I could not tell you.

663. There are more than one or two holes?—Yes.

664. *By Mr. a'Beckett.*—Has there ever been any gold raised from those two allotments that you are aware of?—They might find some, but it would not pay; every available inch has been sunk on where there was a chance of gold. There have been holes put down there, and they found the lead ran off.

665. *By Dr. Tierney.*—Is Mr. Russell connected with the mining board of Sandhurst?—Yes; Mr. Russell is mining board surveyor.

666. Mr. Russell valued that land at £600. Do not you think as a mining surveyor he ought to be as competent to give an opinion as you?—I do not think it is worth that.

667. *By Mr. a'Beckett.*—You say that taking these tailings away will diminish the value of the ground; were not they brought upon the ground from somewhere else first?—Yes; but why it diminishes the value is this, because if they continued there the ground would be worth as much more money as these men are paying weekly or monthly for taking them away.

668. How does it depreciate the original value of the ground, taking off the ground that which has been brought on it?—I do not say it will diminish the original value of the ground, but the value of the ground as it is now, or was some time ago.

669. Have you ever valued property for rating at or near this place?—No; I have for a mortgage. Mr. G. A. Fletcher,
continued,
14th Dec., 1858.
670. Did you ever value property for rating in Sandhurst?—Yes.
671. Can you say what you rated this property in Macrae-street and Munday-street at?—I think the allotment in Macrae-street would be about £75 annual rent; the rating is taken upon the annual rental.
672. You take the one in Macrae-street at a rental of £75 per annum?—Yes.
673. Do you rate upon the full value, or do you take a per centage off the full value? Supposing a house were let at £200 a year, what would you rate it at?—You would be perfectly justified, according to the Municipal Act, in rating it up to the full amount.
674. But what is the practice?—The practice in England is—
675. Never mind the practice in England; I want the practice here, in the particular place we are speaking of, Sandhurst: upon what principle do you go?—The houses have not been taken at the rack rent.
676. What have they been taken at then?—Somewhere about twenty-five per cent. below it, but not as a rule.
677. Then upon that principle, this, that you rate at £75, would be worth £100?—Yes, but at the same time, land should not have a reduction the same as a house.
678. *By Mr. McCombie.*—But is there a reduction?—Yes.
679. *By Mr. a'Beckett.*—What do you value the land in Munday-street at?—on the same principle?—That would be about £25 by itself; that is what the other lots were taken at.
680. Do you know, in point of fact, what it is rated at?—I think the assessment stands £33 or £32, or something of that kind; but it is all chance, because there is the occupier of a tent upon it; the simple allotment would be taken at £25.
681. You are now only speaking from memory, you have not your books?—No.
682. Could you easily telegraph and ascertain?—I know it is somewhere about that—sufficiently near for your purpose; those quarter acre allotments in that street at some distance from the town were taken at £25 each.
683. Then you think that land would be worth now, to let, £100 a year; the lot that you have valued at £75?—Yes, I should say so; I should say it would let for more than that. If Dr. Tierney could get a tenant at all, he would give him more than that for it.
684. *By Mr. McCombie.*—Is there such a thing as letting land there on lease?—Very little indeed.
685. *By Mr. Thomson.*—How many years' purchase do you think that land is worth?—In Sandhurst, about three years' purchase.
686. *By Mr. a'Beckett.*—Upon ground rents?—There is no difference at all.
687. *By Mr. McCombie.*—That is the basis of your calculation, three years' purchase?—Yes. Money has been at from twenty-five to thirty per cent. in Sandhurst.

Re-examined by *Mr. Stephen.*

688. I suppose there is a great deal of uncertainty in the prosperity of a locality where there is a gold-field; the town might cease to exist?—No; it is as permanent as Melbourne.
689. It is not so certain as Melbourne?—I think it is quite so; or rather more, because it has got a productive element which Melbourne has not.
690. There seem to have been two parties in Sandhurst about Bridge-street and Macrae-street?—Yes.
691. The owners of land in Bridge-street do all they can for that, and the owners of land in Macrae-street do all they can for that?—Exactly.
692. You say the value of land in Macrae-street would be at least doubled, if that road by Macrae-street was opened?—It would be doubled at the very least.
693. Do you think it would be more than doubled?—It might be.
694. Do you think it would be trebled?—It would depend upon how much the traffic is directed into that street from Bridge-street.
695. How much a foot is corresponding land in Bridge-street worth now?—I should say about £15.
696. That would be just three times what you put this at: you put this at £5?—Yes.
697. Then if Macrae-street were suddenly advanced to the state of prosperity that Bridge-street is now in, we may fairly suppose that the value of land there would be £15 a foot, instead of £5?—Yes.
698. I suppose there is not quite the same difficulty in getting land in Bridge-street, as it is selling at £15 a foot—there is more in the market than there is in Macrae-street?—There is more in the market.
699. It is all built upon, is it?—It is all built upon in one line of shops.
700. And as there are, consequently, a great many parties interested in keeping up Bridge-street, is not the chance of Macrae-street being opened and becoming a rival of Bridge-street diminishing each day?—I cannot say.
701. Which side do you take?—Neither. I am neutral.
702. Have you no feeling in favor of either party?—No; I have no property in either street.
703. If Macrae-street ever manages to oust Bridge-street, this property of Dr. Tierney's would be worth three times what it is now?—When it has got the same traffic as Bridge-street has. If it was known that the Government were going *bonâ fide* to make Macrae-street a road, and that the tenders were let for it, that piece of land would be worth £1000 the next day.

Mr. G. A. Fletcher,
continued,
14th Dec., 1858.

704. And even more than that, if you could be sure of another fact, namely, that it would become as favorite a street as Bridge-street?—Yes, if you could be sure that it would destroy Bridge-street.

705. Then Bridge-street would drop to £5 a foot, and Macrae-street would rise to £15 a foot?—Yes.

706. The chances are rather against that happening, are they not?—I cannot tell.

707. Was this £3000 a fair value for the land in Pall Mall which was sold?—It was a very good price; land in Pall Mall, taken *bonâ fide*, is worth about £80 a foot.

708. You recognise the distinction that land in Pall Mall would sell for a great deal more than land in Macrae-street?—Yes; there is no comparison at all between the two.

709. The committee were told the other day that Pall Mall is the best business spot in Sandhurst?—Yes; a parallel case would be the value of property in Bourke-street immediately adjoining the Post-office, and in Bourke-street right down at the end, where there is no traffic.

710. Which were the allotments in Munday-street, for which £3 a foot was offered?—There was one sold in section 18 by auction three weeks ago yesterday, allotment 7; that is in a different street, it is the nearest sale of land recently in this neighborhood.

711. Was this land as good as Dr. Tierney's?—No; the allotment I speak of is not quite as good as Dr. Tierney's. It sold for £113; that is rather from town than Dr. Tierney's allotment.

712. Are you acquainted, generally, with the value of land on any of the other gold-fields?—No.

713. Do you know how many years' purchase land sells for in the best parts of Melbourne?—It ought to sell for eight or ten years' purchase.

714. How do you account for land in Sandhurst selling for only three years' purchase, and in Melbourne for eight or ten?—Because money is three or four times dearer in Sandhurst than it is here. The average interest on mortgages and that sort of thing in Melbourne is eight or ten per cent., in Sandhurst it has been twenty-five or thirty per cent.; and Melbourne people who lend money on Sandhurst property get fifteen per cent.

715. Does not that rather show the feeling of the market in favor of the stability of Melbourne?—No; the people there can get more return for employing their capital in other ways.

716. You value this land which is unimproved at three years' purchase—is there any difference between that and the number of years' purchase of land built upon—that is to say, house property?—No, not that I am aware of; but there is very little land of this description sold now. There is nothing now but just the Government sales; the other land is all in the hands of private owners, and they are holding for a price, and buyers will not give it them.

717. Supposing that a house was built upon this land, so as to turn the ground rent into house rent, it would still be worth only three years' purchase, according to the rule of the market there?—Yes, taking the two things together.

718. If it ceased to be ground rent, and there was the addition of house rent to it, it would then be exactly in the same proportion?—Yes.

719. *By Mr. Patterson.*—Did I rightly understand you that the kerbing and channelling went right through Macrae-street?—It goes to Mr. McDonald's lot *bonâ fide*.

720. That is about half a block?—Yes.

721. Where is Dr. Tierney's land?—There—[*pointing to the plan*].

The witness withdrew.

Mr. Stephen stated that this was all the evidence which he proposed to adduce in support of the petition, and was about to sum up the evidence on behalf of the petitioner.

Dr. Tierney objected to *Mr. Stephen's* right to be heard to sum up the evidence.

Mr. Stephen was heard in support of his right to sum up.

The Chairman intimated that the committee were of opinion that the counsel for the petitioner was entitled to sum up the evidence in support of the petition, reserving also the right of reply, should evidence be adduced on behalf of the sitting member.

Mr. Stephen was heard to sum up the evidence adduced on behalf of the petitioner.

Dr. Tierney applied for an adjournment of the committee until next week, as he was not prepared to go into his case at present.

Mr. Stephen submitted that, if the adjournment was asked for on account of the absence of counsel, an adjournment for a couple of days would be sufficient to secure the attendance of counsel; and that, if the application was made for the purpose of getting witnesses, then *Dr. Tierney* should be called upon to state the names of the witnesses he proposed to call.

After some discussion,

The Chairman intimated that the committee were of opinion that the only course open to them was to adjourn to a specified day, upon the understanding that the adjournment of the house would carry over the next meeting of the committee to the first day of the meeting of the house after the Christmas recess, and that with this view the committee would adjourn to Friday next.

Ordered—That this Committee be adjourned to Friday next, at half-past ten o'clock.

TUESDAY, 18TH JANUARY, 1859.

Members present:

The Honorable M. HERVEY, in the chair;

The Honorable T. McCombie
" J. Henty

The Honorable J. H. Patterson.

The Counsel and parties were called in.

Mr. Brewer was heard to open the case on behalf of the sitting member.

Mr. John Hollins Craig called and sworn.—Examined by Mr. Brewer.

722. What business do you carry on?—An auctioneer and land agent.

723. Where do you carry on that business?—At Warrnambool.

Mr. J. H. Craig,
18th Jan., 1859.

724. How long have you carried on that business at Warrnambool?—Very nearly six years, I think.

725. Are you acquainted with the value of land in Warrnambool?—I am.

726. Do you know two allotments of land of Dr. Tierney's, in Liebeg-street?—Yes.

727. How are those allotments situated with respect to Dobson's Hotel?—They are opposite Dobson's Hotel.

728. Could you point them out on a plan, if you saw one?—Yes.—[The witness pointed out the same on the plan.]

729. What is the value of these two allotments of land?—The present value would be about £300.

730. By the Chairman.—Each?—No; the two.

731. By Mr. Brewer.—Do you know the parish of Wangoom?—I do.

732. Do you know any land in that parish, the property of Dr. Tierney?—I do; No. 2 of Section A.—[The witness pointed out the position of the land on the plan, and explained it to the committee.]

733. What is the value of that allotment of land?—I should think the value of that land would be about £50 an acre.

734. Have you had much experience in land business at Warrnambool?—Yes; I may almost say that I have had the whole of it, with the exception of the property sold by the Government.

735. With the exception of the land sold by the Crown, you think you have had nearly the sale of all the property?—Very nearly the whole.

736. Do you know Mr. Kerr, the town clerk?—I do.

737. Has he got any land in that neighborhood?—Not that I am aware of.

Cross-examined by Mr. Michie.

738. By what standard do you estimate the value of this last land you have mentioned, at £50 an acre; the Wangoom land?—In the first place, the adjoining portion, No. 1 of A, of twelve acres, was originally sold for £40 an acre by Government, and there are some valuable improvements placed upon that allotment, which of course indirectly enhance the value of No. 2 of A; and during the last month I had some small property on the opposite side of the road, nearly opposite this No. 2, I sold at upwards of £50 an acre, of my own.

739. How much?—An acre and three quarters, for which I got £100, that was opposite No. 1; and the site of this No. 2 is more elevated. There is a gentle elevation towards the interior of the allotment, and the soil is very much better than that for which I obtained £100.

740. What distance from Warrnambool proper is this?—It is about a little better than half a mile to where the houses are built.

741. Do you undertake to say that all the land within a distance of half a mile of Warrnambool proper is worth £50 an acre?—Not at all.

742. As I understand you, one of the ingredients in the valuation is, that the adjoining allotment was originally sold at £40 an acre?—Yes.

743. Then, you do not give your assessment of value by the actual transactions of the time at which you are speaking, but you import also into your consideration the original price at which the land may have been sold by the Government at any period, is that so?—Partially so.

744. I say, do you import that into it? As I understood in your previous answer, you gave it unasked, as the principal reason for valuing this at £50 an acre, because the adjoining allotment sold at £40?—Yes.

745. Then you do take into consideration as a material ingredient what the land originally sold at, at any period, by Government?—I do.

746. Do you do that invariably in your business as an auctioneer?—Not invariably.

747. Why not? If it is a wholesome rule in relation to Dr. Tierney's land, it must be a wholesome rule with anybody's land?—In some cases, even in Warrnambool, where the land originally sold for £10, it is now worth £500 or £600.

748. What has that principle of the raising or lowering of the value of any particular spot to do with this ingredient you import into it, of the price at which the land originally sold? it may be sold at £1 an acre, and be worth £1000 three years afterwards?—Just so.

Mr. J. H. Craig,
continued,
18th Jan., 1859.

749. Then you do not invariably import that ingredient into the value?—No.
750. Why have you imported it into this land then?—Simply to explain the relative value of the properties, or that which is considered to be the value of it.
751. At what time was that neighboring allotment sold for £40 an acre?—About three years ago, I think.
752. I believe the land market was very much more buoyant at that time, was not it?—Decidedly so.
753. You found it so even at Warrnambool?—Yes.
754. On this occasion, on which you say you got more than £50 an acre for your land, was it for cash?—No.
755. May I ask what time you gave to your purchaser?—I gave twelve months.
756. Bills?—Partly bills and partly cash as a deposit.
757. What portion cash?—Only an acknowledgment, £2.
758. Is that the ordinary rate of deposit in the Warrnambool transactions?—No, it is not.
759. It is *ego et rex meus*, you and the Crown divide all the business between you; the Crown charges ten per cent.?—They do.
760. Do you not follow suit with the Crown?—Not always.
761. You do not take the Crown as your model; so that, upon a transaction of £100, you are satisfied with a deposit of £2? Are all your transactions like that?—Not at all.
762. This seems to be an exceptional one?—It is.
763. May I ask who the purchaser is?—He is the husband of a party—
764. I do not care whether he is a married or single man?—A Mr. Mackie.
765. Is he a resident of Warrnambool?—No, he is not.
766. Where does he reside?—He resides at Spring creek, I believe.
767. Whereabouts is that?—Some fourteen or sixteen miles from Warrnambool.
768. Was he on a visit to Warrnambool at the time you effected this transaction?—He was on a visit of business.
769. What is he?—A storekeeper, I believe.
770. At Spring creek?—Yes.
771. Was his business at Warrnambool purchasing land?—No, his business was purchasing stores, to the best of my knowledge.
772. At Warrnambool?—At Warrnambool.
773. And whilst there, he took a fancy to your land?—No; he had taken a fancy to it years ago.
774. It was an old love, and availing himself of this opportunity of purchasing stores at Warrnambool, he thought he would conclude it and put himself out of his anxiety?—I cannot say.
775. Did he come and make you an offer, or did you seek him out?—He came and made me an offer.
776. At once—"I will give you £50 an acre for that land"?—Yes, direct.
777. He did not ask what you would take?—He knew what I would take.
778. You had told him previously?—He had heard indirectly that I had offered it to another party.
779. At what time was the sale effected?—The 28th of last month.
780. From what other party had he heard that you were willing to take that—from Dr. Tierney?—No.
781. How did Dr. Tierney know that this highly advantageous sale had been effected?—I cannot tell.
782. Did you tell him?—I did not tell Dr. Tierney, but I mentioned it to a brother of Dr. Tierney's.
783. Where?—In Warrnambool.
784. Since this transaction was concluded?—Yes, it might be a day or two after.
785. Did you execute a bill of sale to Mackie?—Yes.
786. Of course you have not conveyed?—Oh! dear no; not until the payment of the bill.
787. When does the first bill fall due?—It is one bill at twelve months.
788. Then you are not to be paid any more money until the end of twelve months?—No.
789. And £2 down?—£2 down.
790. I suppose Warrnambool, although it is not quite as lively as Melbourne, is a business place?—It is.
791. Is that considered an ordinary transaction of business in Warrnambool, the sale of £100 worth of land at twelve months, and £2 down?—It is not the usual course.
792. Is it considered an ordinary transaction of business?—It is not; but within the last three months I have sold £400 worth without any deposit whatever.
793. I am not asking what you have done, but I am asking whether it is a usual transaction at Warrnambool to sell £100 worth of land with £2 down? would it be called among business men a sale in the ordinary sense of the word?—A great deal depends upon the character of the individual to whom you sell.
794. Have you discounted his bill then?—Not at all.
795. As you refer to the character of the individual, I imagine, but perhaps I may be under a misconception, that his bill at twelve months was almost the same as cash; but it appears it is not the same, because you have not used the bill?—I have not used the bill.
796. Then it is of no use to you for twelve months?—I could cash the bill.
797. Do you expect any bank would discount that bill for you at twelve months?—I do not.

Mr. J. F. Craig,
continued,
18th Jan., 1880.

798. Do you consider that one of your ordinary sales?—No ; not an ordinary sale.
799. Then, why did you comply with those extraordinary terms?—Because I wished to dispose of the land.
800. You were as anxious to dispose of the land as Mr. Mackie was to get it?—Yes.
801. You were as anxious to get Mr. Mackie's acceptance at twelve months, as he was to get your land?—Exactly so.
802. You do not think so highly of Warrnambool as of Mr. Mackie?—He held some land adjoining this, and I asked him to have it.
803. Your superior consideration for Mackie, rather than Craig, induced you to urge the land upon him?—I would rather it should fall into his hands.
804. It was not that you loved the Warrnambool land less, but that you loved Mackie more? It was not a common sale, but it is a real sale?—It is a real sale.
805. If Mr. Mackie does not pay his acceptance in twelve months, do you mean to sue him?—Most decidedly.
806. If he does not take the land, do you intend to commence a suit for specific performance, and compel him to take a conveyance?—I can do so.
807. You can do so, but do you mean to do so?—Most certainly, I do. I have the bill, and can produce it.—[*The witness produced the same.*]
808. Are there any improvements upon this land you have sold?—None whatever, excepting a little fencing on one side.
809. How long was Mr. Mackie at Warrnambool at this time?—He was therefor a day or two.
810. It is only two or three weeks ago that this land was sold, is it?—That is all.
811. He was only there for a day or two, and he bought this land ; have you any other land in the immediate vicinity of this?—No, I have not of my own.
812. Has Mr. Bostock any land there?—I am not aware that he has ; but there is some land of which he acts as trustee, or something, I believe.
813. Are you aware whether that land is under offer for sale at £20 an acre and cannot be sold?—I am not aware of it.
814. How near is Mr. Bostock's land to that which is stated to have been sold to Mackie?—It is on the next portion, as it is termed.
815. The very next portion?—Yes.
816. Is that the next portion nearer to Warrnambool, or more distant?—More distant.
817. Then it is very nearly as close to Warrnambool proper as the land of which you have been just now speaking?—Very nearly.
818. Do not you hear everything about all land transactions, as to all land under offer, in your neighborhood?—I did hear the observation you make ; but it was only the day I left.
819. Did you hear that it was under offer at £20 an acre?—Not that it was under offer, but that they would take £20 an acre.
820. As a reserve?—As a reserve.
821. Since you give the value of Dr. Tierney's land at £50 an acre, measured by your actual transaction upon which you framed your statement that his land is worth £50 an acre, do not you think it would be a good transaction if you went and got a lot of Mr. Bostock's land at £20 an acre?—It might be.
822. Do you intend to do that?—No.
823. Why not?—Because I do not.
824. Your belief is not such in the buoyancy of Warrnambool properties as to lead you to think that you can buy of Bostock at £20 an acre, and find another Mackie at £50 an acre?—Such a thing is quite possible.
825. I know it is quite possible ; but do you think it is so far possible, or remotely probable, that you contemplate doing anything of the kind?—I do not.
826. So that, though it is possible, it is as utterly improbable, that you have not even turned the thing over seriously in your mind?—No.
827. What do you think that land which you value at £50 an acre would let for if a man wanted to get a ground-rent for it?—It is scarcely useful for any other purpose than for building ; it is not good agricultural land.
828. So that, if a man counted to get a rental for it for agricultural or market garden purposes, it would scarcely come within the scope of that purpose?—No.
829. So that it must be held for some possible contingency of its being wanted for some further extension of Warrnambool for building land?—Exactly, or for villa residences.
830. So that you would not purchase it for investment, but for speculation?—If a purchase were made, and a good house put upon that land, it would very readily let.
831. What could a good house be put upon that land for?—£500 or £600.
832. A good house?—Sufficiently good for the requirements of that place at present.
833. With respect to the other land of which you have spoken—the two allotments which you value at about £300—upon what data do you arrive at that?—Simply from sales that I have made in Warrnambool.
834. What sales have you made at that rate within the last three months about this part of Warrnambool?—There have been no properties that I am aware of sold in that immediate neighborhood during the last six months or more.
835. There have been no properties sold in that immediate neighborhood within the last six months?—Not immediately.

Re-examined by *Mr. Brewer.*

Mr. J. H. Craig,
continued,
18th Jan., 1859.

836. But in that time you have sold an allotment in Liebeg-street, higher up, have you not?—I have.

837. For how much?—I sold one for £400.

838. Was that further up or more towards the business part of the town?—Nearer to the business part of the town.

839. What was the area of that allotment?—Half an acre.

840. And how long ago was that?—About four months ago, I think; three or four months ago.

841. Do you know how much was given for the quarter acre opposite, on which Dobson's hotel is built?—Mr. Murray has stated to me that he paid £250 for it—that is, the quarter acre.

842. How long has the hotel been built on it?—Six or nine months. It has been built longer, but it has not been opened as an hotel.

843. Will the opening of that as an hotel, in your opinion, increase the value of Dr. Tierney's allotments?—Decidedly, and all the properties adjoining.

844. Referring to the former piece of land, about which you have been asked questions by my learned friend, have you sold other lands in that immediate vicinity at about the same or higher prices?—No, not at higher prices. I have sold land adjoining this of Dr. Tierney's at £25 an acre—immediately north of Dr. Tierney's.

845. Have you sold any at £70 an acre in that immediate neighborhood?—I have done so some years ago.

846. How long ago is that?—June, 1854.

847. What was the highest price it then fetched?—£70 the corner, £56, £41, £40, £31, £21 10s., and £18.

848. Would that be according to the distance, as it was further from or nearer to the town?—Yes; proximity to the town was a guide as to the price; indeed the £18 was the back land fronting a Government road at the back.—[*The witness explained to the committee the position on the plan of the various allotments referred to.*]

849. That land of Mr. Lyall's is the first suburban allotment?—Yes.

850. And Dr. Tierney's the second?—Yes.

851. Is that allotment of Mr. Lyall's worth £50 an acre also?—Some portions of it are, but some portions are considerably lower and more liable to inundation.

852. Some portion of it is swampy?—Yes; Mr. Lyall's house is built on the same gentle rise as passes through Dr. Tierney's property, which makes it more valuable.

853. You are a member of the municipal council at Warrnambool, are you not?—No.

854. You are a magistrate of the municipality?—Yes.

855. Is the sale which you have spoken of a *bonâ fide* sale?—It is a *bonâ fide* sale.

856. Am I to understand you that you had offered the land at the same price at a former period?—I had.

857. How far back?—About a month previous to that I offered it to the tenant of the party who now purchased it, and he offered me £50 an acre for it, but I wanted £100 for the lot.

858. *By Mr. McCombie.*—What is the tenant's name?—Russ.

859. *By the Chairman.*—Will you be kind enough to say how you account for the difference in value between the land which you value at £50 an acre and Mr. Bostock's immediately opposite, which is offered for sale at £20 an acre?—A portion of Dr. Tierney's land has a very pretty elevation upon it, a gentle rise from the road, and the soil is also better. Mr. Bostock's land, or that which is under Mr. Bostock's name, has a low, flat, tame appearance, nor is the soil so good as that on Dr. Tierney's land. A party requiring that land would purchase it more for building than for agricultural purposes, and the site would be a very important consideration.

860. *By Mr. Henty.*—The main road divides the two properties, does not it?—It does; the three chain road.

The witness withdrew.

Edward Nucella Emmett, Esq., called and sworn.—Examined by *Mr. Brewer.*

E. N. Emmett,
Esq.,
18th Jan., 1859.

861. Where do you reside?—At Sandhurst.

862. How long have you resided there?—Seven years.

863. Did you reside there at the time of the formation and survey of the township?—I did.

864. At that time did you hold any office at Sandhurst?—I was the first Crown lands auctioneer at Sandhurst.

865. Who sold the first lands in the township that were sold?—I did.

866. Do you know under what name the lands opposite the camp were sold at the place now called Pall Mall?—I recollect when Captain Clarke came up and had an interview with me, when I was Crown lands auctioneer, after my appointment, and he had very great objection—

Mr. Michie objected to any conversations between Captain Clarke and the witness being received as evidence.

Mr. Brewer was heard in support of the reception of the evidence.

The Committee deliberated.

The Chairman intimated that the committee were of opinion that conversations relative to matters of such an old date (or of any date at all), would scarcely be worth the attention of the committee, they only wishing to hear evidence as to the actual value of the property.

E. N. Emmett,
Esq.,
continued,
18th Jan., 1850.

867. *By Mr. Brewer.*—Do you know Macrae-street?—I do.

868. Do you know Pall Mall?—I do.

869. Was Pall Mall known under the name of Pall Mall at the time that the first lands were sold?—I do not recollect that it was. The town was thrown back by a survey made by Mr. Larrit, by Captain Clarke's direction, and Macrae-street was a continuation of what we call Pall Mall.

870. Do you see a road on that plan—[*handing a plan to the witness*—]—leading from Macrae-street to the White Hills?—I do.

871. Where would that road eventually lead to, if it were continued?—That road, Macrae-street, would lead to the White Hills, if finished.

872. And beyond the White Hills?—To Huntly and Epsom, and away to the Murray.

873. Was anything said by you at the time of the sale of the Macrae-street allotments? did you sell any Macrae-street allotments at the first sale?—Not at the first sale, but I did afterwards.

874. At any subsequent sale?—I did sell allotments in Macrae-street, and there was nothing said as to the streets, because the Crown lands auctioneers do not (at least, I never have done so) describe the land any further than it is described in the plan or the lists given by the Government, but it was understood at the time that it was sold—

Mr. Michie.—Never mind that.

875. *By Mr. Brewer.*—Will you look at those plans, and say whether they appear to come from the Government survey office?—Yes, they have all that appearance. There is one remark I might make with respect to this plan—that the road from the White Hills is made in a straight line a certain portion of the way, with the view of meeting Macrae-street; but the inhabitants of Bridge-street petitioned the Government, and it was stopped.

876. A portion of the road from the White Hills was made in a direct line to meet Macrae-street, and the further progress of it was stopped by the inhabitants of Bridge-street petitioning the Government?—Yes, petitioning the Government at the time. They stopped it; they had all their tents, and did not like to move them off.

877. Do you know the allotment of land belonging to Dr. Tierney in Macrae-street?—I do.

878. What do you consider the value of that allotment of Dr. Tierney's?—It is very difficult to put a value upon it now. For a length of time I have been anxious to lease that allotment from Dr. Tierney, and in answer to my letters he has invariably told me to make an offer, instead of directly saying what he would take. If Macrae-street is carried out, that allotment will be of very great value. Even without Macrae-street being laid out, if Dr. Tierney will spend £1000 in a building I want there, I will give him £500 a year for it for three years, because I have been after it for a long time. I could make a road across to Bridge-street; and if Macrae-street is opened, I could have two frontages to that allotment.

879. For what purpose do you want it?—A horse auction mart, being a very central portion of the town.

880. Did you ever make him an offer of a rental for the land alone?—I did.

881. How long ago?—I should think it must be eighteen months or two years ago.

882. How much did you offer?—I offered then £200 a year for the land as it stood.

883. That offer was refused, was it not?—Yes, it was.

884. Can you fix a value upon that land, either in a lump sum or so much per foot?—Until the question was settled about Macrae-street being opened, if the property was mine, I would not sell it at all. If Macrae-street is not opened, the land would not be of so much value necessarily as if Macrae-street was open; but I look upon it as very valuable. The corner allotment which Mr. Irons built his public house upon was sold by myself, and the upset price was £1800 an acre.

885. *By Mr. McCombie.*—It was sold the other day altogether for £2000, with all the buildings that cost £6000 or £7000?—By the mortgagee. If Macrae-street was opened—

Mr. Michie objected to the reception of any evidence as to the effect of opening Macrae-street.

The Chairman stated that the committee were very anxious that the witness should fix the present value, irrespective of all other considerations, and then subsequently deal with any speculative value.

Mr. Brewer submitted that it was a certainty that Macrae-street would be opened, it having been so stated in the Legislature, and therefore that it was an element to be properly taken into consideration.

The Chairman intimated that the committee were of opinion that the present value of the property should be taken without reference to any statement made in the house subsequent to the period at which the declaration of Dr. Tierney was made.

886. *By Mr. Brewer*—(to the witness).—From your own knowledge of the land, what is the value of that land?—I say most deliberately that, if that land was put up for public auction to-morrow, it would not bring its value.

887. I do not ask what it would fetch, because we know very well that sometimes a sale by auction is not a fair test, but what would you give for it yourself now at present?

Mr. Michie.—Cash?

E. M. Emmott,
Esq.,
continued,
18th Jan., 1859.

Mr. Brewer submitted that he had a right to ask the witness what it would fetch in the ordinary way in which land was sold.

Mr. Michie objected to the question.

The Chairman intimated that the committee were of opinion that the witness might reply in which way he proposed to answer the question, whether for cash or bills.

888. *By Mr. Brewer—(to the witness).*—In your estimation, what is that piece of land worth?—My opinion is, that it would bring from £8 to £12 a foot if now sold by public auction for cash. If Macrae-street was opened, I believe that that land would run fully up to £30 a foot within six months after the street was opened; being a continuation of Pall Mall, the land would be very valuable in that neighborhood. Such is also the opinion of the district surveyor there, a gentleman whom I have every confidence in, and who knows the value of land well.

889. Do you know the allotment there belonging to *Mr. Bakewell*?—I do; it is almost contiguous to *Dr. Tierney's*. I recollect his purchasing a portion of that allotment, not at a public sale, but privately, afterwards; I do not know what he gave for it, but it was considered a good price at the time.

890. How is it situated with respect to *Dr. Tierney's* allotment, the one you have spoken of?—I think it is the adjoining one, a portion of No. 5, I think.

891. Is *Dr. Tierney's* equally good with that one?—Quite. I consider *Dr. Tierney's* quite as good as *Mr. Irons's*, because you could run a bridge right across to Bridge-street across the creek, and then have two frontages; that is the reason why I wanted it for a horse bazaar.

Cross-examined by *Mr. Michie*.

892. Are you engaged in the auctioneering business now?—Yes; I have just commenced as an auctioneer again.

893. Have you had any transactions in the sale of land at Sandhurst within the last few weeks or months?—No.

894. You have had no actual personal experience in the sale of land in the immediate vicinity of this allotment of *Dr. Tierney's*?—No.

895. How is that allotment situated with respect to the first White Hill at Sandhurst? what distance is it from that?—I should think it would be from about one mile and a half to two miles, in a direct line to it.

896. On the town side?—Yes.

897. Do you know *Mr. Pitman's* office in Pall Mall?—I do; it is in *Mr. Jones's* horse bazaar.

898. I mean where *Mr. Pitman's* office used to be about three years ago?—It is as near as can be opposite, alongside the Mechanics Institute, just opposite.

899. Do you know what that allotment fetched?—No; I do not.

900. What interval is there between about the point where *Mr. Pitman's* office used to stand and may still stand, for aught I know, and the part of Pall Mall at which the principal business, the bustle of the business of Sandhurst, commences?—It is about one, two, or three allotments, not more; because the bustle of the business is now carried on to the corner, to the public house.

901. You say one, two, or three allotments; do you mean half-acres or acre allotments, or what?—Mostly quarter acres. Some are smaller, and some a little larger.

902. As to the selling price of allotments at about that part per foot, the auction selling price at the present time for cash, you can give the committee no information from your own experience?—No; I said I believed if that allotment of *Dr. Tierney's* was put into the market now, with the uncertainty of Macrae-street being opened, it might bring £10 or £12 a foot.

903. What do you understand by the expression "the manner in which land is ordinarily sold"?—If a writ was issued and an execution had gone against a party and his land was sold for cash, it would not bring nearly so much as land sold for one quarter cash, and the remainder at three, six, and nine months, or three and six months.

904. I know that as well as you do. I need not have asked you upon that point. The question put to you was, "What would be the value of the land as land is ordinarily sold"—those were the words?—I answered the question, believing that it was put to me meaning for cash.

905. Then that is what you understand to be intended by the "way in which land is ordinarily sold," that is, sold for cash?—No, it is not so ordinarily understood; I understood the question to be put to me as, "sold for cash."

906. Do you understand the term "as land is ordinarily sold," to mean "land sold for cash," or for bills?—Land sold for cash.

907. Is land ordinarily sold for cash?—No.

908. Then why did you understand it to mean "sold for cash"?—The barrister was corrected and told to put the question more specifically. I understood him as meaning bills, and he was told to put it more specifically.

909. You say you understood the question to be relating to land sold for cash, when the question was "as land is ordinarily sold," and yet you say land is not ordinarily sold for cash, and you answer extraordinarily to an ordinary question, as far as I understand you?—If I was to answer the question put to me, what would that land bring if Macrae-street was opened and bills were given, I could give an answer.

910. Then I will just put it in that way. What do you think that land would sell for for cash?—If Macrae-street was opened?

911. Will you really attend to the question, and not answer some question in your own

head not put by me. What price do you believe that land would sell for for cash, if put up this morning?—I answered that before. I believe it would fetch from £10 to £12 a foot.

E. N. Emmett,
Esq.,
continued,
18th Jan., 1859.

912. Without reference to any other consideration?—Without reference to any other consideration.

913. I understood you to say from £8 to £12?—I put it in those terms now. It is impossible to say exactly.

914. Then within the space of five minutes you have whipped it up 50 per cent.?—If I said from £8 to £12, and afterwards from £10 to £12, it is not whipping it up 50 per cent.

915. You said from £8 to £12—that I call whipping it up 50 per cent. On your oath, do you believe that that land, if it was put up at once, without respect to Bridge-street, or any other consideration, if put up—"This land is to be peremptorily sold for cash," it would fetch £8 a foot?—I do.

916. Cash?—I do.

917. Do you believe it would fetch more?—I do.

918. How much more?—I think it would bring £10, and might bring £12.

919. As I understood you just now, you said, if you had it, you could open up a road and give two frontages?—Yes.

920. Is there not an interval of unsold land between the back allotments and Bridge-street?—There is a small interval; but I do not believe that would be any obstruction.

921. I did not ask you for your belief. Would not you, by running the road to which you refer, be running a road across land which was not your own?—Crown land.

922. I presume you do not claim the Crown land?—If you purchase a miner's right you can claim it. Hundreds of persons have roads upon Crown lands by taking out miner's rights.

923. Why need you buy at all then, if you can hold just as well upon the land that is not sold as upon the land that is sold?—That is a question I cannot answer.

924. Then, when you ran that road, you would run it across Crown lands to get to your other frontage?—Yes.

925. Being therefore upon Crown land, you would chance being liable to be turned off?—I would chance it. It would be doing a great good to the place.

926. Do you believe then, that when you had run your road so as to get the other frontage, if you put the land up for sale in your auction room, other people would chance their money for your other frontage under those circumstances?—I believe this—

927. Do you believe this that I put. I am not asking whether you believe something in your own head—do you believe that, if you were to run a road from the back of that allotment of Dr. Tierney's to Bridge-street, and then you were under those circumstances of running the road across Crown land to put the land up for sale, a man would give his hard money for that usurpation of yours?—They would purchase the allotment at an advanced rate in consequence of that road being there.

928. Would they purchase of you that which was not your own?—It is not likely I would sell it.

929. Then why do you import it as an ingredient in the value of that allotment, that you could run a road across there?—From the facility of being able to get across there, and it being Crown land and never being likely to be sold by the Government.

930. Supposing it were sold by the Government, would that affect your speculative value of that allotment?—It would make the allotment more valuable to whoever bought it. You might get hold of a miner's right, or lease it from the Crown under the Gold-fields Act. It would make a splendid road.

Re-examined by Mr. Brewer.

931. Did you sell this land?—I believe it was sold at one of the original sales that I had.

932. Can you say whether there was or was not a reserved frontage to Bridge-street to this allotment?—I cannot say whether there was or not.

933. Will you look at the plan and say whether there are not two frontages shown to these allotments?

Mr. Michie objected to the question, and submitted that the committee should look at the plan for themselves.

934. Mr. Brewer—(to the witness).—Is there or is there not, according to that plan, a reserve from the back of the allotments in Macrae-street, on the side on which Dr. Tierney's allotment is, to Bridge-street.

Mr. Michie objected to the question.

The Chairman intimated that the committee were of opinion that the question to be put by Mr. Brewer should be whether the land was sold with a double frontage.

935. By Mr. Brewer.—Will you look at these allotments in Macrae-street, on the side of Macrae-street where Dr. Tierney's allotment is, and say whether these allotments were sold with a double frontage?—I cannot say. I can say so far as the allotment of Mr. Irons, and one or two marked on this plan, they have a double frontage; but whether Dr. Tierney's allotment was sold with a double frontage, I cannot say at this time. As I said before, there is a small portion of Crown land between that allotment and Bridge-street which might be made available for a bridge.

936. You have stated that, if you had that allotment, you would make a road over what has been described as Government land, and you have been asked whether you hoped anybody would purchase that allotment, with the improvements, taking the same chance as yourself of the road being allowed to remain across the Crown land?—It is continually done on the

Mr. Stephen submitted that this witness was not competent to be examined before the committee as to the value of the land, he not being a skilled witness; that it was competent to Mr. Brewer either to prove facts to show the value of the land, or to call skilled witnesses.

Mr. R. F. Howard, continue, 19th Jan., 1859.

959. By Mr. Brewer.—What did you pay for your allotment in Macrae-street?

Mr. Stephen objected to that question altogether, it not having been shown where the allotment was, or what bearing it had on the value of Dr. Tierney's allotment.

The Witness.—My allotment is close to Dr. Tierney's.

Mr. Stephen requested that the witness might be asked to point out the allotment on the map.—[The witness did so.]

The Witness.—My allotment is No. 3.

960. By Mr. Brewer.—Next but two to Dr. Tierney's?—Yes, there are two between; one of them is not sold. I paid Mr. Fraser, the proprietor, before it was sold, £4000 for the right to purchase that: it was then put up at £800 per acre. There were certain improvements on this land, which were valued at £4700, paltry wooden improvements; they were not worth a couple of hundred pounds, if I were to tear them down.

961. By Mr. McCombie.—What are the committee to understand by the right to purchase?—That was Mr. Fraser's; no person could purchase it without paying him £4000.

962. By the Chairman.—The improvements were valued at £4700?—Yes, I bought it privately from Mr. Fraser at £4000 instead. Had I let it go to auction, I should have to pay £4700; but buying it from Mr. Fraser, I bought it for £4000.

963. By Mr. Brewer.—Do you know the process under which they were valued at the time?—A man could have any value put on that he liked. A man would put a value upon it; they did not inquire whether it was of that value or not.

964. At the time before the Government sale, had not parties established themselves on the land at Sandhurst and erected buildings?—Yes, they had.

965. Do you know how the Government proposed to secure those parties for the possession which they had of that land?—I know that they were protected by a valuation being put upon the improvements.

966. By the Chairman.—Being originally squatters?—Yes; they paid the Government licence and took out a business occupation licence.

967. And they put up certain buildings?—Yes.

968. And previous to the land being sold, those improvements were valued and the allotments offered subject to that value?—Yes.

969. There was a valuer for the Government and a valuer for the private individual, and that was the process?—Yes.

970. By Mr. Brewer.—Were they valued in this instance by two individuals, or by one?—By two.

971. Was the value put upon them a *bonâ fide* value?

Mr. Stephen objected to the question, the witness having proved that they had been valued at that.

972. By Mr. Brewer.—What was the real value of the improvements upon that piece of land, in your opinion?—As an instance, there was part of a stone bake house, a corner, that came on to this land, and by the alteration of the township the other portion was on the street. This corner was valued at £95, which I had to pay, and I gave it away to any person who would take it; but it was given to those people who were obliged to move, because no allotment could be made without putting some persons to loss, and they received compensation in this way. It was no good to me, but I had to pay the money for it. It was called an improvement.

973. By the Chairman.—What was the object of that valuation?—To give compensation to those persons who were compelled to move.

974. To reimburse them for their outlay?—Yes.

975. And it was supposed to be a *bonâ fide* compensation?—Yes; but the counsel asked me what was the *bonâ fide* value of it. It was no value to me.

976. The actual money outlay must have been the value put upon it?—It might be that; but I do not think it was. My motive in giving that money was for the purpose of getting possession of the land.

977. By Mr. Brewer.—What, in your opinion, was the value of those improvements at that time—the improvements themselves without the land?—It would be very difficult for me to say. I never had any experience of that sort of work. It was the first gold-field I was ever at, and I came from Melbourne to invest money in land. I must give you to understand that this place which I purchased was an old place which had been used as a store. I could not tell what it cost to put up. I know I could put up a much better building than I got at that time for a few hundred pounds.

978. What do you value your own land at per foot?—I have been remaining here in expectation of the road being carried out, and I believe it will be enhanced then very much. No value could be placed upon that land at present, because it is in abeyance.

979. It must be of some value. What would you take for it?—I certainly would not take less than £10,000 for it.

980. How many feet frontage have you?—Seventy-nine feet.

981. What is the value of Dr. Tierney's allotment with reference to your own? is it more or less valuable?—I should consider it much about the same; it is not a corner, neither is mine a corner, and it is not far distant from it.

982. Do you know an allotment of land in Munday-street, the property of Dr. Tierney?—Yes.

Mr. R. F. Howard.
continued,
19th Jan., 1859.

983. Will you point out that allotment on the map—what is the number and section of that allotment?—No. 16 of 17.

984. What do you consider to be the value of that land per foot?

Mr. Stephen objected to the question, it not having been proved that the witness was a skilled witness.

985. *By Mr. Brewer.*—Did you attend a sale by auction some time ago of land in that street?—I did.

986. Did you bid for any land yourself?—I did.

987. How long ago was that?—It is within three months.

988. What piece of land did you bid for? will you point it out on the map?—It was a subdivided allotment.

989. Will you point out the allotment on the map?—It was allotment No. 6 of section No. 12, subdivided.

Mr. Stephen objected to evidence being given of what allotment 6 of section 12 was bid for, or sold for.

Mr. Brewer was heard in support of the reception of the evidence.

The Chairman intimated that the map being before the committee, which showed the relative position of the land, the committee were of opinion that the evidence might be taken for what it was worth.

990. *By Mr. Brewer—(to the witness).*—What did you bid for the land?—I bid for the allotment at the corner of Munday-street and Hargraves-street £18 15s. a foot.

991. Was that a *bonâ fide* offer on your part?—Yes, it was.

992. Did you get that land at that price?—No; the bid went higher, and I did not feel myself justified in going higher. I did not want it particularly. I bid for the next allotment but one £14 17s. 6d. a foot.

993. Did you get that?—I did not.

994. Were there higher bids then?—There were higher bids, but whether *bonâ fide* or not, I do not know; mine was a *bonâ fide* bid. The auctioneer was Mr. Bucknell, of Sandhurst.

995. In reference to those two allotments, what should you say was the value of the allotment of Dr. Tierney in the same street?—I should say from £8 to £9 a foot, or it might be a little more, if anybody wanted it particularly.

996. Do you know the number of feet?—Yes; it is sixty-six feet frontage. It is not quite a quarter of an acre; it is longer at one side than the other, the frontage is at a right angle.

997. Do you know land at Epsom, the property of Dr. Tierney, on which there is a waterhole?—Yes.

998. Do you know the persons who occupy that land?—I saw them in one instance; I saw them last Friday, and was speaking to them.

999. Do you know whether there is any washing stuff on that land?—There may be.

1000. *By Mr. Stephen.*—Have you seen the land—have you been there lately?—Yes; I went there on last Friday, on purpose.

1001. *By Mr. Brewer.*—Do you know whether there is any washing stuff on that land?—Yes; the use they make of the waterhole now is for washing stuff they bring there to wash. They have a large cradle; it is all hand work; there is no machinery.

1002. Do you know from those persons whether they rent the water from Dr. Tierney, and the tailings, or whether they rent the water alone?—They rent the water alone; I made particular inquiry about it.

1003. From them?—I did. I heard there was some dispute about it.

1004. How far is Macrae-street kerbed and channelled?—I could not tell the exact distance, I could point it out on the map.

1005. Will you point it out on the map?—[*The witness did so.*]—It is kerbed and channelled to No. 5 of section 23, and on the opposite side to No. 8 of 14.

1006. *By Mr. Patterson.*—On the west that will be?—On the west side.

1007. Do you know land in Macrae-street, the property of Mr. Bakewell?—I do.

1008. Where is that land situated with reference to Dr. Tierney's allotment?—About midway between Dr. Tierney's and my own.

1009. *By the Chairman.*—The same side of the street?—Yes; it is the north half of No. 4.

1010. *By Mr. Brewer.*—Do you know whether No. 5 of that block is sold, or whether it is still in the hands of the Government?—No. 5 is a reserve, and the Government refuse to sell it. They have been requested lately.

1011. No. 5, the allotment between No. 4, Mr. Bakewell's land and Dr. Tierney's land, is a reserve?—Yes.

1012. Do you know what the frontage of Mr. Bakewell's land is?—I think it is 26 feet 4 inches. I have heard that it is that.

1013. Is Dr. Tierney's land as valuable, from its position, and otherwise, as Mr. Bakewell's?—Yes; they are all alike, I think.

Cross-examined by *Mr. Stephen.*

1014. You say you carried on the business of a wine and spirit merchant?—I did.

1015. You are living in Sandhurst now?—Yes.

1016. What business do you carry on now?—I retired twelve months ago.

1017. Where did you carry on business?—First in High-street, on some property I have there, and afterwards in Bridge-street, opposite the camp, on the same allotment, at the back.

1018. Then you carried on business on this allotment 3, that you are speaking of?—Yes, on the Bridge-street side of it. Mr. R. F. Howard,
continued,
19th Jan., 1859.

1019. You say you have retired from business?—Yes.

1020. Is the same business being carried on on those premises?—It is.

1021. A wine and spirit merchant's business?—Yes.

1022. And I suppose it is a good business, we may assume, from your being able to retire?—It depends very much upon the capital brought into it, and the business ability applied to it.

1023. When you bought those improvements, what did they consist of?—The most important was a large store; it was built of wood. The store had originally been made in Van Diemen's Land, I think, and brought over and put up here; it was about fifty feet frontage.

1024. What business was carried on in that store at that time?—It was converted into a public-house.

1025. Before you bought it?—No; it was converted into one when I bought it. I bought it to be converted into it.

1026. How long has the public-house business been carried on there?—It has been carried on ever since, with improvements.

1027. Then there is a public-house on that now?—Yes.

1028. What is the name of the public-house?—The Albert Hotel.

1029. What rent does it pay you?—£8 10s. a week.

1030. Did you buy the land afterwards at a Crown sale?—Yes, I bought the land from the Crown at the first land sale.

1031. After you bought the improvements?—Yes.

1032. And what did you give for it at the Crown sale?—Eight hundred pounds an acre.

1033. How much is there?—One rood eight perches.

1034. When was that—at what time?—I am not certain as to the date; I think it was October, 1854, it was sold. We purchased it in June previously; we purchased the place from Mr. Fraser in June previously.

1035. And you afterwards purchased the land at the Crown land sale—the fee-simple—in October, 1854?—Yes.

1036. And when did you pull down those improvements and erect the new ones?—We did it gradually; but the main improvement was done in about eight months. The commissioner said the house did not contain sufficient accommodation for a public-house, and unless we put up an improvement we should not have a renewal of the licence, and I was obliged to enter into a contract of £1000 to get the licence.

1037. How much have the improvements cost you in round numbers altogether?—About very nearly £2000, the additional improvements.

1038. That is, in addition to the £4000 you paid in the first instance?—Yes.

1039. About £6000 altogether?—Yes.

1040. You carried on the business of a wine and spirit merchant at the public-house?—No, I did not carry on the business of the public-house at all, I carried on the business of a wine and spirit merchant at another place in High-street. I had a partner who carried on the hotel.

1041. This hotel is built on the back of No. 3, facing Bridge-street?—No; a new wine and spirit store was subsequently built in Bridge-street on the same allotment.

1042. That seems to be partly on the Crown land by the map?—Those etchings that you see on the map are the original town of Sandhurst.

1043. Those are not there now?—No.

1044. Then the hotel was abutting upon the south-west side of the upper part of the allotment as you look upon the plan?—No, the hotel is in the Macrae-street side.

1045. And it is kerbed and channelled as far as your hotel?—Yes, past that; past the Catholic reserve.

1046. Is there anything else upon the land besides the hotel?—There are two small shops.

1047. Where are they?—One on each side.

1048. In Macrae-street?—Yes.

1049. Do they produce any rent?—Yes, they produce a reduced rental of £3 10s. now. They did produce £4.

1050. A week?—Yes.

1051. Each of them?—No, the two together.

1052. That is, £11 10s. you get for those premises altogether?—£12 altogether; £8 10s. and £3 10s.

1053. Then you are not far wrong in putting it at £10,000, seeing that there are those buildings upon it?—Looking at the price of Pall Mall, I think I have a right to expect that for it, with an outlay of £6000 in the first instance.

1054. This land that you bid £18 15s. a foot for, that is No. 6 of 12?—A portion of No. 6 of 12.

1055. And which is the part you bid £14 17s. 6d. for?—Twenty feet frontage.

1056. In which street?—In the same street, a portion of the same allotment.

1057. Munday-street?—Yes.

1058. The allotment is subdivided for sale?—Yes, it has been subdivided into three. I forget the exact size of each; the two inner allotments are thirty and twenty feet frontage.

1059. How far is that from Dr. Tierney's allotment in Munday-street?—That is at the other end of the street.

1060. By Mr. Henty.—How far?—About ten chains.

Mr. R. F. Howard,
continued,
19th Jan., 1859.

1061. Are there any buildings about that part of Munday-street?—Yes, it is getting quite a flourishing neighborhood. There are very pretty cottages and villa residences.

1062. What is the reason you bid £18 for one and £14 for the other? because it is a corner allotment?—Yes.

1063. Upon what ground do you calculate that Dr. Tierney's is worth £8 or £9?—I would be willing to give that for it.

1064. Would you give Dr. Tierney £8 cash for it?—Yes.

1065. What is the place marked out there in front of Hargraves-street? is that a reserve of any kind?—That is the market place; the town hall is going right in the centre of that.

1066. All that land lying between Munday-street, Williamson-street, and Hargraves-street is the market place, is it not?—Yes.

1067. When you were out at this land at Epsom, how long were you there?—On the last occasion, when I went on purpose, I only went to make inquiries; I stopped about half an hour.

1068. Did you see any stuff brought there?—Yes, I saw several loads brought there to extract the gold. I was on a young horse at the time, and I was obliged to move him away when they upset it.

1069. I suppose they have liberty to take away all those tailings? You say they have rented the water and not the tailings? What do you mean by that?—I understood the gentleman who asked me the question before, whether there were any tailings on the ground, whether they removed those tailings. It deteriorates the value of the land very much when the tailings are cut up and taken off the ground.

1070. Can you say they are not removing any thing off the ground?—They remove the tailings they bring on.

1071. Will you undertake to swear that they do not remove any tailings except what they bring on?—The general appearance of the ground indicates that, and they told me they were not removing them.

1072. Did you ask them if they were removing any?—Yes.

1073. Who told you to ask them?—I asked them, because it had been stated to me that in the course of the evidence it was stated that they were moving the earth from that.

1074. Then you were told to ask this?—No, I was not. It suggested itself to me, in consequence of hearing this conversation in Sandhurst.

1075. And they told you they had not?—They told me they had a perfect right to their own tailings that they brought there.

1076. Who was it you saw?—I saw the two mates—one I think is Farrell.

1077. Which of them told you that?—One of them has rather an American appearance about him, and the other mate was standing by.

1078. One spoke and the other was standing by. Will you swear that they said they had not removed any tailings?—No.

1079. Will you then tell us what they did say?—They said they had not removed any tailings that were indigenous to the ground.

1080. I thought you said just now they removed no tailings except what were brought there?—No, they had not.

1081. How do you know that?—From the appearance of the ground.

1082. They did not tell you that—what did they tell you, exactly?—I asked them if they were digging up the earth and taking away any stones from it, and they said "No."

1083. You asked them if they were digging up the earth and taking away any stones from it—excavating it, and they said "No." They did not tell you that they were not removing the tailings they found there?—They did not find any tailings there, because there are none.

1084. How do you know they were not there?—If a man brings the tailings there he has a right to take them away again.

1085. All you can tell us is, that there are none there now?—Yes there are, those that they brought.

Re-examined by *Mr. Brewer.*

1086. We are then to understand that they moved nothing that they did not bring there?—They say so, and the general appearance of the ground verifies it.

1087. To be tailings there must be diggings, I presume?—Of course.

1088. And from the appearance of the ground there was no appearance of any diggings having taken place there?—Yes; there are several deep holes on that land, but no tailings come from it. They are not being worked now, they have not been worked for a long time. It is a very peculiar sort of ground; it is all white clay, something like pipe clay, with no stones in it.

1089. Was the conversation which you referred to, which induced you to put these questions, with respect to a Mr. Fletcher, and anything he had said?—Yes; it was.

1090. You have been asked by my learned friend what buildings and improvements there are on your land in Macrae-street. Now can you give the committee any idea as to the value of the land itself, irrespective of those improvements altogether, supposing it stood there without any improvements?—The value of the land—of course I say the real value of the land—is in abeyance. If the Government carry out that road in accordance with what we were given to understand when we purchased it, then I say that I would not sell my land under £60 or £70 a foot; but so long as the Government do not absolutely carry out that road, people will not buy it. If it was forced into the market, probably it would not bring £10 a foot, if it was

forced into the market ; but no man would sell his land unless it was a case of a forced sale. Sandhurst is not like Melbourne, where there is always a quantity of surplus capital for investment, but probably some people would buy it, and hold it as an investment, because they know that, ultimately that road must be made, and then it will go to the same price as Pall Mall.

Mr. R.F. Howard,
continued,
19th Jan., 1859.

1091. And how much is that?—The maximum is £150 a foot, and the lowest I have heard is £61 or £62.

1092. *By Mr. Henty.*—With or without buildings?—There was only a sort of wooden shanty of one story, a very paltry affair.

1093. *By Mr. McCombie.*—What position is the Black Swan in in Pall Mall—at the corner of Pall Mall and Macrae-street?—No, at the corner of Bridge-street and Macrae-street.

1094. Are you aware of that being sold within the last three months—the whole of that land and the buildings upon it?—No ; it never was.

1095. But I know it was ; it was purchased by Mr. Barrow down at the Campaspe for £2000?—It has been ruled by the Court of Bankruptcy that the property is clearly redeemable at the £2000.

1096. I was present with Mr. McMahon when it was purchased, and he was the purchaser?—Then it was a very fortunate purchase. I would give £6000 for it.

1097. *By Mr. Brewer.*—That is No. 1, Macrae-street, is it not?—No. 1.

1098. It was sold under an insolvency, was not it, if it was sold?—I really cannot tell how it was sold. Mr. Barrow appears to have had it transferred, but the Court of Bankruptcy, Mr. Wilkinson, I believe, has ruled that it is redeemable on payment of the £2000 mortgage. Property generally goes for very much less than its real value when sold in that way. A most beautiful property, a stone building, bringing in £18 a week, was sold the other day for £3700 ; because some legal gentlemen were quibbling about the title, people were deterred from buying it.

1099. In point of fact, such a sale as that does not give a true criterion for the value of the land?—Certainly not.

1100. *By Mr. Stephen.*—In your opinion?—Yes ; and I consider my opinion equal to any surveyor. The surveyor can give the measurement of the land ; but, at all events, the surveyors of Sandhurst know nothing about the value of the land.

1101. *By Mr. Henty.*—Did this sale of the Black Swan take place in Melbourne, or in Sandhurst?—In Melbourne ; it was advertised.

1102. You did not attend the sale?—No.

1103. *By Mr. Brewer.*—Do you know of any sales having taken place within the last year or two of land in Macrae-street?—I do not know of any. I think there was an allotment sold by Mr. Pittman, but I really do not know what it brought.

1104. Do you know when Mr. Bakewell purchased his land?—Yes—I had forgotten that.

1105. How long ago is that?—About two years, I think.

1106. Do you know what he gave for it?—£450, I think.

1107. *By Mr. Stephen.*—How do you know that?—I will not be certain, but I think he told me that it was either £450 or £500.

1108. *By Mr. Brewer.*—Do you know whether he had any sum offered for it lately?

Mr. Stephen objected to the question as being merely hearsay evidence.

1109. *By the Chairman.*—You have fixed the value of the Munday-street land ; you have not been asked to fix the value, and all the previous witnesses have, of the Macrae-street land ; will you be kind enough to do so? You have made use of the expression that “it bears no value” at present?—I said that if it was put up and forced into the market, as in a bankruptcy case, it probably would not bring £10 a foot.

1110. That is the nearest value you can come to the present value?—Yes, it is not in a position to be sold at the present time, because the Government have not carried out their agreements with the purchasers.

1111. When this was sold, was there any guarantee?—It was sold as the main Murray road ; there was no guarantee. This part—[*pointing to the plan*—was occupied by persons who were turned off and told to come into the township. It was subsequently sold by special application being made, and after Macrae-street was sold as the main Murray road, and as such the people purchased it.

1112. Then from the time the land was bought from the Government to now, it has had no fixed value at all?—No, the value is in abeyance until the Government fulfil their contract and make that road, and then it will rise to £60 or £70 a foot.

1113. You would only feel inclined to answer what may be its speculative value : you state it upon the possibility of that road being opened, and you think that other owners of land in that neighborhood do the same, and are bound to do the same?—I hold it under the positive conviction that it will be opened. I have laid out £6000 or £7000 on that allotment on the Government faith that the road would be opened.

1114. What do you mean by the “Government faith”?—Captain Clarke, as representing the Government—there is his written guarantee—there is Captain Clarke’s minute of the 12th September, 1857.

1115. *By Mr. Stephen.*—Then it is your reliance upon Captatn Clarke’s assertion that makes you put this valuation upon it?—Confirmed by the statement that the present Government will carry it out.

Mr. R. F. Howard,
continued,
19th Jan., 1859.

1116. *By Mr. Brewer.*—Captain Clarke was surveyor general at that time, was not he? —He was surveyor general at the time he planned the township.

1117. *By Mr. Stephen.*—When was it that the present Government confirmed that promise?—The other day.

1118. What do you mean by “the other day”?—A few weeks ago when Mr. Miller rose in the house and stated that the Murray road, *viâ* Macrae-street, would be proclaimed immediately.

The witness withdrew.

Mr. John Cowan Duncan called and sworn.—Examined by *Mr. Brewer.*

Mr. J. C. Duncan,
19th Jan., 1859.

1119. What are you?—A storekeeper.

1120. Where do you reside?—In Macrae-street, Sandhurst.

1121. How long have you resided at Sandhurst?—About five years and a half.

1122. Have you been in the habit of purchasing and selling land at Sandhurst?—Not to a great extent; I have been in the habit of attending the land sales there.

1123. Do you know an allotment of land the property of Dr. Tierney in Macrae-street, No. 6, of section 13?—Yes.

1124. Will you look at the plan before you and see that it is No. 6 of section 13?—[*The witness referred to the plan.*]—Yes; I know that land very well.

1125. What do you consider to be the value of that land?—I am not prepared to say what the value of it would be under present circumstances.

1126. What circumstances do you allude to?—I allude to the opening up of the main Murray road.

1127. Do you know of any land in that street which has been lately leased or sold?—No; I am not aware of any that has been let and sold.

1128. Either let or sold?—I know several portions that have been let, and have been offered for sale, but the amount offered was refused.

1129. What land was offered for sale?—No. 1 allotment has been put up for sale lately, on the east side of the street.

1130. In which lot in section 13 or 14?—Lot No. 1 in section 14.

1131. Mr. Kale's land?—Mr. Kale's land. Half of the depth of that allotment was put up for sale, the portion fronting Macrae-street; it was divided from Munday-street; it was divided in the centre of Munday-street, and the half portion fronting Macrae-street was put up for sale.

1132. Was Pall Mall originally sold as Macrae-street?—Yes.

1133. You say that part of the first allotment No. 1 of section 14 was put up for sale; was there any offer for it?—There was.

1134. What was the offer?—The highest bid was £40 a foot.

1135. Was that at public auction?—Public auction.

1136. Was the offer taken?—It was not.

1137. The offer was not accepted?—No; it was not accepted.

1138. Which portion of this allotment is it—the portion nearest to Munday-street, or the furthest removed from Munday-street?—The nearest to Munday-street.

1139. The corner of Munday-street and Macrae-street?—Yes; the value of the allotment was the fact of its having a frontage to Munday-street and Macrae-street.

1140. *By Mr. Henty.*—Facing Pall Mall?—No; I consider that facing Pall Mall would be the opposite side; Macrae-street is simply a continuation of Pall Mall.

1141. *By Mr. Brewer.*—No portion of Macrae-street can face Pall Mall?—No; it is a continuation of Pall Mall.

1142. I understood you to say, originally the whole of Pall Mall was called Macrae-street?—It was all sold with frontages to Macrae-street.

1143. The frontages were sold as frontages to Macrae-street?—With one exception.

1144. Do you know Munday-street?—Yes.

1145. Do you know an allotment of land in Munday-street, the property of Dr. Tierney? —I do.

1146. Will you show on the plan which it is?—[*The witness pointed out the same.*]—It is allotment No. 16 of section 17, with a frontage of sixty feet, I think.

1147. Do you know where what is called Market-square is?—Yes.

1148. Is this allotment near it?—It is not very far off.

1149. Do you know where the Criterion Hotel is?—Yes.

1150. Is it near that?—Yes.

1151. Do you know where the railway terminus is proposed to be at Sandhurst?—I do not know where it is to be at Sandhurst, but I know the direct line is carried through a portion of the land I bought, and therefore a little above Dr. Tierney's.

1152. Is Dr. Tierney's land near it?—I should say within 100 yards of it.

1153. What do you conceive to be the value per foot of that land?—It is difficult to say, because I do not think there are any parties willing to sell in that quarter at all.

1154. Give the committee as good an idea as you can—perhaps there are prospective advantages there, which may enhance the value there again. Have you any idea what the value of that land is?—I would say that the land is worth from £8 to £10 a foot; but in fact you cannot come to any definite idea upon it, as the land is improving already there.

1155. The land is improving every day in that neighborhood—is that what you mean? —Yes.
1156. Do you know some land at Epsom, the property of Dr. Tierney?—Yes.
1157. Do you know whether that land is let, or portions of it?—I know that there is a small portion of it let.
1158. Is there a waterhole on that land?—There is a large water reserve on it.
1159. Do you know whether that is let?—Yes, I know it is let; I know the parties that have taken it.
1160. Do you know what they use it for?—For washing the stuff taken from the adjoining workings.
1161. Do you know whether they use or sell any portion of the land itself?—They cannot sell the land.
1162. The soil, the tailings, or anything else, part of the land itself?—I know that they do sell tailings, but not taken off the land there.
1163. Tailings which they bring there themselves and wash at that hole?—The wash dirt in the vicinity of that water reserve is pipe clay, mixed with very small boulders; they bring this from the adjoining workings; the stuff all lying on the surface, they have only to cart it, and bring it to this reserve and wash it.
1164. *By the Chairman.*—What distance?—From ten yards to almost a quarter of a mile there are little heaps of it round every hole. It will take years to wash it out.
1165. Does the use which they make of it deteriorate the value of the land itself?—No; I cannot see how it can do so.

Mr. J. C. Duncan,
continued,
10th Jan., 1859.

Cross-examined by *Mr. Stephen.*

1166. Whereabouts is your land in Macrae-street—can you point it out on the map?—*[The witness did so.]*—It is allotment 3 of section 14.
1167. Do you live there, have you any buildings on it?—Yes, I live there, and have buildings on it.
1168. That is where you keep your store?—Yes.
1169. And where is the other land that you speak of near Dr. Tierney's, in Munday-street?—In Myer's-street, the land that I had there.
1170. Have you got it now?—I have not got it now.
1171. When do you say this No. 1, the corner allotment, was put up for sale?—Within the last twelve months.
1172. Were there any buildings on it—any improvements?—Yes, there was a wooden building at the corner of it.
1173. What was it used for?—It was used for a store, I think.
1174. Is there any business carried on in it now?—Yes, there is a barber's shop on it now.
1175. From that corner, can you see all down Pall Mall—all down this place marked on the map as Pall Mall?—It depends where you stand.
1176. Supposing you stood at the corner, could you see down it?—No.
1177. Why not?—I think it is a little way off the level of Pall Mall; so that you cannot see without you stand out to the kerb.
1178. Is that closely built upon right down to that corner?—Yes.
1179. And all good shops doing a good business, I suppose?—It is an unfortunate fact that they are not doing a very good business at present.
1180. But for Sandhurst—it is the best part of Sandhurst for doing business?—Yes, I should say that it is at present.
1181. Is that end of Pall Mall better than the other end?—No, certainly not.
1182. All along that wide bit on the map is the best part for business at present?—Yes.
1183. Right away up to that corner?—Yes.
1184. Do you know of any land that has been sold near No. 16, in Munday-street, lately?—Not lately; there has not been any land sold there lately.
1185. Then how can you tell what the value of it is?—I think I distinctly stated that I could not put any value upon it.
1186. Then you cannot tell the value of that No. 16?—I know what I could obtain for it, but that is not the value.
1187. If it were put up for auction, you cannot say what it would fetch?—I know positively what would be offered for it.
1188. By some people who particularly wanted it, but you cannot say what the value of it would be if it was put up and knocked down?—I cannot say whether Dr. Tierney would sell it or not.
1189. You cannot say what it would fetch, if put up and knocked down?—I cannot.
1190. How do you know that a small portion of that land at Epsom only is let?—I know there are two stores upon it that pay a rental for the use of the land.
1191. You think only a small portion of that land is let?—Only a small portion of that land is let.
1192. *By Mr. McCombie.*—I wish to ask you whether No. 1, which you have referred to, is equally valuable with the land upon which the Black Swan is?—I would consider the one which the Black Swan is upon is the most valuable.
1193. What would you suppose that was worth per foot, if it was put up?—I think it was worth about £10,000.

Mr. J. C. Duncan,
continued,
19th Jan., 1859.

1194. Are you aware of its being offered for sale at public auction in Melbourne?—Yes.
1195. Are you aware what it brought?—Yes.
1196. What did it bring?—Somewhere about £2000, a little more.
1197. Are you aware that it was publicly advertised for some considerable time?—Yes.
1198. Were you present?—No; I was not.
1199. Are you aware who purchased it?—Mr. Barrow, I believe, bought it.
1200. Are you sure it was Mr. Barrow?—If it was not him, it was bought for him by another party.
1201. Who told you so?—It is said so, in talking of the case.
1202. How do you know?—He himself has affirmed so.
1203. Did he affirm it to yourself?—Not to me, personally.
1204. Do you know who was the purchaser of that lot?—I do not know his name; I do not believe it was a legal *bonâ fide* sale at all.
1205. Do you know whether it was or not?—I have no knowledge of my own, further than the statement of parties concerned.
1206. Would you know the person's name if I was to tell you?—Probably I might.
1207. Was it Mr. McMahon that was the purchaser?—I could not say.
1208. How do you account for the discrepancy in your value of land at Sandhurst and the Melbourne value? If this was properly advertised and sold for £2000, and you value it at £10,000, how do you account for that discrepancy?—The only reason I can assign for it is, that I do not believe it was a legal sale.
1209. What do you mean by a legal sale? The opinion of the judge of the Insolvent Court was given after the sale, not before, and that could not weigh with the purchaser at the time of the sale? Is not a sale, under a power of mortgage, with a right to sell, a legal sale?—Perfectly legal.
1210. Will you explain to the committee what you mean by not being a legal sale?—I use that expression from the remarks made in the Insolvent Court.
1211. That is, subsequent to the sale. Was there any thing to lead the public or the bidders at that sale to believe that the mortgagee had not a perfect right to sell this allotment?—There was no doubt about it, that he had a perfect right to sell.
1212. Then why was not it a legal sale?—I cannot say without going into the whole history of the case; but when the facts were known on Bendigo, everybody was aware that in Bendigo it would fetch three or four times the money; and it was an understood matter who was the buyer and who was the seller. We understood that the property was so much more valuable.
1213. Do you mean to say that, if the opposite allotment was sold by the mortgagee, it was an understood thing that he was to buy it, and nobody else was to bid for it?—No.
1214. Then why should you understand it in one case and not in the other?—From the simple facts that appeared afterwards, the validity of it was challenged.
1215. When—previously or after the sale?—Immediately after the sale. I know creditors who were present at the sale.
1216. Was the challenge before the sale or after the sale?—It was not pointedly challenged.
1217. Are we to understand you to say it was challenged?—There were expressions made use of in the sale room sufficient to challenge the sale then.
1218. Was not it advertised, and put up for sale to the highest bidder?—Yes.
1219. Then I want you to account for the discrepancy between £2000 and £10,000. Is this value you put upon this allotment a speculative value or a real positive value?—A positive value.
1220. And you cannot give any opinion why this was sold so cheap?—Not unless it was by some arrangement between the buyer and the seller. I could give an illustration in point, of a restaurant that was sold the other day in the vicinity of Bendigo. It was publicly announced it was under the Sheriff's warrant the sale would take place. It was known to be worth close upon £100. It would not realise so many shillings, because nobody would go to buy it. There was an understanding, and the public at large would not attend, and no one would bid for it.
1221. Is there the same objection to a mortgagee's sale as a sheriff's sale?—I do not see any objection to either.
1222. Is there the same objection to it in the public mind?—I cannot say.
1223. Do you mean to say that it was the knowledge of this being a mortgagee's sale that prevented their real value being given for it?—I cannot say.
1224. Were the Bendigo buyers daunted and prevented from being present at that sale from any arrangement they knew of between the buyer and seller?—I think so, though I am not prepared to state that.
1225. Is that within your knowledge?—It is not.
1226. Was it within your knowledge before the sale, that there was to be an arrangement between the buyer and seller?—No.
1227. You say it was understood in Bendigo?—I could not say it was understood in Bendigo; it was only from some remarks that were made after the sale took place. I do not think there were any of the Bendigo parties came down to buy.
1228. Can you account for that?—The impression I had was, that it was really not going to be a sale at all; that was my impression. I cannot speak for others.
1229. What was the reason of that impression?—I really cannot give the exact reason.
1230. You say that was your own impression?—Yes, and it was confirmed when I knew the amount it went for.

1231. That was your own impression, but you cannot give a reason for it?—I cannot really give a reason for it. The fact of the seller and the proprietor being so very intimate and upon the most friendly terms, I do not consider it was a sale. It is considered by all who know Bendigo well that it is the best situation for either an hotel or a public building in Sandhurst.

Mr. J. C. Duncan,
continued,
19th Jan., 1859.

1232. *By Mr. Stephen.*—And that would apply to the other side of the road, would it not, to the No. 1 that was put up for sale; that would be almost as good?—No, it is not so well situated as the other. The other has a fine open space; there is nothing intervenes; it is really a beautiful situation; you have the whole of Pall Mall open before you.

1233. *By the Chairman.*—Are you quite sure that, if this property had been sold in Bendigo, the value would have been very different to what it realised in Melbourne—the Bendigo residents would have raised the price?—Yes; even now it is a well known fact that it would bring a deal of money.

1234. *By Mr. Stephen.*—Do you know the name of the person who bid £40 a foot for that allotment?—Yes; Mr. Aspinall.

1235. How do you know—did he tell you so?—Yes, he told me so; it is difficult to ascertain who is bidding at a public sale. I put the question to him, and he told me that he would very readily have given £40 for it.

1236. I thought you said there was a bid of £40 for it?—He bid £40 for it.

1237. Were you there yourself?—Yes.

1238. And you heard this £40 bid?—Yes.

1239. When was the sale?—I think it is within a twelvemonth.

1240. What Mr. Aspinall is that?—He is a resident there—Williams, Aspinall, and Strickland, butchers in Bridge-street.

1241. *By the Chairman.*—And this is the only piece of land that you know of as having been offered within the twelve months?—Yes.

Re-examined by *Mr. Brewer.*

1242. You have said you know what sum would be offered for the property in Munday-street. You told my learned friend so, and he said he did not wish you to tell the amount. Will you state what amount you know would be offered for it?—I have only the statements of others to carry out what they would give for it.

1243. How much was it?—£4 or £5 a foot, and I asked what their object was, and they said they thought they would make a considerable amount of money of it.

1244. *By the Chairman.*—Does the value which you have stated of £8 to £10 a foot apply now?—Yes.

1245. There is a difference between your value and their value?—They would make a great deal of money by holding it in for a time.

1246. But it would not be necessary to hold it in, if they could get double for it?—I think they would give that for it, for the purpose of holding it over to make money by it.

1247. The only thing you know it would sell for would be £4 to £5?—£4 to £5.

1248. You know that it would sell for £4 to £5?—I know it would sell for that; if willing to sell, I know you would find a purchaser at that price.

1249. And you would not recommend any party not bound to sell to take less than £8 to £10?—Certainly not.

1250. You would not take less than that, if you were the owner of it?—No.

1251. Do you mean to say that the present market value of the land is £8 or £10 a foot?—I think it is worth that to any person holding it.

1252. But that is not the present market value; those parties who offer £4 to £5. are they giving the market value or are you stating it?—I merely state my positive knowledge that they would give that, £4 to £5 a foot for it.

1253. *By Mr. McCombie.*—Then, if I understand rightly, the seller would ask £8 to £10; the buyer would offer £4 to £5?—I cannot say what the seller would ask. If the land was mine, I would not sell it for anything less than £8 to £10.

1254. *By the Chairman.*—What did you sell the Myers-street property for?—I gave it for very little more than it cost me, it being for the building of a Masonic Lodge. I gave £24 for it, and I got £30 for it.

1255. And what is the difference between the size of that and Dr. Tierney's land?—Dr. Tierney's is No. 16 of section 17, and this is No. 13 of section 17.

1256. *By Mr. Stephen.*—You sold No. 13 for £30?—I did not exactly sell it, I gave it away as a gift for what it cost me and to cover my expenses—it was for a Masonic Lodge.

1257. I suppose the Masonic Lodge were prepared to pay for it?—Perfectly.

1258. *By the Chairman.*—How much per foot was that—what was the frontage?—sixty-six feet.

1259. *By Mr. McCombie.*—That would be about 8s. a foot?—It was simply to cover the transfer of the land; I did not wish to take any money by it.

1260. *By the Chairman.*—What did you lose by giving it away? what could you have made market of it at?—I think I could have cleared £70 by it; I could have sold it for £100.

1261. How far is it from No. 16 of section 17?—It is in a different street altogether; it is away from the business part of the town. This of Dr. Tierney's is of course considerably more valuable than this allotment here. This is laid out for private villas; whereas, this is one of the public thoroughfares leading right into the Market-square.—[*The witness pointed out the same on the plan.*]

The witness withdrew.

Mr. George Holmes called and sworn.—Examined by *Mr. Brewer*.

Mr. G. Holmes,
19th Jan., 1859.

1262. Where do you reside?—At Sandhurst.
 1263. What are you?—An ironmonger.
 1264. How long have you resided at Sandhurst?—Six years.
 1265. Have you purchased and sold land in Sandhurst?—Purchased land, but never sold any.
 1266. Do you know the value of land at Sandhurst in particular localities?—Yes, I know what it has been selling for in different localities.
 1267. Do you know Macrae-street?—Yes.
 1268. Have you got land in Macrae-street?—Yes.
 1269. Will you point out on the map where your land is situated?—[*The witness did so.*]—It is part of allotment 4.
 1270. Do you know the value of land in Macrae-street?—It is a difficult matter to tell the value of land in Macrae-street at the present time, owing to the road not being opened; that makes a great deal of difference in the value there.
 1271. Do you know the land belonging to Mr. Bakewell?—Yes, that is the half of the allotment we bought; one bought one half, and one the other.
 1272. What allotment is that?—Allotment No. 4.
 1273. *By the Chairman.*—You bought one half?—Yes.
 1274. And Mr. Bakewell bought the other?—Yes.
 1275. *By Mr. Brewer.*—How long ago was that?—Four years ago, near about.
 1276. Do you know whether Mr. Bakewell has lately sold his portion of it?—No; I wanted to purchase it of him.
 1277. What is it worth? what would you give him for it?—I offered him £500 for it, and he will not take less than £800.
 1278. How many feet frontage has Mr. Bakewell's land got?—Twenty-six feet four inches.
 1279. Then do you conceive the sum you offered to be the value of that land?—I thought it was the value, but he does not consider it so.
 1280. Do you know an allotment of land in the same section belonging to Dr. Tierney?—Yes.
 1281. Will you point out on the map which that allotment is. No. 6 of the same section, is it not?—Yes.—[*The witness pointed out the same.*]
 1282. Is that allotment of Dr. Tierney's as good, or better, or worse than the land of Mr. Bakewell, for which you offered £500?—I conceive that it is quite as good as that.
 1283. It has 112 feet frontage, has it not?—Yes.
 1284. If the road to the Murray, the proposed road to the Murray, were opened, would Mr. Bakewell's land be more valuable than the £500 which you offered for it?—I have no doubt it would fetch more.
 1285. What is the frontage to your own land?—Twenty-six feet four inches, the same as Mr. Bakewell's.
 1286. What do you consider to be the value of your land?—I would not think of selling it at any price. I have now my business established upon it; we gave for it £2000 per acre; that is four years since.
 1287. Is it as valuable as Mr. Bakewell's?—Yes.
 1288. Then is the sum that you offered to Mr. Bakewell for his land a fair criterion of the value of land in that street?—I should not like to give more than that for it, but Mr. Bakewell does not consider it sufficient.
 1289. You would not like to give more than that for it at present?—No.

Cross-examined by *Mr. Stephen*.

1290. You carry on your business on this land in Macrae-street?—Yes.
 1291. On one half the allotment?—Yes.
 1292. And you have only twenty-six feet four inches frontage?—Yes.
 1293. And you want the other to make a little more room for your business premises?—Yes.
 1294. I suppose you think there is a good chance of Macrae-street being opened?—I am sure I cannot say; we have had it promised so very long. I do not know whether there is a chance or not.
 1295. You have almost given it up?—No; we are trying what we can do.
 1296. Have you done anything lately?—Yes; there have been letters passing backwards and forwards from different parties in Macrae-street.
 1297. Have you got any more promises lately?—I do not know.
 1298. You have not heard of them?—No.
 1299. £500 is the utmost you would give for this piece of land?—I would not like to give more for it at present.
 1300. *By Mr. McCombie.*—Would you give as much for Dr. Tierney's in proportion?—If I wanted it, I would give as much for it.
 1301. *By Mr. Stephen.*—Dr. Tierney's land is a good deal bigger than yours?—Yes.
 1302. Would you give more for it because it is bigger?—Dr. Tierney's is worth as much in proportion as Mr. Bakewell's.

1303. And if you wanted it, you would give that for it?—Exactly.

1304. *By the Chairman.*—Does it influence your value at all, the fact of it being joining to you?—It is worth rather more to me, of course. There was a party wanted to purchase it a short time since, but he would not take less than £800 for it.

1305. *By Mr. Henty.*—Would it be in your estimation worth more to you than to any other purchaser?—It might be a little.

1306. *By Mr. Stephen.*—Is there anything on the adjoining land of Mr. Bakewell's, any buildings?—A blacksmith's shop.

1307. That is worth something, is it not?—No; it is not worth much; it is only a slab place, and belongs to the blacksmith.

1308. I suppose he pays rent for it?—Yes; he pays rent for it.

1309. Do you know what rent he pays?—I believe it is 30s. a week.

Re-examined by *Mr. Brewer.*

1310. Do you know whether Mr. Bakewell's land is the land that was wanted to build a chapel upon?—Yes.

1311. *By the Chairman.*—You offered Mr. Bakewell £500 for twenty-four feet?—Yes.

1312. That would be somewhere about £20 a foot?—Yes.

1313. And you value Dr. Tierney's allotment at the same?—Yes; I think it would fetch that, if cut up in allotments, and a great deal more if the road were opened.

1314. *By Mr. Stephen.*—Do you think it would fetch it, if cut up in allotments and sold for cash?—Yes; it would be rather unusual to sell it for cash.

1315. *By the Chairman.*—And at present you think it would fetch that now?—Yes; I have no doubt of it.

Mr. Brewer stated that he had no other witness in attendance.

The Chairman inquired whether Mr. Moore was in attendance.

Mr. Brewer stated that the document which was wanted to be produced from the Survey Office he had been unable to ascertain the date of until the witness, Mr. Howard, had given it to-day, and that under these circumstances he believed it would not be necessary to call Mr. Moore, as a clerk from the office would be able to produce the document.

The Chairman inquired what the document in question was.

Mr. Brewer stated that it was Captain Clarke's minute with respect to this road, and which was stated to be of the date of 12th September, 1857.

Mr. Stephen stated that he was perfectly willing to admit that there had been an intention at one time to open Macrae-street, and even, that it might possibly be opened at some future time.

The Chairman intimated that an honorable member of the committee had stated to the committee that he had some personal knowledge upon the subject of the communications with the Government, as to the opening up of Macrae-street, he having attended certain deputations to the Government upon the matter. That the honorable member in question was anxious not to make any statement to the committee of any matters within his own knowledge behind the backs of the parties, and therefore would tender himself as a witness to be examined upon the point, if the parties chose to avail themselves of his evidence.

Mr. Brewer and *Mr. Stephen* both expressed themselves desirous of having the advantage of the honorable member's testimony.

The Honorable J. H. Patterson, a Member of the Committee, sworn.

The witness.—I wish to state, for the information of all the parties concerned, that I called upon Captain Clarke, I suppose about two years ago, on the subject of the opening of Macrae-street, when he made a promise to me that it should be opened as soon as the diggers were removed off it. At that time they were digging on that street. I called upon him a second time on the subject, and it strikes me that Dr. Tierney was with me on the first occasion; he was on one occasion with me. I complained of the delay that had occurred; my constituents were writing to me upon the subject. That was what I was interested in. I had no idea that Dr. Tierney was connected with it at all at that time, or had any property there, and Captain Clarke said it could not be much longer, that it would be opened within three months. I know I have been so repeatedly about it that I cannot exactly remember, but I think Mr. Fraser accompanied me also to Mr. Moore, who succeeded Captain Clarke. I do not recollect Mr. Moore's promise so particularly, but my impression is, that he promised that it should be opened. I know it was stated to me that Captain Clarke made that promise. Captain Clarke certainly made that promise, and pledged to me that it should be opened.

1316. *By Mr. Stephen.*—Is there any ambiguity as to the phrase "being opened"? would it extend beyond the township?—It would extend to the Murray road till it intersects the present road by Bridge-street.

1317. To extend it to where it would join Bridge-street again?—Yes; there were two contending parties—one party wanted it left shut, the other opened. The party that wanted it left shut were getting the diggers to assist them, and they were sticking there with the tents, as Captain Clarke and myself both thought, longer than there was any necessity, in order to support the others; because, on close inquiry, we found that they were not getting gold there.

1318. *By Mr. Brewer.*—If I understand, it would be the opening of Macrae-street right into the Murray-road?—To what they call the White Hills. It goes like a half-moon at present. By opening Macrae-street it would make a continuation of Pall Mall right to the other road.

Hon. J. H. Pat-
terson,
continued,
19th Jan., 1859.

1319. And that would be a straight line from Pall Mall to the White Hills?—Yes, it would intersect the other road.

Mr. Brewer stated that, after the statement made by *Mr. Patterson*, it would not be necessary for him to call for the production of the document from the Survey Office already alluded to; that the only other witness he had to call was the Honorable *Mr. Fraser*; that that gentleman was not present; and inasmuch as the case could not under any circumstances be concluded to-day, he applied for an adjournment of the committee to to-morrow.

Ordered—That this Committee be adjourned to to-morrow at Ten o'clock.

THURSDAY, 20TH JANUARY, 1859.

Members present:

The Honorable M. HERVEY, in the chair;	
The Honorable J. Henty	The Honorable J. H. Patterson
„ T. McCombie	„ T. H. Fellows.

The Counsel and parties were called in.

The Honorable Alexander Fraser, a member of the House, sworn.—Examined by *Mr. Brewer*.

Hon. A. Fraser.
20th Jan., 1859.

1320. Are you a member of the Legislative Council of this Colony?—I am.

1321. And carry on business as an auctioneer in Melbourne?—I do.

1322. From your business, have you had many opportunities of judging of the value of the land in this Colony?—Yes, I have.

1323. Were you at any time resident in Sandhurst?—I was.

1324. Do you know the value of land at Sandhurst?—To some extent, I think I do.

1325. Do you know Macrae-street, Sandhurst?—I do, well.

1326. Do you know an allotment of land in Macrae-street, the property of Dr. Tierney?—I do.

1327. Can you state to the committee what you consider to be the value of that allotment of land?—Circumstances are altered since I knew that land first, through the nonfulfilment of the promise of the Government; that has kept that land lower in value than it ought to be and actually is. In 1854 Captain Clarke promised, when the township was surveyed, that there should be the main Murray River road by Macrae-street; consequently those parties who bought at the sales bought at a very high rate in consequence of that. Since then, in 1857 *Mr. Moore* promised that the road should be proclaimed, *via* Macrae-street, consequently it enhanced the value at that time; and since then the present Government has promised to proclaim that road *via* Macrae-street. If the property were mine I should certainly hold it; I would not take £40 a foot for it.

1328. If the property were yours, you would not take £40 a foot for it?—No, not in prospect of the Government fulfilling their promise and pledge.

1329. Do you recollect whether Dr. Tierney was present when *Mr. Moore* promised that that line of road should be opened?—He was. I was one of the deputation along with the Honorable *Mr. Duffy*. He was the advocate on the occasion that it should be proclaimed and opened immediately, and the promise was made that it should be opened in January, 1858.

1330. That was by *Mr. David Moore*?—By *Mr. David Moore*.

1331. At that time what office did *Mr. Moore* hold?—He was President of the Board of Land and Works.

Cross-examined by *Mr. Michie*.

1332. What is your opinion of the value of that land—the actual value of that land at the latter part of last year, say in October and November, 1858—not the prospective value, but the actual value, if it were put in the market for sale—realized for sale in your room?—Am I to understand that that would be a compulsory sale?

1333. Of course?—That makes a wonderful difference. A compulsory sale by a person selling to realize and a person not selling unless he thinks proper are the two opposite extremes. If it were a compulsory sale, I do not think it would be worth more than £10 or £15 a foot, at that time.

1334. Then the valuation you have been putting upon it is merely a speculative value depending upon an event?—Not at all.

1335. I thought you stated that the additional value you put upon it altogether bore reference to Bridge-street being opened and proclaimed or not?—Not Bridge-street.

1336. The street you have referred to—Macrae-street?—I put that value upon it; and if it was my property I would hold it at that value, in consequence of the Government's promise.

1337. You have said so; but I want you to follow my question. I may have expressed your answer incorrectly, but I do not think I have. I say the valuation you have put upon it is a speculative value—what I mean by a speculative value is a value arrived at dependent upon a certain event taking place, which may not take place—that is whether Macrae-street is opened or not?—Yes, that is my meaning—dependent upon the Government fulfilling their promise.

1338. But supposing, in the month of October or November last, just precisely as the thing stood at that time, the property had been to be sold—we will say in your auction room—

and a customer was to say, "Will you guarantee anything about this land, Mr. Fraser as to whether Macrae-street will be opened," to which you could not guarantee anything one way or the other, but you were obliged to sell, £10 or £12 a foot would be the value?—From £10 to £15, I think, would be the value of it; but then, putting the question as you have done, I think I may answer in this way:—You say, if I was asked to guarantee that the Government would do so. I believe, if I was to state that the Government had made such a promise, it would fetch a greater price by far than the price I have intimated, and that I could do conscientiously, because Captain Clarke positively told me, so long before that—just at the time when Sandhurst was laid out.

Hon. A. Fraser,
continued,
20th Jan., 1859.

1339. And it was to be opened in January, 1858?—Yes; so Mr. Moore promised.

1340. But here we are in January, 1859?—Of course I cannot answer for the acts of the Government.

1341. Not only Mr. Moore's Government has not realised this promise, but some other Government has not realised it either?—The other Government gave a promise within the last week or two that they would proclaim it, and that instant.

1342. Then until the last week or two the thing seems to have been in abeyance, as Mr. Moore left it?—Not at all; I was keeping the matter up.

1343. I do not mean in abeyance, so far as Mr. Fraser's energies are concerned, but as far as the Government is concerned. It has been renewed again by the Government within the last week or two?—They have been reminded of their promise.

1344. By whom?—By a deputation.

1345. Who were the members of the deputation?—I forget who the gentlemen were; they came down from Sandhurst some two months ago.

1346. And then the promise was renewed?—Yes, it was renewed lately; I think a fortnight before the adjournment of Parliament.

1347. Are you aware that there is in that locality a Bridge-street party?—I am.

1348. They are the oppositionists to the opening of Macrae-street?—Yes; they have been opposing it all along.

1349. Do you know with what object?—The object is not to remove the main road from Bridge-street on to Macrae-street.

1350. They say that precisely the value which would be transferred to Macrae-street would be, in fact, taken from them?—I do not know that.

1351. At any rate, that is their mode of reasoning?—It may be; I am not aware of it myself; but they got accidentally that road.

1352. Do you think that, supposing Macrae-street were proclaimed, the frontages there would become more valuable than those in Bridge-street are now?—I think so, decidedly, if the street was made, because it would be a continuation of Pall Mall.

1353. That would be for no other reason than because it would be a continuation of Pall Mall; whereas, Bridge-street goes off at something of an angle. You believe that Macrae-street would be more valuable than Bridge-street is?—It would be a straight line.

1354. And that is the only reason?—No, there are many reasons for it. It is a finer street altogether, a far more level street. It does not cross any bridge and goes to the White Hills in a straight line from Pall Mall.

1355. The situation of this allotment would not be affected by a bridge, because the bridge you speak of is crossing the Bendigo Creek?—Yes.

1356. The Bendigo Creek, you will observe, is removed altogether beyond the consideration of this allotment—so that that reason does not affect this allotment?—That allotment faces upon the street.

1357. But it also has another sort of face. Supposing the little bit were reduced into possession between it and Bridge-street?—I do not think that is of much value.

Re-examined by *Mr. Brewer.*

1358. Bridge-street is occasionally overflowed, is it not? It is a lower situation altogether than a continuation of Macrae-street in a straight line would be?—Since the bridge was erected I have never been there to know whether there was any flood; but before then, it used to be always overflowed right down that flat.

1359. Do you know any reason why that line of road was not opened?—The reason given at the time was, that there were gold-diggers (miners) at work on the flat, just in the very centre of the line of Macrae-street, and until that was worked out the Government made excuse once or twice that they could not open the road, and I believe it has been worked out for the last eighteen months or so.

1360. In your opinion, as an auctioneer, would a forced sale, as described by my learned friend—say, for cash, be a fair way of ascertaining the value of the land?—By no means.

1361. Are the committee to understand that, in your opinion, with the state of things as you have described them, the promises of the Government on the several occasions, if the land that we are speaking of were put up for sale by auction, those circumstances would weigh with purchasers?—Certainly.

1362. Would they or would they not increase the value of the property put up for sale under such circumstances?—They would increase it to a considerable amount, I should say.

1363. Is a sale by auction for cash the usual way of selling lands in this Colony?

Mr. Michie objected to the question, as not being relevant to the inquiry before the committee, which was the absolute value of the lands for cash at the time the declaration was made.

Hon. A. Fraser,
continued,
29th Jan., 1859.

Mr. Brewer was heard in support of the question.

The Chairman intimated that the committee would allow the evidence to be taken, and that they would afterwards deal with it as they thought proper.

1364. *By Mr. Brewer*.—Will you be kind enough to state the usual way in which property is sold in this colony?—The usual way is, and in fact I believe it is always the way, except in the case of compulsory sales made for cash, to sell for one-third cash, and the balance at three, six, and nine months.

1365. *By Mr. Fellows*.—Do you draw a distinction between the buying value and the selling value, or is there any such difference?—I do not understand the question.

1366. You do not recognise any distinction—you do not know the difference?—I know the difference between a buyer and a seller.

1367. The man who wants a piece of land will give a certain sum, and a man who wants to sell will not take less than a certain other sum?—We always take the selling value in that sense.

1368. *By Mr. McCombie*.—What are the Government terms of sale?—Ten per cent. down, and the balance in a month.

1369. Then how can you reconcile with your evidence the fact that land brings more at a Government sale than at private sales?—I cannot exactly say, but I believe this to be the cause, that persons buying at Government land sales know that they get a good title; whereas, if they buy at private sale the title has to go through so many solicitors' offices and barristers', and may eventually come to the court before it is done with.

1370. *By the Chairman*.—Do you know any terms made by the Government with regard to the opening of the Macrae-street road at the public auction which was held?—I am not aware.

1371. You are not aware whether the original purchasers bought, believing that road to be the road to the Murray?—I am quite aware that they bought with the expectation that Macrae-street was to be opened out as part of the main road to the Murray.

1372. They bought with that expectation?—Yes; and the actual promise. I know Captain Clarke gave me that promise after it was sold.

1373. Was the road surveyed at that time?—The road was not surveyed, but the township of Sandhurst was surveyed.

1374. When was the Bridge-street road established—after that sale? or was it in existence at the time of that sale?—Not at all. There was just a crossing there, just a ford; but I really cannot answer the question at what time that street was established.

1375. The value of land has always remained in abeyance in Macrae-street?—Just at the end of Pall Mall, where Pall Mall joins Macrae-street, the value of land has been held in abeyance for the last three or four years.

1376. Few sales have taken place?—Very few, I believe; in fact, I am not aware of any sales that have taken place. In 1854 I myself sold the right of purchase to a piece of land there. That was just while the township was being laid out.

1377. Has land during the three years advanced or receded from the original price in that particular spot?—I think in that particular spot, Macrae-street has receded.

1378. Since the original sale?—I think so, but I am not positive.

1379. Would you then say that, as Bridge-street increased in population the chances of Macrae-street being opened diminished?—No; I do not think the chances of Macrae-street ever diminished. As long as they were working auriferous soil in Macrae-street, so long the Government withheld the proclamation; but I believe that is done with now, and there is no working of the soil there now.

1380. The particular rights of the Bridge-street party have no influence with the Government of the day, you think, in regard to the opening of Macrae-street?—I think not. I am not aware.

1381. The thickly populated position of Bridge-street now, does not, you think, in any way diminish the probability of Macrae-street being opened?—Certainly not.

The witness withdrew.

Mr. Brewer was heard to sum up the evidence on behalf of the sitting member.

Mr. Michie was heard in reply.

The committee room was cleared.

After some time the counsel and parties were again called in and informed by the chairman that the committee had agreed to the following resolutions:—

- 1st. That Daniel Joseph Tierney, Esquire, being unqualified according to the provisions of the Constitution Act, is not duly elected a member of the Legislative Council of Victoria.
- 2nd. That the committee are of opinion that, had Macrae-street, Sandhurst, been opened out as promised by the Government, Dr. Tierney's property in that street would have been improved in value.
- 3rd. That the above resolutions be reported to the house.

1858-9.

VICTORIA.

R E P O R T

OF THE

SELECT COMMITTEE OF THE LEGISLATIVE COUNCIL

ON THE

IMPOUNDING ACT;

TOGETHER WITH THE

PROCEEDINGS OF THE COMMITTEE, MINUTES OF EVIDENCE,
AND APPENDICES.

ORDERED BY THE LEGISLATIVE COUNCIL TO BE PRINTED, 3RD FEBRUARY, 1859.

By Authority:

JOHN FERRES, GOVERNMENT PRINTER, MELBOURNE.

EXTRACTED FROM THE MINUTES.

WEDNESDAY, 20TH OCTOBER, 1858.

IMPOUNDING ACT.—The Honorable T. H. Power, in accordance with *amended* notice, moved, That a Select Committee be appointed to enquire into the working of the present Impounding Act, with power to take evidence, such Committee to consist of the Honorables H. Miller, J. P. Fawcner, M. Hervey, G. Urquhart, and the Mover.

Question—put and passed.

THURSDAY, 3RD FEBRUARY, 1859.

IMPOUNDING ACT.—REPORT OF SELECT COMMITTEE.—The Honorable T. H. Power, as Chairman of the Select Committee of the Council, appointed on the 20th October last, to enquire into the working of the present Impounding Act, brought up the Report of the Committee, and moved, That the same be received and printed.

Question—put and passed.

THURSDAY, 10TH FEBRUARY, 1859.

IMPOUNDING ACT.—REPORT OF SELECT COMMITTEE.—The Honorable T. H. Power, in accordance with notice, moved, That the Report of the Select Committee on the Impounding Act be adopted.

Question—put and passed.

REPORT.

THE Committee empowered by your Honorable House to inquire into the working of the Impounding Act express a hope that the inquiry may result in the removal of abuses and the introduction of such improvements in the existing law as will correct the evils complained of, and meet the requirements of the many interests needing the protection of an Impounding Act in this rich and rising Colony.

2. As will be seen by the evidence, your Committee have examined many experienced, intelligent, and respectable witnesses, whose acquaintance with the subject under consideration was deemed calculated to afford correct and valuable information, and sufficient to warrant your Committee in making it a basis for the Report now submitted to your Honorable House.

3. From the statements of numerous witnesses representing different interests, it would appear that the present law (on the whole) is not so objectionable; and that the complaints against it arise, perhaps, more from the free and uncontrolled use heretofore made of the pasture lands of the Colony than from any other cause.

4. It has been brought under the notice of your Committee that many small landowners keep stock far in excess of the number their land will support, and consequently have to trespass to maintain them. This system prevails to the prejudice of industrious farmers, dairymen, and others, who hold land in fee or as tenants, and who have to compete in the same market for the sale of their produce with persons who are constant trespassers upon them.

5. The feeding of stock on Crown lands, without the payment of fee or licence, was never sanctioned by the authorities, but the practice has been indulged in by those who now feel aggrieved by the restrictive measures resorted to (in consequence of the altered circumstances of the Colony), to protect farming and other interests daily springing into existence. These new and valuable interests, in importance paramount to many others, appear to your Committee to demand due consideration and protection from the legislature.

6. As the law protects the licensed trader against the sly grog seller, your Committee think it but just to extend its authority to the protection of all classes of sufferers under similar circumstances.

7. The manner in which Crown land reserves are at present used by persons travelling with stock, and those holding the land adjoining such reserves, seems to leave them of little use to anyone, and appears to be the source of much discord and discontent; and the Committee are of opinion that this vexed question should be kept in view in framing a new Land Bill.

8. It has been shown in evidence to be impracticable, in travelling with stock, to confine them (where the land is not fenced) to a road of one chain wide. This affords to an avaricious landholder frequent and constant opportunity for impounding, and leaves carriers and travellers with stock at the mercy of such persons as are represented to hold land for no other use than that of entrapping an innocent offender, who is forced to pay an extortionate

demand, although an unwilling trespasser, not having proper fence or boundary line, or mark to guide him on the road he may be at the time a stranger to.

9. The remedy suggested in such cases is, at all times where the land is not fenced, to allow a three chains wide road, and to have the boundaries of purchased land properly and distinctly defined by posting notices and erecting stakes at reasonable distances, so as to be clearly visible to all travellers.

10. A case rare and novel in Victoria will be found in the evidence, where a large block of land, comprising several lots divided by sectional roads, was purchased by one person, who enclosed the entire with an outside boundary fence, leaving the main roads open to the public. The witness, in this instance, stated it would cost him more than the land did to fence the sectional roads, and doing so would render the land valueless for pastoral purposes, as the stock would have to be moved once or twice a day to water which is confined to one frontage of the land. On two occasions, a person travelling with stock made use of this paddock for days, under the pretext of feeding his cattle on the sectional roads, and when expostulated with, he chopped down the fences across these roads under the silent sanction of the laws.

11. The Committee agree with the recommendation of the Surveyor General, that the Government might give permission to the owner of such a block of land to fence in these sectional roads; the occupation to be surrendered (when required by the public) on the tenant getting days' notice to that effect from the Government or any other authorised body.

12. In the existing Act there appears not to be any distinction made in offences arising from trespass: this omission seems to your Committee an oversight. The owner of the stock who assists the trespass by opening gates or removing slip rails to turn in his cattle on another's land, certainly adds some criminality to the offence by thus aiding and abetting in its committal, and makes it an aggravated case. So also does the stock-owner (who keeps more cattle than his land will feed), make the trespass a graver offence than when he has both ample feed and water on his property; yet a trespass is committed by his having stock capriciously wandering on strange land. In the latter case he may be viewed as an unwilling and innocent offender. A fourth class of offence may be found where the herdsman or stockman, travelling with sheep or cattle, has his stock frightened, suddenly scattered, and put to flight by a storm, the rushing of dogs, even the falling of a tree, or some such simple cause; a trespass is the consequence. In such an instance the man in charge of the stock is also an innocent offender, and the mitigating circumstances in the two last-named cases should make a strong distinction between them and the two preceding cases, which are aggravated by the fact of the trespass being a wilful act; and the party at the time must be conscious of doing wrong and injury.

13. The Committee have also directed their attention to the public Pounds, and have to remark that their management has provoked general disgust, and calls loudly for reform.

14. Various suggestions have been offered by the witnesses to improve the management of these pounds, such as (1st.)—That small paddocks should be attached to each, in which cattle might enjoy their natural rest, instead of, as at present, being penned in wet yards. (2nd.)—Where Crown lands are unavailable, that grass paddocks for depasturing the stock should be provided of ample space to meet the wants of the district where the pound is situated. It is stated as a fact, that, in many instances, notwithstanding the heavy fees paid for sustenance, many of the stock in pounds perish from absolute want, and all of them are so far reduced by starvation, that some cattle owners never release them, and submit to a total loss rather than pay an amount of costs far above the value of the famished animal they

so readily abandon. (3rd.)—The system of remunerating the poundkeepers by fees seems to be generally condemned, and your Committee are of opinion a fixed salary would be more desirable, as the Keeper of the Pound would not then have an interest in misrepresenting brands or wilfully withholding information from the owner to delay the releasing of his stock, and so swell up the cost and expenses to his own advantage. (4th.)—The trespass and sustenance fees appear, in most cases, to be excessive. Circumstances, however, may not justify a uniform scale to regulate all pounds alike; therefore, the discretionary power given to the different benches of magistrates appears a proper arrangement, and should not be disturbed. Where Crown land adjoins the pound, and feed and water are abundant, the charges should be much lower than they are now; but when paddocks are to be procured and agistment to be paid for, the sustenance fee should be proportioned to the expense of providing it; yet, as there is no expense of herding in paddocks, the charges on the whole may be pretty well the same.

15. That portion of Mr. Ligar's evidence, relating to commonage or hundreds working so well in some of the adjoining colonies, is worth attention in the consideration of a new Land Bill, but any comment on that subject in this Report your Committee consider to be beyond the authorised limits of their inquiry.

THOS. H. POWER,

Chairman.

PROCEEDINGS OF COMMITTEE.

TUESDAY, 26TH OCTOBER, 1858.

Members present :

The Honorable T. H. Power, in the chair.
The Honorables M. Hervey and J. P. Fawcner.

Committee deliberated and adjourned until Friday next at twelve o'clock.

FRIDAY, 29TH OCTOBER, 1858.

Members present :

The Honorable T. H. Power, in the chair.
The Honorables J. P. Fawcner, M. Hervey.

Mr. Thomas Seymour was examined.
Mr. William Hurst was examined.
Mr. Archibald Macarthur Campbell was examined.
Mr. James Butchart was examined.

The Committee adjourned until twelve o'clock on Tuesday, 2nd proximo.

TUESDAY, 2ND NOVEMBER, 1858.

Members present :

The Honorable T. H. Power, in the chair.
The Honorables G. Urquhart, J. P. Fawcner.

Mr. C. J. Dennys was examined.
Mr. William Wade was examined.
Mr. Robert McDougall was examined.

Ordered—That a return be obtained of the Sustenance Fees paid at each Pound in the Colony during the year 1857, and during the nine months ending 30th September of the year 1858.

Committee adjourned until next day at twelve o'clock.

WEDNESDAY, 3RD NOVEMBER, 1858.

Member present :

The Honorable T. H. Power.

A quorum not being present, no business was transacted.

WEDNESDAY, 10TH NOVEMBER, 1858.

Member present :

The Honorable T. H. Power.

A quorum not being present, no business was transacted.

TUESDAY, 16TH NOVEMBER, 1858.

Members present :

The Honorable T. H. Power, in the chair.
The Honorables J. P. Fawcner, M. Hervey.

Mr. George Hope was examined.
Mr. James Hope was examined.
Mr. James Blair was examined.
Mr. John E. Bates was examined.

The Committee deliberated, and adjourned until twelve o'clock on Friday next.

FRIDAY, 19TH NOVEMBER, 1858.

Members present :

The Honorables T. H. Power, J. P. Fawcner.

A quorum not being present, no business was transacted.

TUESDAY, 23RD NOVEMBER, 1858.

Members present :

The Honorables T. H. Power, G. Urquhart.

A quorum not being present, no business was transacted.

Committee ordered to be summoned for two o'clock on Thursday next.

THURSDAY, 25TH NOVEMBER, 1858.

Member present :

The Honorable T. H. Power.

A quorum not being present, no business was transacted.
Next meeting to be summoned for one o'clock on Tuesday next.

TUESDAY, 30TH NOVEMBER, 1858.

Members present :

The Honorable T. H. Power, in the chair.

The Honorables J. P. Fawkner, G. Urquhart, M. Hervey.

Mr. C. N. Bagot was examined.

Mr. C. W. Ligar (Surveyor General) was examined.

Committee adjourned until eleven o'clock on Thursday next.

THURSDAY, 2ND DECEMBER, 1858.

Members present :

The Honorables T. H. Power, J. P. Fawkner.

A quorum not being present, no business was transacted.

TUESDAY, 7TH DECEMBER, 1858.

Members present :

The Honorables J. P. Fawkner, T. H. Power.

A quorum not being present, no business was transacted.

Ordered—To summon next meeting for one o'clock on the 8th instant.

WEDNESDAY, 8TH DECEMBER, 1858.

Members present :

The Honorable T. H. Power, in the chair.

The Honorables M. Hervey, G. Urquhart.

Captain MacMahon was examined.

The Committee adjourned *sine die*.

THURSDAY, 27TH JANUARY, 1859.

Members present :

The Honorable T. H. Power, in the chair.

The Honorables M. Hervey, J. P. Fawkner.

Draft Report read clause by clause, and considered.

Committee adjourned till Tuesday next at half-past twelve o'clock.

TUESDAY, 1ST FEBRUARY, 1859.

Members present :

The Honorable T. H. Power, in the chair.

The Honorables J. P. Fawkner, M. Hervey.

Mr. Ligar's amended evidence was submitted and allowed.

The Draft Report was further considered paragraph by paragraph and adopted.

Chairman ordered to report to the House.

MINUTES OF EVIDENCE.

FRIDAY, 29TH OCTOBER, 1858.

Members present :

The Honorable T. H. POWER, in the chair ;
The Honorable J. P. Fawkner | The Honorable M. Hervey.

Mr. Thomas Seymour called in and examined.

1. *By the Chairman.*—You reside in the Adelaide country, do you not?—Yes, just beyond the border in the Mount Gambier district. Mr. T. Seymour,
29th Oct., 1858.

2. You are in the practice of bringing over stock, are you not?—Yes ; I have been so continually for the last five years.

3. What are your objections to the present law in reference to impounding?—My objections are, that I look upon several small sections, purchased by people along the roads, and I know, for a fact, that in many instances, those small little portions of land—half acres, some of them—have been purchased for the sole purpose of traps to catch the traveller as he comes along, and that is the only benefit they at present derive from them—the sums that they actually bounce out of you. They say, “I will either take your cattle to pound, or you must pay what I ask you.”

4. Has that occurred to yourself?—Yes ; in this very trip coming down. I came to the Government reserve, close by the Guiding Star.

5. What part of the country is that in?—Just on the edge of the Geelong plains, four miles from the race course out on that road ; we generally camp there, so that you can come early in the morning into Melbourne. It seems that there is a small portion that runs in an angle just close to the river, and some of my sheep got upon that towards morning, and the man immediately pounced upon them and threatened all sorts of law against me. I did not let them go ; and it is the first time I have got away without letting them go to pound. This time two years ago, when my cousin came down with cattle, they lost seven head : that was nearer to Geelong, beyond the Exe, by going unwarily upon unfenced land. There is no sign or mark, or anything ; you do not know whom it belongs to.

6. What are the poundage fees charged on those occasions? have you paid any lately, so as to know?—No, I have not. Mr. Kirby was the last that I heard of. I paid £4 10s. about fifteen months ago ; that was to compound the fees.

7. *By Mr. Hervey.*—Your stock never was taken to the pound?—No ; sooner than let the cattle be taken to the pound, I gave the man £4 10s.

8. Did the man make out a bill against you?—He wanted £16, I think.

9. He took it as a douceur?—Just to let me pass on. I made all the apologies I could, and told him the truth, that I did not really think I was trespassing. That was near Rokewood.

10. *By Mr. Fawkner.*—Do you know the quantity of land he had?—He had not more than two acres—I do not think he had more than that. It is on the side of the road, in the village of Rokewood. They are bigger than town allotments, but still you could not call them suburban ; they are little paddocks, just what would hold a flock of sheep at night, not larger than that.

11. Then with reference to reserves, were you disturbed at any time?—I was never disturbed on a reserve until this time ; that was on that reserve out there ; the man said that he had taken it for the purpose of cutting the thistles ; that he got the special use of the reserve for three months, and if I put my sheep upon that he would put them in the pound, and he would allow nobody to put sheep or cattle on that Government reserve.

12. *By Mr. Hervey.*—What is the name of that reserve?—It is the reserve at the Guiding Star.

13. Do you know the man’s name who made this statement to you?—I do not remember ; I did know, and I think I could find it out.

14. This happened recently?—Within the last three weeks—this very trip—I was coming down with 2000 wethers.

15. Are you sure that that man has something to do with the reserve, or was it but a take-in altogether?—All the people told me. Mrs. Hall, the person who keeps the public house, told me that I dare not go there now, and I pushed them over on those other little bits of land that were not Government reserve. I did not think it was sold at all, but it seems that a man owns that little corner.

16. So that there is no reserve there at present?—There is a large reserve, and in the corner of this there is a small piece of purchased land. They told me that the corner was not a reserve, but in order to get away from the clutches of the man who had rented the whole reserve, I went on to that.

17. Then it is not a reserve?—It is called a Government reserve, but is rented for three months.

Mr. T. Seymour,
continued,
29th Oct., 1858.

18. It is not open to the public now?—No, there is no place to go to.
19. *By the Chairman.*—Do you think it is absolutely necessary to have reserves as you travel down through the country?—Close to any town it is absolutely necessary to have some sort of reserves. Of course they are not wanted in the open bush where you can go where you like; that is, you can go within reason anywhere about the road, but you cannot near a town.
20. Can you make the sheep fly from the river Leigh to the river Exe, or can you camp them on the road?—No, I came down the western district.
21. Where do you generally commence the fencing?—Beyond the river Leigh now.
22. How many miles from town?—Eighty-five miles it begins now. This time twelve months you could have had some fair play, till you came much nearer than that.
23. How far have you to travel where you must resort to accommodation paddocks or reserves?—Eighty-five miles, it is. I am allowed by sufferance to go on many places where I am certain strangers would not be allowed to, so that I cannot exactly answer how others come.
24. Do not you think, where those reserves are open to the public, they can be of very little use for your stock to feed on?—They can be of no use to feed on, but they are of use until there are accommodation paddocks regularly established in some way. We must have some place to go to, to rest them.
25. *By Mr. Fawkner.*—They can rest, if they do not get much food?—Yes, that is all the benefit to be derived from them, no doubt; as to feeding on a Government reserve, it is not worth talking about. The people in the immediate neighborhood, with their goats and bullocks, and one thing and another, eat all the feed.
26. *By the Chairman.*—What do you consider a sufficient fee for an impoundage for a few cattle or sheep merely passing over purchased land?—I should say a shilling a hundred would be quite enough.
27. A shilling a hundred for sheep?—Yes.
28. And what for cattle?—Five times that at least. Sometimes they would do a great deal more damage than that, if the weather was wet, and they went upon new laid down land.
29. *By Mr. Fawkner.*—The question refers to unfenced land, not cultivated?—I think anything nominal would be quite enough; but I am only speaking with regard to travelling cattle now. I do not speak with regard to what I consider would be the value of one man's cattle going in another man's place; that is a different thing altogether.
30. *By Mr. Hervey.*—With regard to this two acre section, where your stock got impounded; in resisting the demands of the man, did you not complain that only a very small portion of your cattle being upon the two acres, he had laid hold of the whole cattle?—He only came and said "Your cattle are trespassing." I did not know at that time whether he meant one sheep or one thousand. I see by all the little bits of fencing now, that if I had a right to pay him that £4, at least there should have been two hundred claims upon me, for I am certain there were two hundred little patches of ground where the sheep were scattered over.
31. *By the Chairman.*—What remedy would you suggest in this case?—I would suggest that any man who did not fence in his land that was immediately adjoining the roads should not get one single farthing for any damage whatever; because, if he intends that land close to the road shall be of any use to him, why not fence it.
32. Is not a man who has purchased his land entitled to some protection from trespassers?—I am only speaking of travelling cattle—travelling to market; you might say cattle that had not been camped within four or five or six miles within twelve hours before.
33. Would you apply it to large blocks as well as small?—Yes.
34. Supposing a man buys 640 acres round a reserve, would you insist upon his enclosing the whole, or else having no claim upon a trespasser?—Most decidedly, I would; I would insist that he should not take my cattle that were going along the road because he owned the purchased land on each side of the road, otherwise a man bringing cattle need bring a lot of engineers with him to stick up poles to show where the road was.
35. Supposing the road was so marked as to show what land was private property?—If you put trenches you might keep one beast from going over them, but you could not keep a mob of wild cattle from going over them. I was going into Adelaide once, and there was some light wire fencing, and the cattle made a rush, and one broke through the fence into the Bishop's paddock.
36. Did he impound it?—No, for he could not catch it, nor more could I. I told him if he would put it into the pound I would be very much obliged to his Lordship for catching it, but he could not. A cut sometimes a foot wide would not be enough to keep cattle from going across it, and fifty men would not do it with a large mob.
37. *By Mr. Fawkner.*—If I understand you rightly, you only wish to be protected from places where there are no marks, and that, if the cattle merely go across the line of the road and you drive them out again, you shall not be charged for their merely going across. But you do not mean that you should have the use of the whole of a 640 acre block, if it were not fenced?—Exactly; and when I see a road fenced, I say I cannot camp here next time I come, and I must either go and look for leave or pay for accommodation. Coming in in the evening sometimes there is £3000 or £4000 worth of stock all depending upon very little chance. A man may come and set his dogs after them and drive them, as they did with Mr. Rochfort's cattle on the plains of Geelong.
38. Had you those same evils to contend with in going to the Adelaide market?—Not until we came close to Adelaide; there is no evil until you pass the Murray and then it is nearly all fenced and there is accommodation for cattle. The Adelaide country is much more advanced

in the way of fencing than you are in this country, and at the public-houses there you get the use of a fine paddock for nothing.

Mr. T. Seymour,
continued,
20th Oct., 1858.

39. *By Mr. Hervey.*—What arrangement is there about reserves there?—There is a whole strip of country reserved from Mount Gambier direct to the river Murray; and after you cross the Murray you get in a fenced country all the way; but there are plenty of paddocks at very moderate sums. I think for a farthing a-head we get good grass for the cattle, but that would be according to the time of year.

40. *By Mr. Fawcner.*—You would not object to pay for the use of paddocks here, would you? but you object that those little places are left as traps?—Yes, and we do not know anything of them.

41. Have you ever found the same thing occur in the case of large proprietors?—Never; men who have thousands and thousands of acres never say a word about it.

42. Have Mr. Churnside or Mr. Stoughton troubled you?—Never; I can go where I like with them.

43. *By Mr. Hervey.*—Did the man require a charge for the cattle remaining on the reserve that you say is let for three months?—No, he ordered me not to dare attempt to put them on it.

44. *By Mr. Fawcner.*—He did not ask you to pay anything for putting them on?—No, I had gone up before the sheep came up, and Mrs. Hall, who owns the public-house there, said: "You beware not to put your cattle there"—(This was about a week before the commencement of the races up there)—"he has just taken the right of lease of it for three months for the cutting the thistles on it." He had the use of the reserve for cutting the thistles on it, and he told Mrs. Hall that every single beast he could he would catch, and he would make the place pay him very well; that just as they turned in he would take them to the Williamstown pound.

45. Supposing he did not impound any of the cattle, do you know whether he had any use for the reserve in any other way? had he any stock on it himself?—I do not think he had. He had been impounding some of the neighbors cattle at that time.

46. *By Mr. Hervey.*—You understood from Mrs. Hall that this man made a bargain with the Government for the use of this reserve?—He made a bargain with the Government to get the use of the grass for three months for cutting the thistles, and his reason for that, as given to Mrs. Hall was, that he thought it would pay him very well, because he would drive every single sheep and beast that came in it to the pound.

47. Did you hear that he had ever carried any case to a bench to ascertain his right to impound?—No, because it was only two days before that that he had got the power.

48. And that was a mere act of intimidation—you have no reason for supposing that he would have impounded the stock, if you had resisted?—I would not have been frightened of him. If I had had no other means, I would have rescued my cattle from him, and would not have let them go.

49. Do you know whether he had the power to impound the stock?—I cannot say what way the law is, but I would not have let the cattle go with him, nor the sheep either.

50. *By Mr. Fawcner.*—Do you wish to add anything to the evidence you have given?—No further than to say that I think it a very great hardship that such traps should be left open in the country, if they can be prevented. The damage done to fat stock by their going to the pound is a great deal more than the fee you would pay. I would suggest that it would be a convenient plan, that every mob of sheep and cattle travelling to market should be registered at the first police station they come to, and that such registry ticket should make them liable only to the pound fees on travelling stock, and that a clause be inserted in the Act making a difference between travelling stock and those trespassing from a neighboring farm.

51. *By Mr. Hervey.*—How far is the pound from this reserve at the Guiding Star?—Not far; perhaps about five miles.

52. You do not call that far?—No. Until a very short time ago, in the Mount Gambier district, if any man chose to impound cattle, he had to bring them two hundred miles; but now there is a pound in the district, and you have not to go more than seventy or eighty.

53. I understand you to say, that the fencing commences at the Leigh, eighty-five miles out of town?—About ten miles beyond the Leigh Mr. Russell's fence commences.

54. And after getting into those fences you do not get out of them at all?—Scarcely at all.

55. Is the reserve at the Guiding Star the only reserve in that line of road?—There is a small reserve at the River Leigh, but I cannot find it out.

56. *By the Chairman.*—Do you mean to say, that you drive stock eighty-five miles without feed?—There is a very small reserve at the Duck Ponds.

57. Is the land fenced in there now?—It is partly fenced in. Mr. Bates's is partly fenced in, and you must not come near him; there is a sort of little village thereabouts, and it is all fenced in nearly to the Leigh. Then again at the Exe it is all fenced; all the farmers occupying it are on one side and the other; and then from the Exe to the Guiding Star you can go any side you like, there is feed there.

58. How far is that?—That is twelve miles.

59. The land is not sold there yet?—No.

60. That is over the plains?—On the plains. You can drive sheep nine miles very well, and if you could have a reserve four miles further away than the Guiding Star, you could stop there a night or two.

61. Is there any water between the Guiding Star and the Exe?—No natural water, but it could easily be got.

Mr. T. Seymour,
continued,
29th Oct., 1858.

62. You could not have a valuable reserve without water?—It would be no use as a reserve without water.

63. *By Mr. Fawcner.*—Could you point out any place in that neighborhood where there is water?—About the little creeks, where the country is fit for camping, is where people purchase those little bits of land, and then you are done.

The witness withdrew.

Mr. William Hurst called in and examined.

Mr. W. Hurst,
29th Oct., 1858.

64. *By the Chairman.*—You are a salesman in Melbourne?—Yes.

65. You have had some trouble with the poundkeepers, have you not?—Yes; I am sorry to say I have. I had one case last week, where I had to pay £41 for some sheep getting through a fence. Certainly it has the name of a fence; a few of the sheep got in, and the owners of the place would not allow the men to bring them back. What I was informed, as the man tells me, is, that he laid him down and held him until he got the whole in, and then took possession of the whole and kept them all night, and took them away to the pound, at the Broadmeadows, belonging to his son-in-law, the following morning, and he would not give them up; and I was delayed three days in the sheep coming to market. That was out at Essendon.

66. *By Mr. Fawcner.*—Do you know the quantity of land that was trespassed upon?—It is a small grass paddock, with an unsubstantial fence.

67. Would you ascertain the quantity of land that was trespassed upon, and the number of sheep that were in before he held the man and got the rest in?—The man told me there were 150 or 200 in at the extreme when he went to get the sheep out. The man's reason was, there was another flock coming down, and when he saw the sheep coming into the fence, he could not go so quickly as he wanted, because the other flock he wanted to keep from joining, and he said the man hit him on the nose and knocked him down and kept him there until all the sheep came in. He put the heaviest damages of trespass on them—fourpence half-penny a head. He was going to put on threepence at first, and when he went to the pound he put the largest amount he could put on; he said he would have the extreme—fourpence halfpenny a-head—which I had to pay.

68. That is an excessive charge?—I should say so, for what the sheep did; they could do no damage, running through the fence and coming back again.

69. Was this a grass paddock?—Yes.

70. What would be the charge a week in a grass paddock for letting the stock run?—I do not think there is such a thing as putting sheep in by the week.

71. *By Mr. Hervey.*—Nor even for a night?—No, because the shepherds manage to get somewhere or other with them all down the road; there is not a person comes in now with sheep or cattle but is complaining. The land is sold and there is no fence to guide you, and you are pounced upon, and an enormous charge is made, or the stock are taken off to the pound. If the people with them are strong enough to resist their being taken to the pound, they make some sort of arrangement. I had a case the other day coming along the main road—they had dug a trench so that the stock could not come down the road and they had got to come into a publican's paddock, and he charges them so much a hundred for allowing them to come round.

72. Is that coming down from Lancefield?—Yes.

73. *By the Chairman.*—Do not they use the race course as a place for paddocking sheep?—Yes.

74. What is the charge there?—I think a penny a head.

75. Per night?—Yes, that is just merely to send them out to—stock that has not been sold—at the end of the week, to keep them over till Monday. It is the only place there is handy. About the nearest reserve is at Essendon, but there is nothing upon it. Sometimes they are sent out to Mrs. Hall's reserve, at the Guiding Star. I have frequently sent sheep out there, and cattle too.

76. Have your sheep ever been seized there?—I have had no sheep out there lately; never anybody said anything about impounding there; but I had a lot of store cattle coming forward to the reserve, about four miles beyond Broadmeadows, and when the man went into the reserve a party came and said—"You cannot stop here, for if you do I shall impound your cattle; we have leased this place." The man said—"I am not aware of that." He said—"Yes, we have leased it, because we have a right to cut the thistles."

77. *By Mr. Hervey.*—Where is that?—On the Broadmeadows road, coming in by Major Boyd's.

78. On the Deep Creek?—Yes, there are very few people who know it. The first person who claimed a right to it was Captain Gardner; he said it was a portion of his paddock, and the man went up to the Survey Office and got a map, and showed him that it was not in his run at all.

79. You say there is a person at present in possession of this reserve who prevents you from stopping there?—Yes, there is a party stopping at the entrance who objects to stock going into the reserve.

80. Did your man put the stock in?—Yes, he put them in, and nothing has been said about it since. As it is at present, no one knows where the road is, and many people are making traps. They purchase a piece of land and will not fence it in, and receive more from impoundings than the land is worth.

81. *By the Chairman.*—On how many occasions have you had to pay excessive damages within the last twelve months?—This is the only time that I ever had occasion to release the stock myself. The owners themselves have frequently complained to me that they had to pay

damages, but on this occasion the man had not got the money with him and the superintendent was in town with some other sheep, and the consequence was, they were swept away to the pound and I did not get them back for three days. The man offered to pay anything that was reasonable, but because he had not the money in his pocket they were taken to the pound; he would not wait till the man could come to Melbourne to get the money.

82. *By Mr. Hervey.*—Have your constituents complained of having stock impounded in various parts of the country, or only in the vicinity of town?—There are cases up the country where they have had to pay nominal sums for coming through runs—going a little too far off the road,—the settlers had said “You are too far off the road, and we shall impound your stock,” and then they make them pay sixpence or one shilling a head, and so on.

83. *By the Chairman.*—Are there many instances of that sort?—Two or three, I think, have happened within the last week.

84. In what locality?—Up beyond Lancefield.

85. What is the law upon that point, do you know, with regard to travelling stock leaving the road? are they limited to a certain extent?—I think the law allows half a mile each side of the road, but they are confining them now to about a quarter of a mile; and if there is not something done to prevent the way they go on impounding, there will be no stock got to market, for people will not be able to travel with them. If you have 6000 or 7000 sheep and 300 or 400 head of cattle, it is quite impossible to keep them all on a piece of ground a chain wide that is not fenced in; even if there were 1000 posts stuck up, you could not do it. If people have purchased land, I think it is right that they should fence it in, or submit to the trespass, and that they should not be allowed to impound the stock when they do not fence it in; and even now some of them who are fencing in are putting up fences that are no fences at all, properly speaking.

86. *By Mr. Hervey.*—Supposing any law were passed with regard to fencing, would you have it defined what was a sufficient fence—wire, or dog-leg, or post and rails?—A wire fence for cattle is a very unsafe fence, unless there is a good top rail to it, and even then it is a bad fence to have against a road, for the instant a beast touches it it begins to rattle, and then he will begin to kick and jump, and ten chances to one he will break through it.

87. Supposing a law were passed that the land should be enclosed, it would have to be expressed either in the general term of “a substantial fence,” which gives rise to disputes, or the sort of fence would have to be defined?—I should consider a substantial fence on a road would be such a post and rail fence as would keep anything from going through. If you had a three-rail fence sufficiently high to turn cattle, sheep would be able to go through. I think it ought to be a four-rail post-and-rail fence.

88. Is the charge which is made for trespassing, for travelling over the ground, or for the pasture the beasts consume?—I should say for travelling over the ground, for in many of the places there is no grass whatever.

89. With regard to conveniences for stock reaching market—as to reserves—in your opinion, are they sufficient or insufficient at present?—They are insufficient on all the roads. There are a good many reserves laid off where there is no water; if they had been laid off where there was water, they would have been of service; but in general they are insufficient and too small.

90. What size ought a reserve for travelling stock to be?—It ought not to be less than from 2000 to 3000 acres. It is necessary that stock coming forward to market for next week's market should be in either to-night or to-morrow, and four or five different lots of stock coming to the reserve at once have not room to move, unless it is a large reserve.

91. What is the size of the reserve at Mrs. Hall's?—Either 1800 or 2000 acres, and that is not sufficient for the quantity of stock that is travelling.

92. There is another at the Deep Creek, at the Inverness Hotel; is that a sufficient one?—It is not sufficient for the quantity of stock that is travelling that way, but with that one and the one at the back of Mrs. Green's—for they are not far apart—when one is full, you could go into the other.

93. *By the Chairman.*—In this paddock where your sheep trespassed, what quantity of land had the proprietor?—I do not know; I can ascertain that.

94. And the number of sheep that really trespassed?—The sheep that went first in were from 150 to 200, but the whole that he took away to the pound was close on 1400. I believe it is a small block of land. I paid the money under protest, and the thing is coming on for hearing before the justices, to see if they cannot make him refund the money.

95. Does not it strike you that it is an act of cruelty to animals to drive them a distance of some sixty or eighty miles without giving them some feed during that time?—Yes.

96. Would it not, therefore, be necessary to put them into some paddocks, and not on these reserves?—There is scarcely any one that has paddocks that will do for that; there are not paddocks for it. I do not think there is a person travelling the road that would be against putting stock into paddocks, if there were any. They keep those little bits of land open entirely as traps to make a living by, or merely to trap travelling people. People who are travelling with stock do not know the roads or what land is sold; and even if they knew the road, it would be utterly impossible to travel on a chain wide road without the stock trespassing, unless it was fenced in; and I think they should not be allowed to make any charges unless they fenced.

97. And you have known instances where stock merely passing over the land has been made to pay for going over the land?—Yes; I should say that the owner of the land ought not to take the stock and put it into the pound; he ought to summon the owner of the stock.

Mr. W. Hurst,
continued,
29th Oct., 1858.

98. What do you think a fair poundage fee for cattle taken up travelling in that way?—In the instance where my sheep went in, if they had been allowed to come out again, I do not think they would have done any damage at all, unless in their rushing they might have broken a rotten paling; and I do not think in the few minutes they were there they could have eaten five shillings' worth of grass; and as for the damage they could do with their feet, it is a mere nothing in dry weather. If it had been a corn field, then the damage might have been great; but merely running into dry purchased grass for a few seconds, it is not much damage they would have done there, if they had been allowed to be taken away.

[The land situated at Essendon (as in questions No. 65 to 67 and 93) is the property of Wilks and Son, who impounded the sheep. Paddock consists of from 80 to 100 acres. The fence joining the reserve is an old two-rail fence with pieces of hoop iron nailed along to form the bottom rail, and, from its long standing, there is no hoop in various places. Not more sheep than 200 had entered the paddock when the man was prevented from rescuing them; the whole flock were detained until the following morning, then impounded. *Memorandum.*—As the road through Mr. Clarke's special survey is so impassable in places, and being only one chain wide, I would suggest that it be made three chains wide, as it would be of great public convenience in the travelling of stock, prevent damage to private lands, and give feeding ground, as there is no reserve through that survey.—WILLIAM HURST.]

The witness withdrew.

Archibald McArthur Campbell, Esq., examined.

A. M. Campbell,
Esq.,
29th Oct., 1858.

99. *By the Chairman.*—You have been a settler up close to one of the gold-fields?—Yes, near Ararat.

100. How does the Impounding Act please the inhabitants of that district?—There was no pound at that time near Ararat; there has been one established there since. There was no pound within forty miles of me when I was there; there has been one established between Ararat and Pleasant Creek since that.

101. Were there many disputes between the settlers and diggers up there with reference to trespassing?—Not at that time; I only knew one or two cases.

102. Did those come before you as magistrate to adjudicate upon?—No, they did not. On the station that I was living at, in which I was a partner, there were about 800 partly dairy cattle trespassing at one time, and I commenced to impound them myself. I seized for the purpose of impounding two or three lots, and they were rescued; that is a misdemeanor, rescuing cattle, and the parties were prosecuted and were fined £5 a-piece.

103. They were not travelling stock?—No; there were about 800 cattle on the station at that time, nominally dairy cattle, but they were cattle of various descriptions.

104. Whose property were they?—They belonged to various persons. They said they had as good a right to be there as I had.

105. They were not the property of any licensed occupant of Crown lands?—No, nor paying any assessment.

106. What injury would such a mob of cattle do your run in a year?—I am not prepared to answer that question hurriedly.

107. The money value and the injury to the stock by having those cattle running amongst your own stock?—The injury in going amongst my own stock is very great.

108. *By Mr. Fawkner.*—That would not be so unless there were bulls of bad breed amongst them?—There were bulls of very bad breed amongst them.

109. *By Mr. Hervey.*—The committee wish to understand the operation of the Impounding Act in the neighborhood of the gold fields, with reference either to the stock brought there for consumption, or the diggers' horses, or working bullocks straying. With regard to this particular case which you mention now, how did the stock happen to come there; were regular dairies being established?—Yes; there was a rush to Pleasant Creek shortly before then, and there was an impression on their minds at that time that they had as good a right to be there as I had; and after trying this case at Pleasant Creek the police magistrate told them he would fine them £100 a-piece if they rescued cattle again, and then a great many of them removed.

110. Those 800 cattle would be in the hands of a number of owners?—Yes, about twenty-five.

111. Were any of them landed proprietors?—No; they had no land there. Probably half the stock would be cows, and the rest young stock.

112. What would be the greatest number that any one of those proprietors might have?—I cannot remember. I know altogether I reckoned that, at that time, there were about 800 cattle trespassing.

113. In the hands of about fourteen proprietors?—There might have been more than that.

114. And those persons had no licence?—No.

115. And it was against those that the proceedings were taken by you?—Yes, those were the only proceedings that were taken at that time.

116. There were no proceedings against individual diggers for having single horses there?—No; working bullocks or diggers' horses I never knew of being impounded in that neighborhood.

117. It was merely to put down this wholesale system of trespassing that proceedings were taken?—Just so. I knew of a case on Mr. Wright's station, where a dairyman purchased about 100 store cattle to fatten, and had them some months there.

118. Had that man any leased or purchased land there?—He had no land there, but he ran them near the diggings on the plea that he was supplying the diggings with milk. He had dairy cows amongst those cattle. A. M. Campbell,
Esq.,
continued,
20th Oct., 1858.

119. Have you known fat stock, coming to the diggings for sale, impounded?—I never knew them impounded.

120. So that the only case in which you ever knew the Impounding Act put in force on the diggings, was where the stock came to take up a permanent abode in large numbers?—Yes, personally. I believe there have been some cases since I left of some of the diggers' horses being impounded, but I do not know it myself.

121. *By the Chairman.*—Do you think the manner of carrying out the present Act is to be approved of? In the first place, the magistrates in the locality have the power of nominating the poundkeeper and the power of fixing the sustenance fees, and in cases of complaint the poundkeeper is brought before them to have the case tried. Do you think everything is consistent in such an arrangement as that?—I consider that the sustenance fees generally are too high throughout the country, and that the poundkeepers are very anxious to get cattle to be impounded, and frequently send men throughout the country to collect cattle.

122. That is not exactly my question: the poundkeeper is appointed by the magistrates, and it is presumed that you are aware that there is some interest used to get the appointment, and the poundkeeper frequently is a friend of the magistrates; that being so, where there is a case of complaint against the poundkeeper, do you think it is consistent to have him brought before his friends to have his case inquired into?—I have never known any favoritism shown.

123. Does it strike you as consistent?—I think it would be better if he was nominated by the Government.

124. You never heard it objected to by the public at any time?—I have not.

125. *By Mr. Hervey.*—In fixing the sustenance fees, do you think it a good principle to leave it to the benches?—I think so; but for a long time the charges have been very high. When a bench is fixing the scale for a poundkeeper, they immediately say, "What are the scales at other benches," and they look and see them all very high, and they may take the lowest; but still they do not like to differ much from others.

126. Have you ever been on the bench when a scale was fixed?—I have.

127. Is that the principle that guides the magistrates in fixing the scale, as far as your experience goes?—I think that does guide them in some respect, and also the locality; there is no doubt in a place near the gold fields there is more difficulty in keeping stock, because there is less feed, and probably the scale should be higher there.

128. Notwithstanding the fees for sustenance, it is a fact sometimes that the stock get next to nothing to eat. Do you not think that that is a cruelty, and how would you provide to have the law remedied in that respect. When the country is all purchased, do you not think it will be necessary to compel the poundkeeper to have a paddock where stock could be kept alive?—I think it would be better if there was a government paddock adjoining the pound, and I think also it might be a good plan to make it incumbent upon innkeepers every fifteen miles to keep accommodation paddocks for stock on the line of road. There is another thing too: I have heard of a man going to a pound yard and taking a fancy to one of the horses, and going to the poundkeeper and saying there was a horse of his there, and getting the horse away at once. I think a man ought to be required to make a declaration before a magistrate before he got a horse out of the pound. At present any person can go and claim a horse as his property and take it away. I am of opinion that a poundkeeper should not be allowed to follow any other occupation.

129. *By the Chairman.*—Is the poundkeeper justified in giving it up without knowing the man?—Yes.

130. Must he give it up?—Yes.

131. *By Mr. Hervey.*—Would not that amount to horse stealing?—Scarcely, because the man might say he was mistaken, that he had a horse very much like it.

132. *By the Chairman.*—Is there any other objection to the existing Act which strikes you at present?—I do not remember any at present.

133. *By Mr. Hervey.*—Have you heard it as a frequent complaint in the bush, that, in the event of a lot of stock being impounded, they are swallowed up in expenses?—Yes.

134. How is that to be obviated? It was attempted to be cured by the present Act doing away with poundage fees and giving the poundkeepers salaries, and the only fees now left are sustenance fees: do you think those sustenance fees in general are excessive?—I do.

135. Is not the usual scale somewhere about 2s. or 2s. 6d. a day?—Yes.

136. What are your ideas with regard to sustenance fees—have you ever thought upon it at all?—I have thought something of it, and it strikes me that the sustenance fees are much too large. In a case which came before the bench at Keilor, where sheep had been impounded for a short time, it was a matter of dispute whether the poundkeeper should be allowed the sustenance fee for the whole day, when they were only half an hour impounded.

137. What was the decision in that case?—That the sheep should be charged for the whole day. We went upon the ground that it was customary so to do.

138. *By Mr. Fawcner.*—If persons pay only a few pence for sheep per head per annum, how much would you consider a fair charge per day's grass for trespassers' sheep on such land, and the same with regard to cattle, per day?—I presume this question to be in reference to the charge for damage; if so, ($\frac{1}{2}$ d.) one halfpenny per head for sheep; (2d.) two pence per head for cattle.

139. How much do you consider would be a fair charge per head for sheep, and also for

A. M. Campbell, cattle, per head, where the stock are trespassing—had merely strayed on the land for a very short time—had merely strayed, or were merely resting for one night, as contradistinguished from persons continuing to feed, or trespass continuously?—No damages within half a mile of any public road, unless the land trespassed on is properly fenced.

140. Should the poundkeeper be allowed to charge for the first day's poundage, when he has not supplied such food—say, when the owner, immediately after, or upon the impounding, offers to pay all charges—should he pay the day's feed?—He should not pay, unless the stock had been twelve hours in the pound.

141. The amount of sustenance fees?—The charges for sustenance should be upon a sliding scale, diminishing in proportion to the number of stock impounded, belonging to the same person. The rates would much depend on the number of stock impounded, scarcity of feed, &c., in particular localities.

The witness withdrew.

Mr. James Butchart examined.

Mr. J. Butchart,
29th Oct., 1858.

142. *By the Chairman.*—What complaints have you to state in reference to impounding?—On Monday last I had 5000 sheep seized adjoining the road.

143. Where was that?—About half way to Mrs. Hall's, at the public-house there; the Rising Sun, I think, is the name of it; just beyond the punt at the junction of the Geelong and Williamstown roads.

144. Were they taken off purchased land?—The man said it was purchased; it was not fenced in or anything. It may not have been purchased, for aught I know.

145. You had nothing to show you that it was?—Nothing; the matter was compromised by my man giving him an order for £16; they were not two minutes on the ground.

146. What was the first claim?—I cannot tell. I have known a great many instances, but not so recently.

147. Could you find the man?—Yes, he is out with the sheep now; I will get all the particulars.

148. Were all the sheep at the time on this person's land?—I merely suppose that they could not be, because he is only a small holder, and it was a large flock of sheep scattered along the road; but I will ascertain all those particulars.

149. *By Mr. Fawkner.*—Do you state that the sheep were travelling along the road?—Yes, merely scattered on each side; the man came up and said, "I am going to take these sheep to pound."

150. *By the Chairman.*—Do you concur with the other witnesses that it is impossible to keep stock on an unfenced road one chain wide?—Yes. There is one man out there who has a trap laid for them.

151. What is the name of that person?—I think his name is Hagar. Some years ago we gave him a taming in the Supreme Court and he has been quiet since. This man some time ago allowed five drays to go through his land on a track, and the sheep were following the drays. He never said a word to the drays, but he came up and caught the sheep and never said a word to the bullock drivers: in fact it was a regular trap to get the sheep to follow the drays. If Mr. Chirnside, and Mr. Staughton, and Mr. Clarke were all to be like that little man, not a beast could come to Melbourne market. Mr. Chirnside could block the western people out completely; there is not a man could come through his run. I was manager for Mr. William Campbell for twelve months when the diggings were first there, and I never impounded a beast there all the time.

152. At that time there were a number of trespassers?—Yes; the run was really taken from us, and I never thought of impounding anything excepting large flocks of sheep; when they came there and wanted to retail them, of course I would not submit to that. I threatened, but I never impounded a beast; nor when I was there, did I know of a single instance of my neighbor doing so. They did it afterwards, I believe.

153. What remedy would you suggest in the present Impounding Act; have you reflected on it at all?—I think, adjoining a public road, it ought to be compulsory upon any person, before impounding, that he should have a substantial fence on the road; and not only that, but he should not be allowed to impound sheep until he had ordered them to be taken away. How easy it would be to say, "Take those sheep off, or I will impound them."

154. Would you make any distinction between travelling stock and stock that trespassed from a neighbor's?—Yes; I think there ought to be a distinction in that way, but that does not apply to the roads. I think, as far as neighbors are concerned, it is very well left now, except for the sustenance fees being too high. If neighbors will not keep their stock off the runs, there is nothing to do for it but to send them to the pound. It is almost impossible now to go to the westward country; there are two or three that do nothing but make a living by it. I have known them to get as much on one lot of cattle as the whole land cost them.

155. *By Mr. Hervey.*—And it is impossible to resist their demands?—Yes; a man that has come three or four hundred miles cannot stay to attend a court of justice, even if he be imposed upon.

156. *By Mr. Fawkner.*—What do you consider a substantial fence?—Posts and three rails and one wire, or stone dykes.

157. *By Mr. Hervey.*—And you would so define it?—Yes.

158. A three-rail fence would not in all cases keep out sheep?—No, not without wire.

It is very well defined on the Geelong railway; there is a good substantial fence there—three rails and a wire.

159. With regard to sustenance fees—do you think they are too high?—Yes.

160. You are aware that they are not the same in all districts; any two pounds may differ; it is left entirely to the benches?—Yes, I have heard that since I came here. I thought they were all the same.

161. *By Mr. Fawkner.*—Would you have one regular charge for feeding them, or would you divide it into two charges—one, if a man is obliged to feed cattle upon hay, and another where he drives them out upon grass?—I would make a great distinction according to the locality where a man was obliged to feed his cattle on purchased land and where he had a reserve for the purpose.

162. Would you make the same charge for feeding on hay or on grass?—There is no case where they feed on hay, but they ought to do it. I have seen cattle dying, myself, for want of sustenance.

163. What do you think should be the charge for stock when turned out and fed on grass?—I think a shilling a-head a-day for bullocks, and a halfpenny for sheep. That is what I would take as a basis for a calculation in large numbers.

164. And what would you allow if they were obliged to feed them on hay?—That would be a matter of computation. It would have to be regulated from year to year. Hay this year is £7 a ton; last year it was £20. That would be a mere matter of calculation. I have seen cattle dying in the pound, myself, unable to get up, from nothing but starvation and want of water; in fact, if a beast gets into pound and is left there three or four weeks, it would not be worth taking out.

165. *By the Chairman.*—It would not be worth the fees after a fortnight?—It would not. Put a fat bullock into the pound for twenty days at three shillings a-day and that is the worth of him.

166. *By Mr. Fawkner.*—Do you think it is fair that a man who follows his cattle to the pound should be charged for a day's feed?—Certainly not. In the case of a man who has a block of land, and the sheep stray over it, where there is nothing to define the land, he should be compelled to give some warning that they are on his ground or that he would impound them, and not be allowed to seize them and drive them off twenty miles, which might ruin the sheep. In the case which I mentioned, thirty-two were actually drowned and the rest ruined for three months.

167. Then, where ground is not marked, you would allow them to drive them off, but not to impound them?—Not when there were people with them.

168. It would make a great difference in your mind, where they were neighbor's stock straying?—If a person was culpably and knowingly feeding them on the run, that would make a difference. What use to a man is land that is not fenced in on the road side, unless it is for something of this kind?

169. *By Mr. Hervey.*—Do they live in the locality for the purpose of watching?—Yes, they are all in league together.

170. Would you favor the committee with a detailed statement in writing of any of the cases which are within your knowledge in which hardship has arisen from the impounding of cattle in the way you have described?—I will do so in two cases; in the third case I cannot get the particulars, because the man has gone away.

[ADDENDUM TO QUESTIONS 138 TO 144.—I find it was from the reserve at the Guiding Star Hotel, on the Tea Tree Creek, a man named Burns stated that he had rented the ground from Government, and seized the sheep, and drove them half a mile. The person in charge, named John Norfolk, borrowed £16 13s., which Mr. Burns accepted, as being half poundage fees for 4000 sheep. The flock consisted of 4938. They were travelling on the public road to Kaye and Butchart's land, and not one fourth of the flock were on the reserve at all. There was no fence whatever on the land. —JAS. BUTCHART.]

The witness withdrew.

TUESDAY, 2ND NOVEMBER, 1858.

Members present:

The Honorable T. H. POWER, in the chair;

The Honorable J. P. Fawkner | The Honorable G. Urquhart.

Charles John Dennys, Esq., examined.

171. *By the Chairman.*—You are a magistrate for the county of Grant?—Yes.

172. The committee understand that in the county of Grant you have sanctioned a rate of 2s. 6d. as a trespass fee on stock passing over unfenced land?—Yes, by a considerable majority of the magistrates present.

173. And a case has arisen where a mob of cattle, 240, were seized, and the 2s. 6d. a head enforced. Did the magistrates contemplate such a case as that arising?—Certainly not; it was an exceptional case. If you would allow me to explain the objects which the magistrates had in view in putting this high rate of poundage in our county especially, perhaps I should be enabled better to explain it myself than the committee would be able to arrive at it by an examination. In the first place, the magistrates considered that, in accordance with the law of England, it was

IMPOUNDING ACT.—c.

Mr. J. Butchart,
continued,
20th Oct., 1858.

C. J. Dennys,
Esq.,
2nd Nov., 1858.

C. J. Dennys,
Esq.,
continued,
2nd Nov., 1858.

virtually the duty of every holder of stock to fence against his own cattle; either to fence his own cattle in or to find a tender for them, and that the Impounding Act was intended to give a simple remedy, which should be a remedy and not a grievance to the individuals trespassed upon. The ninth clause of the Impounding Act states, that the magistrates shall fix trespass rates proportionate to the description and value of the crops trespassed upon; but then, by an after proviso, it upsets this principle by stating, that "provided that no provision shall be made for damages committed upon cultivated land not securely enclosed to a greater amount than would be payable if the trespass had been committed on land not cultivated." In the county of Grant it is almost entirely an agricultural district. There is much more agriculture than pasture; it is a very extensive agricultural district; and there is a very large class of small farmers who can fence their land in, but they cannot fence it in in a manner which may be termed legally secure—that is to say, a good and substantial fence—they can make rough fences that shall perhaps keep their own cattle in, but it is beyond their means to fence so securely as to keep all cattle out; and finding that this proviso of the clause rendered us unable to fix any sufficient amount upon lands partially enclosed, moderately enclosed, the bench came to the conclusion that it was necessary to compel all owners of cattle to keep their own cattle tended or fenced off against other people's crops, and that was the reason why the magistrates decided upon the 2s. 6d. damage. I may state that, where a person lives seven or eight miles away from the pound, if the fences are broken down and three or four or five head of bullocks (which is constantly occurring) get into the cultivation crops, it would not pay a person at 6d. a head, or 1s. a head, to take those cattle to the pound.

174. I must call your attention to the fact, that this 2s. 6d. is an assessment on stock trespassing on open lands?—Yes, there are only three clauses under the schedule which is attached to the Act. The first gives the trespass "in any forest or open pasture land, open stubble after grass, or other unenclosed land;" the second is "in any paddock of grass enclosed by a good and substantial fence;" and then the third is "in any garden, uncut meadow, or growing crop of any kind enclosed by a good substantial fence."

175. *By Mr. Urquhart.*—If I understand you rightly, you seem to think that the magistrates have power to assess the trespass according to the value of the crop that was trespassed on?—The first clause of the Act leads you to suppose so, but then the proviso to that, clause 9, at once upsets the power of the magistrates to assess, because they can only assess in accordance with the schedule, which is attached to the Act.

176. By that it seems, that the magistrates have been actually assessing where they had no right to assess?—No, I think not, because the magistrates have assessed it at that rate, and it has been confirmed, and has been for a long time in operation, and they have the power of fixing what rate of damage they may consider sufficient to cover the trespass; and in doing that upon unenclosed land, the magistrates took into consideration that there was the cost of driving the cattle, and that 6d. a head was insufficient on unenclosed grass lands, and they raised it to 2s. 6d. I voted for the 2s. 6d.

177. *By the Chairman.*—I suppose the bench never contemplated that such a charge should extend to a mob of cattle?—No; and if they had power to alter it they would, but they are confined to the schedule of the Act. If, in lieu of the existing schedule of that Act, there were four classes of trespasses, that would be obviated. If the first provided for trespass "in any forest or open pasture land, open stubble after grass, or other unenclosed land;" the second for trespass "in any paddock of grass enclosed by a good and substantial fence;" the third for any trespass "in any garden, uncut meadow, or growing crop of any kind, enclosed by a reasonably good fence;" and the fourth for trespass "in any garden, uncut meadow, or growing crop of any kind, enclosed by a good and substantial fence," the magistrates would then have protected the smaller class of agriculturists, and have put 2s. 6d. upon those classes and 6d. upon the open pasture land or unenclosed land; but it is a very great hardship for a small family to have to watch other people's cattle, night after night, as they have to do. They not only have to put the best fence they can upon their land at their own cost, but because other people choose to leave their cattle to stray about—people who have no land to keep them upon at all, bullock drivers and others—they have to watch their crops night after night to protect them against these cattle. It is a very hard case indeed, and that class is very numerous in our district.

178. Then you would rather correct the law, so as to compel the owners of cattle to keep them in than to compel the owners of land to fence in?—I do not exactly state that; I think the present Act, with an alteration of the schedule, such as I refer to, and the omission of that proviso to which I have referred, would be sufficient. This schedule could not be altered without the proviso were also altered. That proviso is, "Provided that no provision shall be made for damages committed upon cultivated land not securely enclosed." The words "securely enclosed" would militate against the proposed insertion in the schedule of a new class of lands, which, I submit, would be a great improvement in the Act. The magistrates were very averse to placing such a high rate of damage, but they could, by no other means, have protected the class of persons who are so numerous in their district.

179. *By Mr. Urquhart.*—Am I to understand you that the 2s. 6d. is the damages laid as the maximum or minimum?—That is the maximum.

180. What did the magistrates at Geelong allow for maintenance?—I have not the scale; I have made a memorandum on that subject. I may state here, that great abuse exists in reference to the charge for sustenance; the poundkeepers are not in the habit, so far as my inquiries have extended, of giving the cattle anything to eat at all. I believe, during the time when hay and produce was dear, the magistrates, under the belief and under the delusion, that the cattle would have to be sustained in the pounds, where there were no reserves attached to

them, in order to prevent their being starved, allowed rather a liberal rate of sustenance; but we have ascertained lately that the poundkeepers, in no instances hardly, ever give them a single bit to eat, and claim those sustenance fees for their own purposes.

181. *By the Chairman.*—Would it not be advisable to punish the poundkeepers in such cases?—We should certainly do so, if any case were brought before the bench of a poundkeeper charging for sustenance and not giving it.

182. *By Mr. Urquhart.*—Who appoints your poundkeepers?—The magistrates in petty sessions.

183. And to whom would you make the complaint?—If any one else made a complaint, they would make it to the magistrates, who would, no doubt, dismiss the poundkeeper.

184. Would you consider it proper that the parties should make a complaint to the magistrates who appointed a person whom they considered an efficient poundkeeper? would it be consistent with principle to make a complaint to those who appointed him?—I think that the magistrates would be very willing to listen to a complaint against any person whom they had power to appoint. There are very few of us who know these persons individually.

185. Are you aware that a poundkeeper cannot be personally called up, but that the party feeling himself injured must summon the poundkeeper before the bench of magistrates?—I am aware that, if he have a grievance, he must take the usual legal steps, either by summons or complaint; but I am quite certain that if a complaint was preferred against a poundkeeper for having charged sustenance, when it could be shown that he had not given sustenance at all, the magistrates would summon the poundkeeper themselves to answer the complaint.

186. You are only referring to your own bench?—Of course, only to my own bench.

187. Are there any Crown lands, where the pounds are generally situated in the county of Grant?—They are almost all purchased lands in our district; there are very few Crown lands indeed within our district.

188. Are the pounds placed on private property or on Crown reserves?—They are generally placed upon Crown reserves, if there are any. I do not know of any instances of a pound existing without there being a small amount of commonage attached to it.

189. And the poundkeeper makes use of that to graze the stock upon?—He ought to.

190. And you cannot state what are the sustenance fees you allow?—I forget, I believe it is a little too high; I think that it is a shilling a day, or something of that kind. It was at one time three shillings, and we reduced it about a year ago; but it is even too high yet, because one shilling a day is very much too much, if the cattle get nothing to eat.

191. *By the Chairman.*—In your experience, do you think there is sufficient in those reserves for the stock that are impounded?—Certainly not; the commonage is always overrun by the cattle of other persons, and there is scarcely a bite, and the object of the magistrates in putting a high sustenance fee was that the cattle should receive sustenance in the winter.

192. Do you think it is worth the while of the owners of the stock to redeem the stock within the time the law allows before sale?—I should say, in many cases it would not be. I have known an instance recently where an old bullock was sold for ten shillings, and that would not pay the ordinary fee.

193. What suggestions would you make in cases where stock is travelling and they trespass?—It is very nearly provided for by the Act. The present Act provides by the thirty-first clause, "Any person in occupation of land by lease license or other authority granted by or on behalf of the Crown is hereby empowered to impound any cattle trespassing thereon. Provided that it shall not be lawful for any occupier of any such land through which any public road or thoroughfare may pass such land not being enclosed to impound the cattle of any person who may be travelling along or through any such road or may stop upon such land during one night or day for necessary rest. Provided that such cattle shall not be at a greater distance from the centre of such road or thoroughfare than one half of a mile and that no such cattle shall be affected with either of the diseases known as catarrh or scab." This applies wholly to Crown lands; but if some similar provision could be made applicable to unfenced purchased lands, it would overcome the practical difficulty.

194. It would be scarcely just to proprietors of land to allow cattle to rest there?—No; it would be contrary to the common law rights of the owner of the land, I apprehend; but the fact of the cattle being simply driven, and, in the case of unenclosed land, merely trespassing or straying in the course of being driven, could be easily provided for by a clause.

195. In reference to the roads, our roads are generally a chain wide; do you think that sufficient for our public roads? Where a mob of sheep or cattle are driven, and confined to a chain wide, and they become trespassers, what is to be done then?—There is no doubt that it is impossible to drive a large mob of cattle upon a road only a chain wide; cattle will spread away, and nothing could prevent them from straying in that way, but the fencing in of the land along the road.

196. Then, if you compelled the owners of stock to look after them—and here it appears to be impossible for them to control them in such a narrow space—what remedy would you suggest then?—I say that, in the case of simply driving cattle, where they are under a tender, there should be no remedy for the mere act of walking over the land, if there was no deliberate act of trespass, in the way of driving them clearly on the land for the purpose of feeding.

197. Have you not seen a mob of cattle that would force a fence where there was only a space of a chain wide, and at once become trespassers?—That does not very often happen, as far as my experience goes, in fenced country; it has happened in very weak fences, but it does not very often occur.

198. In those weak fences, where the person in charge cannot control the stock, what

C. J. Dennys,
Esq.,
continued,
2nd Nov., 1858.

remedy would you suggest then?—It is a very difficult case. I am hardly prepared to give an answer at the moment to such a question. I think it would be extremely difficult to provide for those things in any Act.

199. *By Mr. Urquhart.*—What is your opinion with reference to the general working of the present Impounding Act?—Until we raised our rates to 2s. 6d., the actual remedy to the owners of land under the 6d. damage was nothing. There was no remedy. The courts were perpetually harrassed by special actions for trespass. I dare say Mr. Pohlman and Mr. Wrixon would be able to state that the actions have been very frequent indeed with reference to these impounding claims.

200. What is your opinion relative to poundkeepers being paid partly by fees and partly by the Government?—I disapprove of that altogether. I think it ought to be either one thing or the other; and that the sustenance fees should not go to the poundkeepers at all, because I am sure it is a perfectly established principle for them to receive the fee and pocket it; they do not spend one shilling of the money awarded to them for the sustenance of the cattle, unless perhaps where a beast may be actually starving, just to keep him alive to the sale day. They give him a little straw, or something of that kind.

201. Has it come under your observation that poundkeepers are in the habit of employing men, and putting themselves in communication with the worst class in the neighborhood, to collect stray cattle?—It used to be so. I am not aware of any case of late. When our country was more open it was generally done; but, generally speaking, with the wish and at the request of the owners of the land, and principally at the request of the owners of squatting land, because it would not pay those poundkeepers to merely go in and protect the small holders, but where they could get a mob of cattle off—a large run like Mr. Austin's—they would be very glad to impound them, and get the fees upon them.

202. *By the Chairman.*—Is it the small landowners that give trouble by trespassing, or is it a class of persons like milkmen, who have no land at all, although owning a large number of stock, and taking what feed they can chance to get?—The only persons opposed to a 2s. 6d. rate in our district are persons who, I can prove in every case, are owners of cattle without having any land whatever to graze upon, or so trifling a quantity that it is not nearly enough for their stock. They are either dairymen, or they keep a great many cows for their own families. They are principally dairymen, bullock drivers, and small settlers, who occupy an acre or two of purchased land, and keep their cattle running about, either upon the town reserve, or on the vacant unenclosed land belonging to their neighbors: they are the only class who are opposed to this high fee. Objectionable as I admit it is upon unenclosed grass land, we are all quite aware of that.

203. Those persons you regard as a nuisance in a neighborhood?—They are a nuisance to all those who have to protect their crops against them, of course—that is, to the smaller class of farmers, and the middling class, with 80 or 100 acres; they suffer greatly by them. They only have, perhaps, an acre or two of land in some poor district, and their cattle are permitted to stray about and break into the fences, and get into the crops of their neighbors.

204. Will you give the committee an idea of what suggestions you have to make with regard to amending or improving the present Act?—The only suggestion that I would make would consist of an alteration of the schedule, which I shall be very happy to put down in writing.—[*Vide Appendix A.*] And I would suggest the omission of that portion of the ninth clause, which would, if retained in the Act, be inconsistent with this schedule which I propose. And then I would suggest the insertion of some proviso for the driving of cattle.

205. *By Mr. Urquhart.*—Your evidence goes in reference to enclosed and thickly populated districts?—Entirely.

206. Of course, the suggestions which you propose to make would apply not so much to open isolated countries as to a densely populated country?—Of course, it is much more applicable to my own district. If a person has 1000 head of cattle upon a run, and another person has a small patch of land in or near to that run, I think it is the duty of the owner of the 1000 head of cattle to fence his cattle off from the owner of the land—I think that it is the duty of the cattle owner to fence, more than of the farmer to protect his crop. I am speaking of the laws of England, and common equity and common justice, that if a man possessed a small spot of land in the very midst of a cattle run, if the owner of the run could not keep his cattle off, it would be more just that he should fence that small piece of land to keep his cattle off, than that the owner of the small piece of land should do it.

207. *By the Chairman.*—Do not you think that the owners of land alienated from the Crown are entitled to certain privileges, if there is government land adjoining, for the purpose of grazing?—They were promised those privileges at one time, but they have never been in much use.

208. Are you not aware that such privileges are given to the land holders in South Australia?—I am not aware.

209. It would be very desirable, at all events?—It certainly would.

210. *By Mr. Urquhart.*—Do you concur in thinking that magistrates are justified in allowing the same charge for trespass in a squatting district as you have in the county of Grant? Do you consider that the same rate should be charged upon Crown lands as upon private property?—I was not aware that the same rate of trespass existed in any other county than our own; but if you state that it is so, I can only account for it upon the principle that there are large owners of purchased land in the immediate neighborhood, and that they found it necessary to protect themselves from the encroachments of that class of persons whom the chairman has already referred to.

The witness withdrew.

Mr. William Wade examined.

211. *By the Chairman.*—You have been some time in the Colony, and during that time have been an extensive farmer, I think?—Yes.

Mr. W. Wade,
2nd Nov., 1858.

212. In your experience, have you been troubled by stock trespassing on you?—Sometimes, occasionally, especially in former times; we are now a little at times. The cases where we find most damage from trespass are with refractory cattle, who will not be stopped by an ordinary fence, however good it may be, but will put their heads between the rails and carry it before them, or go over it; that is my greatest obstacle at present.

213. You have not many bullock-drivers or cow-keepers about you?—No; except on the cemetery reserve. I find there are some cows driven down there, but they do not annoy us to any great extent.

214. What are the rates of poundage-fees with you?—I am not certain as to the amount.

215. Do you think the Act works well with you, have you any objection to it?—The objection that I have to it is, that the rate in some cases for trespass is not high enough; but I believe that is remedied by special assessment or arbitration. I think it might be made higher with advantage.

216. The magistrates have the power of doing so, and it is to be presumed that, if they were applied to, they would attend to the suggestions of the inhabitants. Have you any suggestions to make as to improving the present Act?—I would say that I consider fencing should be imperative on all purchasers of land or occupiers for their own safety from their own cattle as well as those of other people; consequently, I make that one of the first arrangements. I think a high rate should be levied where cattle will break through good fences, but I think a poor fence is worth no more than unenclosed ground, if it be really a poor one.

217. There are certain localities where the fencing becomes a very exorbitant item indeed, and a poor man cannot afford to erect a substantial fence; would you allow him to be victimised by unprincipled men who keep a quantity of stock where they have land either as proprietors or tenants?—By no means; but the committee must be aware as well as myself that many people pay no regard to their fences; it is a very common occurrence with us. We have had to suffer for it very much where the fences have been neglected continually year after year, where fencing has not been at an exorbitant rate; and that is one reason why I made the other remarks. I know a fence just now replaced by a post and rail fence, which has been there as a brush fence for no less than ten years, and the people have suffered from their own cattle alone, because it was an inside fence, and after allowing their crops to be trodden down for ten years, they have substituted a post-and-rail fence for it.

218. You would put on heavy poundage fees?—Where the fencing was broken down. After it was erected good and substantial, then I would make it a case of heavy damages.

219. In case of the road being confined to a chain wide, do you think it is possible for men to drive that description of cattle that you have alluded to, wild cattle, on that road without trespassing or forcing down a fence, no matter how strong?—I never knew such a case. It is really not the wild cattle that break down the fences; it is those cunning, crafty kind of animals that lift up or push down a rail. Those are the ones I alluded to in speaking previously. My fencing has been erected something like six or seven years, and I have only known one instance of its being broken down by wild cattle galloping away, two young steers, but we did not say anything about the damages in that case. In a case of that kind I would make reference to arbitration, that the person should pay damage according to what the damages might have been.

220. Then you would compel every landowner to put up a good substantial fence?—I would, to make him have anything like compensation for damages.

221. And then you would put heavy damages on whatever stock trespassed?—Where they broke through; that is my idea.

222. Have you any suggestion to make with reference to the improvement of the present Act?—With reference to the poundkeeper, I would suggest that he should be under some kind of surveillance.

223. Is he not so at present, under the control of the magistrates?—Yes, but I am not aware that any surveillance is exercised over him. I think he should not only be under control, but under some eye continually; some inspectorship, or something of that kind.

224. If any abuse should arise, of course the inhabitants in the neighborhood have an opportunity of bringing that under the notice of the magistrates—do not you think that is sufficient?—No doubt they could, but you will observe that a man may go a great length before people like to complain.

225. Then they have to blame themselves in that case?—I think it would be prevented by having an oversight.

226. Is there not at present an inspector of pounds?—I am not aware of that.

227. *By Mr. Urquhart.*—Have you a pound in your neighborhood?—Yes, just close by, recently erected.

228. Is the poundkeeper in your neighborhood, are you aware, in the habit of employing any people to collect cattle?—I think he has no facility for doing so; our's is an enclosed neighborhood. I really think a temptation of that kind could not be put in his way.

229. Have they a town reserve or any Crown land reserves close to you?—It is a mere patch in Boroondara, containing just sufficient on which to erect the pound, without a fragment of anything for the cattle, and there would be no water very frequently.

Mr. W. Wade,
continued,
2nd Nov., 1858.

230. What are your poundage fees?—That I am not aware of.

231. Do you know what the sustenance fees are?—No, I do not; I have not made myself acquainted with that; the notice has been somewhat short, and I have been particularly pressed, so that I have not had an opportunity of looking after those matters.

232. You think that the poundkeepers should not participate in any of the profits of the pound?—By no means.

233. Would you recommend that they should be under the surveillance of the police, or some sufficient inspection?—I think an inspector would be the best, if it could be arranged; the distances from one to another might prevent the surveillance I mention; but I would have an inspector, an official on purpose; and another suggestion I would make in reference to the poundkeeper is, that he should be paid a salary, and not by fees in any way; those temptations should be removed from him.

234. How would an inspector or an officer act? he could not be there constantly; how could he control the poundkeeper's actions?—Only by sometimes (without any previous warning) observing what was going on occasionally; his visits might be irregular. It may be said, that if the poundkeeper is paid entirely by the Government, he will be careless; and I think that would require still further an overlooking by some inspector; and I think it would be a remedy for the abuses which at present have been complained of, though I have not anything to complain of in our neighborhood.

235. *By the Chairman.*—Are you not aware that there is at present an inspector appointed?—I was not previously aware of it.

The witness withdrew.

Mr. Robert McDougall examined.

Mr. R. McDougall,
2nd Nov., 1858.

236. *By the Chairman.*—You have been a long time a farmer in Victoria?—For about ten years now.

237. Are you satisfied with the manner in which the present Impounding Act works?—I have no particular complaint to make about it myself. The chief thing I think which is generally complained about is the rates of sustenance, and I am well aware that that is left to be regulated by the bench of magistrates at every petty sessions.

238. Does the poundkeeper in your locality give ample food to the stock?—It is a general complaint over the country that he does not. I have been thinking a good deal over the thing, but I think it a very difficult matter to remedy. I believe that sustenance might be supplied in many instances by tender; but still it would have to go through the hands of the poundkeeper, and he would have the same opportunities of plundering then as he has at present.

239. *By Mr. Urquhart.*—Have you a pound in your neighborhood?—Yes, at Broadmeadows, and one at Pentridge also.

240. Is there not a village reserve at Broadmeadows?—Yes.

241. Do you know the sustenance fee charged there?—Yes, three shillings a day on cattle, and I think the same on horses; but I believe the poundkeeper has nothing to do with that rate, it is simply what the bench allows him to charge. My candid opinion is, not with regard to our own poundkeeper, but to poundkeepers in general over the country, that stock impounded with them never get the value of this charge. But I have seen all along the great difficulty of regulating the thing, because the produce is much dearer in one locality than in another; and I think, upon the whole, the best way is that it should be left still in the hands of the bench, because they have better local knowledge than the Parliament can possibly have.

242. Are you aware whether the poundkeeper in your neighborhood supplies sustenance to the stock impounded, or does he run them out upon the town reserve, which costs him nothing?—The town reserve in our immediate locality is comparatively small, and I believe the way in which the Broadmeadows poundkeeper manages is to get the stock into an accommodation paddock in the neighborhood, and pay so much a week, and then of course he pockets the rest as clear profit.

243. *By the Chairman.*—You have had no experience with regard to the working of this Act upon the gold fields, have you?—Not in the immediate neighborhood of the gold fields.

244. I believe all the land in your neighborhood is sold and has become private property?—Generally it is. The working of the present Act has been forced upon my attention, and I have been tolerably well versed in it myself, and I see it necessary to leave things in a manner open in many instances. The present Act, when heavier damages are really incurred than the Act provides for in the shape of trespass, leaves us the power of waiving trespass altogether, and bringing the matter before the county court, and I think this necessary. For instance, if the Impounding Act made it imperative on a person to fence his land, or he could recover no damages, that would leave a great many persons exposed to very serious loss; as for example, persons having a creek running through their land, supposing a flood came down and swept away a mile or two of their fence, it would be impossible to get that fence up the next morning, and then if the land were to be exposed to the trespass of all the neighbors' cattle till the fence was got up again, it would be a very great hardship.

245. Would you rather consider it the duty of the stock owner to confine his cattle and look after them; in fact, fence them in, than for the landowner to protect his land and fence them out?—I have this particular reason for making it imperative upon a stockholder to take care of his stock. There are several views that I could give of it; for instance, if a bush fire

occurred. If a person travelling with a swag, sat down and lit his pipe by a fence, and the fence caught fire, half a mile of fence might be burnt down, and it would be a very hard case that when the next drove of cattle came along, because this fence was not up, the owner of the land should suffer all the damage done to his crop. It has been suggested to me, from my experience about stock driving, that the roads in the most populous parts of the country have been, at first, laid out too narrow, and I am glad to find that within the last few years they have begun giving three chains of a road, instead of one chain further back in the country.

Mr. R. McDougall,
continued,
2nd Nov., 1858.

246. Are you in favor of a heavier rate of trespass fee than at present, rather than otherwise?—I think the present rates work very well with us, and I think they are very fair. Sixpence is what we charge for a solitary head trespassing; of course, if it does any particular harm to growing crops, we have liberty to charge more.

247. Do you think 2s. 6d. a head too heavy?—I think it is upon open land.

248. *By Mr. Urquhart.*—I will mention a circumstance that fell under my own observation, as I wish to hear how you would provide for such a case. There is a man who sowed twenty-five acres of gram; about twenty acres of it were enclosed and the other not enclosed, forming part of an immense plain. 3000 sheep happened to be in the neighborhood, and this man rushed out and put his dogs after them, and took them away to the pound. How would a bench of magistrates act in such a case?—I think the owner of the sheep would have his remedy in a court of law against the person who did so.

249. But supposing it turned out that the man only rented the piece of ground, and was not worth 5s., and got, perhaps, £15 or £16 for driving those sheep to the pound?—I cannot make any suggestion at all about any clause to be inserted in the Impounding Act, which Act is to apply to the country in general, but which clause should apply to a particular case only. In my view, the Impounding Act should suit the community at large, and not be framed to bear upon a solitary case.

250. How do you think your suggestions would apply to bullock drivers going up into the interior with teams of bullocks, and their getting astray and getting lost and being impounded, and 2s. or 2s. 6d. being put upon them, and the man actually not having got the money, and the poundkeeper declining to take anything else but money, and for every day that he keeps them in his pound he getting 2s. or 2s. 6d. a day for them, especially supposing the man had to travel upwards of twenty or thirty miles before he could get this money, and supposing all this to occur upon Crown lands?—In the event of bullocks being lost in that way, I think it is only 6d. that can be charged for trespass; that, however, is not to the point; but when a man becomes a bullock driver or carrier, I imagine he is just as responsible for his bullocks as I am for any beasts of mine that may trespass, and I think that the same Act ought to be applicable to him.

251. I am wrong in stating the charge was 2s. 6d. trespass fee—it was sustenance fee 2s. 6d.?—My opinion is, that no clause could ever be inserted in the Impounding Act so as to render it compulsory upon the people to fence; I think it would not do to have such a clause in the Impounding Act.

252. *By the Chairman.*—Supposing there may be an unconscious trespasser and a conscious trespasser—for instance, an unconscious trespasser may be a bullock driver, whose stock may stray away, and a conscious trespasser may be a man who holds an excessive quantity of stock in proportion to the land which he occupies; that is, a man who may be the owner of ten acres of land, and perhaps of 100 head of cattle; that man is conscious that he must trespass somewhere. Would you draw any distinction in those cases?—I think then that he would be guilty of malicious injury to property when his stock broke in upon his neighbor; that he keeps the cattle for the very purpose of living by plunder, and that the law of the nation is quite sufficient to apply to him without bringing the Impounding Act to bear upon him. I do not see how it can be brought to bear upon solitary instances of that kind.

253. *By Mr. Urquhart.*—I understood you to say, that you thought the regulations should be left to the local magistrates in the different districts?—I think that the local magistrates will know better what is the price of produce in their immediate locality than the people framing the Act can possibly do, and the price of produce may vary so much that it may be three times the price next year that it is this year, and I presume that that is the very reason of the present high rates of sustenance, that hay being high last year is the reason why the charge for sustenance is so high for this year. I think it would be better left in that way; and though I thought at one time myself that the sustenance at the pounds in populous parts of the country ought to be supplied by tender, I saw at the same time that the food would be supplied to the animals through the hands of the poundkeeper, and then he would have the same opportunity of withholding what was intended for the animals as he has now, and after a good deal of observation I do not see how it could be regulated except by the bench.

254. Do you think that the magistrates of the different districts should have the appointment of the poundkeepers?—Probably not. I know that there is a great deal of abuse in elections or appointments of that sort, as we find in every other department of the public service, but it is a very difficult matter to guard against it.

255. Do you think that such an appointment adds at all to the dignity or even to the purity of them magistrates?—I think not. The committee will be aware that, when a person is applying for the situation of a poundkeeper, he goes round about the neighborhood and gets as many people to recommend his application as he possibly can, and this is presented to the bench of magistrates; and the people themselves who have recommended him are very often that way in an election, that they are very often displeased and dissatisfied with the person whom they recommend. I have been well enough aware that there has been an appointment of a public inspector of pounds lately, but I think his services cannot be of much utility in the country;

Mr. R. McDougall,
continued,
2nd Nov., 1858.

a solitary individual going once or twice in the year round to the different pounds can be of very little service indeed, particularly as to seeing how the animals are supported or fed during the time they are in the pound.

256. *By the Chairman.*—Have you any suggestions as to any improvements you would make in the present Act?—I could not say that I have anything of consequence. I have been looking at it a good deal, and have had occasion to work by it a good deal, and I think it is a very fair Act upon the whole.

The witness withdrew.

TUESDAY, 16TH NOVEMBER, 1858.

Members present :

The Honorable T. H. POWER, in the chair ;

The Honorable J. P. Fawkner

The Honorable M. Hervey.

Mr. George Hope examined.

Mr. George Hope,
16th Nov., 1858.

257. *By the Chairman.*—You are a landed proprietor in the county of Grant, I believe?—Yes.

258. Do you hold a squatting license?—No.

259. Are you trespassed on very much there?—Yes, very much.

260. Is that by stock travelling to market, or the neighbors' stock?—The neighbors' stock mostly.

261. Is your land fenced in?—Not all of it.

262. Have you any posts erected, or any marks to direct persons, that it is purchased land?—No.

263. Have you impounded frequently from your purchased land?—I have impounded ; not very frequently.

264. The trespass fee is 2s. 6d. a head for cattle, is it not?—On unenclosed land.

265. Do not you think that is an excessive amount to charge?—That depends upon how they are trespassing : some of the neighbors have cattle when they have no room to keep them, and I do not think it is too much in that case ; but it may be too much in the case of stock travelling.

266. *By Mr. Fawkner.*—Do you know whether the owners of that stock that trespass upon you have land of their own?—They mostly have small pieces of land, but not sufficient to maintain their stock.

267. Then you would draw a distinction between those people who are in the habit of feeding cattle upon other people's land, and stock travelling along the road that may happen to wander on unenclosed ground?—I do not know how a distinction could be made.

268. Would you not think yourself more aggrieved by a man living next door and letting his stock stray upon you intentionally than by stock travelling along the road straying upon your land?—I think, where stock were travelling along and a person after them they should not be charged so much.

269. *By the Chairman.*—In your neighborhood, are there many persons who hold stock who have not sufficient land to maintain that stock?—There have been good numbers in the small villages about : at Bates's Ford, for instance, there are a number there. They keep them principally on the reserves, and claim a right to run one or two head there, and then they trespass all round.

270. Are you troubled by persons travelling with stock stopping on your ground to rest them and feed them?—Very little ; we are not in one of the main lines of road. There is a road being opened now, I believe, between here and Portland, to come through my land, which may alter the case.

271. *By Mr. Fawkner.*—Do you consider that stock coming on your land does you 2s. 6d. worth of damage, or do you think the 2s. 6d. should be a punishment—speaking now of neighbors' stock?—It is more a punishment. We do not take it in that light. We very often give up the claims for these things to other purposes, and do not keep them ourselves.

272. Do you consider that that is the value of the grass they eat, or a kind of punishment for suffering the stock to stray?—I have always looked upon it as an attempt to make those who have no right to keep cattle put them away.

273. What do you think would be the value of the grass each head of cattle would eat, supposing they were in the whole night?—It might fetch 4s. or 5s. an acre, if it was let, and it would be so small that it could not be calculated.

274. *By the Chairman.*—Is there any difference between the damage charged for trespass on open land and upon fenced-in land?—Cultivated land is 10s. I think.

275. Where pasture land is enclosed, is there any difference in the charge?—I do not know ; I think it lies with the magistrates to make any difference of that sort, if I do not mistake.

276. Could you suggest anything that occurs to you that would improve the present Impounding Act?—I can suggest nothing that would improve it. The only thing that we are troubled with is the reserves enabling people to keep cattle who have perhaps no other claim to

keep them, and there is not sufficient to keep them there, and they run at large, being merely a blind for people keeping cattle who have no right to do so. Mr. George Hope,
continued,
10th Nov., 1858.

277. *By Mr. Hervey.*—Are those reserves purposely for the use of the small villages?—I do not know what use they are for; they have always been considered for travelling stock, according to what I have understood.

278. That is not the prevailing view amongst those who live near them; they think them more for their use than for travelling stock?—They keep cattle and claim the privilege of running them on those reserves.

279. Do you think it is possible that parties may have been induced to give higher prices for land in consequence of it being near those reserves?—Yes.

280. Are you aware that, in South Australia, the system is to have reserves proclaimed in every hundred—that in every hundred there is a large reserve, not for the purpose of travelling stock, but for the purpose of those who buy land around that reserve?—Yes.

281. Do you think the same idea has taken possession of the minds of those people who have bought land near those reserves here?—I do not know under what regulations the reserves are in South Australia, but the reserves are so very small here; they cannot maintain many cattle upon them.

282. Of what size may the reserve you allude to be?—There may be 250 acres in it.

283. And have you any idea of the quantity of stock held by those immediately around it?—There was one man had 100 head of cattle on it, and the neighbor on the other side had a number, I do not know what number.

284. *By the Chairman.*—You have been a settler for some time, have you not?—Yes.

285. Is there not a reserve made upon public roads of a quarter of a mile on each side of the road, for the purpose of sustaining travelling stock?—Yes, I have understood so.

286. Do you know whether it is the practice of the squatters to eat down that, so as to drive the travelling stock as quickly as possible off their runs?—Not that I am aware of; I do not know that to have been done.

287. You are not aware whether that is the case?—No.

288. There is no suggestion you can make to improve the present Impounding Act?—None that I can think of.

289. *By Mr. Hervey.*—How does the present Act work in your neighborhood; is it oppressive in any particular case, or is it sufficient for all the purposes of an Impounding Act?—It creates a great deal of bad feeling. If you could get a public person, as a police officer, to impound all over the country, it would keep the people from fighting with one another.

290. *By the Chairman.*—Do not you think that, if those persons who at present hold a larger number of stock than they should were returned, it would remedy matters very much?—It might remedy it.

291. And what portion of land does it take to support a beast, in your experience?—I have had them mixed, so that I cannot say.

292. The reserve of 100 acres of land, if it were really good, would perhaps maintain twelve head of stock?—I should think it would do that.

293. And what is the general size of those reserves?—They are of all sizes; I do not think there is any beyond half a section, that I am aware of.

294. In the reserve adjoining you, what quantity of land do you suppose there is?—I have said, I think there is about 250 acres; I think there is scarcely half of a section; certainly less than 300 acres.

295. What quantity of stock is now run upon that reserve?—I have counted up 150, and in the land adjoining, I have counted 200 or 300; and they seem to think they have a right there.

296. *By Mr. Hervey.*—That is on the property adjoining?—On my own property.

297. *By the Chairman.*—That number of stock could not possibly live on a half a section of land?—No.

298. Therefore they can only exist by trespassing?—That is all.

299. *By Mr. Hervey.*—Do any of those parties who have small portions of land near that reserve impound each other's stock?—Sometimes.

300. Those who have limited pieces?—They mostly have a small piece fenced in, and the cattle run outside.

301. Travelling stock rarely visit that reserve?—They have been only once upon it, that I know of. There is no road through it; there is a road to it, but not out of it; they are obliged to go back the same road they came.

302. *By the Chairman.*—Have you had any experience as to how the present Impounding Act works on the diggings?—No; I have no knowledge of that at all.

303. *By Mr. Hervey.*—Is there a public pound near you?—Yes; there is a public pound about two miles off in a straight line; it is about seven or eight miles round by the road.

304. When you impound stock, you drive them to this pound some two miles off?—Yes.

305. When the parties whose stock is impounded go to release the stock, they are charged, if I understand rightly, driving fees?—No; there are no driving fees on purchased land, but there are some on squatting land.

306. Then they are charged simply trespass fees and sustenance fees?—That is the poundkeeper's charge.

307. You have nothing to do with sustenance fees; but do you know anything about the rate of them?—I think it is a shilling a night for a bullock. I do not know how much it is for a horse; I think they vary according to the different benches that fix them.

57572

Mr. George Hope,
continued,
16th Nov., 1858.

308. *By Mr. Fawcner.*—You have impounded?—Yes.

309. Do you think it is fair to charge a person whose stock is in the pound a whole day's feed, when they are only in perhaps five minutes or an hour?—I think they ought not to charge a whole day's feed.

310. Sometimes a man follows his stock and takes them away at once: do you think it is fair to charge him 2s. 6d., or 3s., or 4s., or whatever it may be, for the whole day's feed, when they have no feed at all, and perhaps have not been there five minutes?—I think they ought to charge nothing in that case.

311. *By Mr. Hervey.*—Then how would the poundkeeper live?—This charge is made for the feed the cattle are supposed to receive, and the poundkeeper receives a salary.

312. If they were once put into the pound, you would not have the poundkeeper release them without any fees at all?—He does not; he charges them for giving notices, I think, whether he gives notices or not; he makes all those charges, whether they are detained in the pound or not.

313. The poundkeepers are now paid by salary, I believe?—Yes, partly, and partly by sustenance fees.

314. *By the Chairman.*—Do you think it would be better to pay the poundkeeper by a fixed salary, without giving him any portion of the sustenance fees?—I do not know whether it would or not; there is no complaint around us about that.

315. *By Mr. Hervey.*—No complaint about the high charges of the impounding?—No; there have been few large impoundings, such as a flock of sheep or a large number of cattle: it may come heavy in those cases, but there have been but few instances of that in our neighborhood. It seems to be more a malicious sort of thing than meeting the requirements of the district, to go and impound a flock of sheep; it very often arises from ill feeling.

316. *By the Chairman.*—Does that occur more frequently in the case of the large landed proprietor, or in the case of the small land owner?—It occurs between the two parties, the large and the smaller landholders. Two large proprietors seldom do that, but in the case of a large and smaller one, the small one may attempt to impound the other's sheep.

317. It has been stated that small proprietors of land keep the land open for the purpose of entrapping stock as they travel along the road. Have you any instance of that in your district?—I have heard of that near Melbourne; I am not aware of any in our district.

318. *By Mr. Hervey.*—I presume you are the principal large proprietor in that neighborhood?—There are some others—Colonel Kelsall and Grey and Nimmo.

319. Is that the only reserve of any consequence in that neighborhood?—There are one or two small ones; there are none larger than that.

320. Do the large owners impound?—I understand that the party on Grey and Nimmo's place has impounded.

321. Has it had the effect of putting down this habit of keeping numbers of stock near those reserves?—Yes, it made that man sell some of his young stock, a number of them. He reduced his stock to the milking cows, I think.

The witness withdrew.

Mr. James Hope examined.

Mr. James Hope,
16th Nov., 1858.

322. *By the Chairman.*—Are you a landed proprietor and squatter in the county of Grant?—I am a landed proprietor.

323. Do you hold any large extent of land?—Not very large.

324. What quantity?—About 200 acres.

325. Do you farm it?—No, it is all under grass.

326. What amount of stock do you keep on it?—It is working bullocks that I keep, about thirty or forty.

327. Does your 200 acres support thirty or forty working bullocks?—It is only some seasons that I require them for some particular work that I have; I have not them always.

328. Have they ever been impounded by your neighbor?—No.

329. You are on good terms with your neighbors, I suppose?—I have got good fences.

330. And you keep them inside?—Yes.

331. What quantity of land does it take to keep a bullock?—It would take ten or fifteen acres, according to quality.

332. So that twenty bullocks would be as many as you could keep on that 200 acres?—Yes, throughout the season.

333. Do you adjoin the reserve spoken of by the last witness?—No.

334. Have you any complaint to make against the present Impounding Act—do you suffer any grievance from it?—No, I have had nothing to do with it neither one way nor the other. I have had cattle trespassing occasionally.

335. You have a substantial fence?—Yes.

The witness withdrew.

Mr. James Blair examined.

Mr. James Blair,
16th Nov., 1858.

336. *By the Chairman.*—You are a landed proprietor in the county of Grant?—Yes, a small one.

337. What quantity of land do you hold?—I hold of my own, by right of purchase, thirty acres, and I have rented recently, within the last two months, 230 acres.

Mr. Jamea Blair
continued,
16th Nov., 185 .

338. Have you been troubled by stock trespassing on your land?—I have had one case of trespass within the last three weeks, in which a party had trespassed on the land which I rent with a flock of sheep to the number of 1691. I did not at the time drive the sheep to pound, but I took, as I thought, the most legal and discreet course without going to the extent of the letter, of the Act, and I summoned the trespasser to the police bench. The case was heard there, and I proved by a witness that the sheep were on the land at the time they were taken possession of besides having been previously on it at different times, making a thoroughfare of it. The defendant owned the trespass, but still the case was dismissed, the magistrates saying that I proved no damage, whilst I thought that a flock of sheep of nearly 2000 crossing and re-crossing and feeding on my land, was as great damage as a piece of pasture land could sustain.

339. Were those sheep travelling to market, or were they neighbors' sheep?—Neighbors' sheep; I would not disturb the travellers.

340. *By Mr. Hervey.*—Is this land not enclosed?—Yes.

341. *By the Chairman.*—Have you any sort of mark to show that it is purchased land?—It is defined by plough marks and by posts at each corner.

342. There must be a great space between those posts?—Not a very great space. The land is, about there, eighty acre lots. It is 230 acres altogether.

343. How many chains are there between those posts, do you imagine?—I suppose about twenty.

344. Could a shepherd see from one post to the other?—He could, besides the plough mark is there under his feet.

345. *By Mr. Hervey.*—He knew that he was trespassing?—He did; for I gave him notice on the day I took possession of the land, that that land had come into my possession, and I warned him not to trespass upon it, for I wanted it for my own cattle, which were in a starving condition.

346. And this trespass was committed—how soon after you gave the notice?—I understand they were trespassing almost daily, but the owner of the sheep called upon me the day previous to the day of the trespass for which I brought him up, and I told him that I had had possession of it for a fortnight previously, and that I had given his shepherd notice of it, and I would be obliged to him if he would order his sheep to be kept off it. On the following morning I directed my brother to go and see if the trespass was still continued and he found the sheep still grazing on it.

347. *By the Chairman.*—Have any of your stock been impounded by your neighbors?—They have.

348. By the owner of those sheep?—Yes, but previously; I should say nine months ago; but I did not take those sheep as a retaliation. I wanted this piece of pasture to sustain my own little herd that is now famishing.

349. What number have you in your little herd?—Between thirty-five and forty.

350. Are they working bullocks or milking cows?—Dairy cattle.

351. Had you them before you leased this other land?—I had.

352. How did you maintain them then?—I will go to the beginning of it, and will tell the committee that some four years ago, or perhaps more, a number of us in this neighborhood had come from the gold fields, and by that or other means, we had raised sums of money, and we attended the Government auction room, several of us, and at each auction sale we found that the lands were put up in such large lots that we had no chance of buying at a Government sale.

353. *By Mr. Hervey.*—Was that on the Barabool Hills?—At the Duck Ponds.

354. *By Mr. Faukner.*—You say a number wished to buy land. How many was the number?—I could calculate at least safely upon a dozen.

355. *By the Chairman.*—Was the land put up in sections or half sections?—At one Government sale it was put up in about half sections and perhaps less, but the prices ran high.

356. If there was half a section, that would be 320 acres, and there were twelve applying for it—it would be only twenty-six acres to a man, which would certainly be a trifling quantity to have?—We were not acquainted with each other.

357. *By Mr. Hervey.*—You spoke of twelve people being united with yourself; do you mean that it was a combination of twelve that wanted to buy land jointly?—By no means. We knew nothing of each other, only that we were there casually in the auction room.

358. *By the Chairman.*—A half section of land is not very much for a man to hold who has thirty-five or forty head of cattle, is it?—No.

359. Would half a section of land support thirty-five or forty head of cattle down there?—That is according to the seasons.

360. Taking the average of seasons, would it support them?—I think it would.

361. The committee have it in evidence that it requires ten or fifteen acres to support a bullock, and that would be only allowing six acres?—I think by cultivating a part of it I could fully maintain the number I speak of on 320 acres.

362. *By Mr. Hervey.*—How many?—Thirty-five I should say; by cultivating a part of the land I should have plenty of straw to give them in the scarce season of the year.

363. That is, if you had it fenced in?—Yes.

364. But your's is not fenced in?—No; but my purchased land is.

365. *By the Chairman.*—Have you suffered any grievance under the present statute—do you think the fees excessive?—Yes. I will narrate what occurred on the 27th of July last. On the 27th July last I missed seventeen head of my cattle, and I heard from a neighbor that they were in the pound. I did not go to bed all night when I heard of it, but proceeded, as it was moonlight, to the pound, a distance of about nine miles. I arrived at the pound by daylight,

57574

Mr. James Blair,
continued,
10th Nov., 1858.

and the poundkeeper rose. I woke him up and I told him that there was some of my cattle in the pound. We went and we drafted seventeen head that belonged to me, and I found that they were in a most wretched condition. They had been three days and three nights in this pound, which was nothing but a mass of sludge.

366. Do you mean to say that they were there day and night?—They were there three days and three nights—they never were let out.

367. Are you sure of that?—I am certain of it, by the admission of the poundkeeper, and besides the 2s. 6d. damages. I was obliged to pay 2s. 6d. a head sustenance—whilst the cattle, by the admission of the poundkeeper, never were let out of the yard.

368. Are you quite sure of the circumstance that they were never out of the yard?—I would take my oath of it.

369. That is, you were told so?—The poundkeeper admitted it; and besides, it is an admitted fact; and they told me they were not bound to let them out; that they could keep them in so long for the purpose of taking brands and one thing and another, and that the Act did not require them to let them out until after the third day.

370. *By the Chairman.*—You paid those fees. You paid the poundkeeper's demands?—Yes; I had to do so before I got my cattle.

371. Notwithstanding the injury and wrong he had done you by keeping those cattle to perish?—Yes.

372. Did any of them die?—They did. I brought them home, they were weak; they have not recovered it yet altogether, and one of them died some time after, which I attributed to that cause, and the rest have been in a weakly condition ever since.

373. Do not you think you can find redress under the present law?—At the time I thought that it was all legal, according to the Act. The poundkeeper was not at the pound, and I called coming home with my cattle at where I was told by his servants that he resided; and the objections that I made to him were, that I thought, as I had taken the cattle out so early in the morning, I should not have been charged 17s. for that day for sustenance, and I asked him if he would return that 17s.

374. How many head of cattle were in?—Seventeen. The charge was 1s. per head per day—6d. the first day, and 1s. per head each following day.

375. And you paid that for sustenance, though the cattle did not get a bite?—I did. He gave me a receipt for the amount; I think £4 13s. 6d. I paid.

376. Do you think a landlord should fence in his land?—I do.

377. Then why do not you fence in your's?—My own thirty acres, which I purchased, is fenced, but the 230 acres that I have recently got into my possession is not fenced.

378. If your land be fenced in, how was it that your cattle got impounded?—I want to state that to the committee. The land that we bought in this neighborhood of the Duck Ponds, we bought and paid high prices for, in consideration that we were to enjoy or obtain the privileges of a large reserve.

379. What is the size of that reserve?—I called upon the Government Surveyor, Mr. Skene, and he told me that he thought there were three sections; but I think myself that there is 1280 acres, or two sections.

380. *By Mr. Hervey.*—Close by your land?—Yes, it is close by my land. I paid for my thirty acres £12 an acre, not for the land itself, for it is of an inferior quality, but to enjoy the privilege of this reserve. I paid £360 for those thirty acres—£200 cash, and the remainder in twelve months.

381. Did you buy from the Government?—No. We bought from the person who did buy from the Government. The whole of us bought in these small lots.

382. Did the person who sold to you hold that out as an inducement, that you would have the privilege of this reserve?—Yes.

383. Who is that person?—Mr. Thomas Bates.

384. *By the Chairman.*—When you bought that land for the purpose of having the advantage of that reserve, were you not aware that those advantages extended to every one who wished to make use of it?—Certainly.

385. *By Mr. Hervey.*—To any one, from any distance, no matter where?—Yes.

386. You knew that?—I was aware of that. I thought that they were free to the public, and of course the public includes every one.

387. *By the Chairman.*—Have you taken in any cattle to graze besides your own, on that reserve?—Never.

388. Are any persons in the neighborhood in the habit of doing so?—Never; not one.

389. What remedy would you suggest for the imperfections of the Impounding Act? First of all what do you complain of?—I complain that the present charge of 2s. 6d. a head is too high.

390. For what?—For cattle trespassing on unenclosed land.

391. If you impounded yourself, would you think it too high?—I would not impound off open land.

392. *By Mr. Hervey.*—Do none of your neighbors impound off open land?—Yes.

393. Small proprietors?—Small proprietors and large proprietors. The largest proprietor in the neighborhood is the greatest impounder. It is his daily business, and he is making an immense profit by it. And also several small proprietors, that I can safely say have their lands lying open, and a great deal of fencing material lying on the lands, but they will not fence; and I think that any persons in the neighborhood wishing to protect themselves by a fence, which is the best method, could do so if they pleased. There is abundance of stuff in the Yon Yang forest to do so.

394. Why was the land of these small proprietors lying open whilst the fencing was there, ready to put up?—I consider in order to take advantage of the present Impounding Act; they get the 2s. 6d. a head. I had the honor to present a petition to the bench of magistrates from my district, signed by sixty-six of the inhabitants, against the present enormous fee of 2s. 6d. trespass damage.

Mr. James Blair,
continued,
10th Nov., 1858.

395. *By Mr. Hervey.*—There are small proprietors who do impound resident in that neighborhood, are there not?—Yes.

396. Did they sign the petition?—The impounders did not; there are not many who have taken advantage of this. I can also point out one of the largest proprietors in the neighborhood who has impounded. On some day within the last month, a mob of fat cattle, of 250 head, were travelling, apparently from the interior, and came to the crest of a hill—which is called the Lovely Banks—and then descended into the flat, and I know that the proprietor of this land had seen them from some elevated position, and came down upon this herd, he and his brother-in-law, or his servant, and took possession of them, kept possession of them, as I understand, for about twenty-four hours, and then either compelled the owner or superintendent to pay him the amount of 2s. 6d. a head, or else it has to be paid. He did not deliver up the cattle till he got a guarantee.

397. *By the Chairman.*—Are those facts within your own knowledge?—Yes; I saw the cattle in the possession of this man.

398. Are there any fences there, or anything to indicate that it is purchased land?—There are no fences. I expostulated with the proprietor about them, and he said that he had put up marks; but I say that a traveller coming up close against here to the crest of a hill, what does he see of a mark, and after coming that length his cattle must come down, and travel across the land; and I say, at the present season, when the grass upon the land is not much better than a roadway, I think the cattle could not do much damage.

399. *By Mr. Hervey.*—Could you state the terms of the memorial to the bench of magistrates, to which you have alluded?—Yes; I think it said “We, the undersigned inhabitants on and around the Duck Ponds, wish respectfully to draw your attention to the fact that a large reserve exists in this neighborhood, and that to obtain its privileges we have paid high rates for our land, but the benefits to be derived from it are in a great measure debarred to us, in consequence of persons owning adjoining lands neglecting to fence, thereby deriving a greater profit from impounding than they could from an industrial occupation of the land, and praying that the fee for trespass might be reduced to 6d. a head on unenclosed lands, as gazetted on the 30th May, 1856.” It was gazetted then that the fee was to be 6d., and it was raised some year ago to 2s. 6d.

400. And you prayed that the trespass fee might be as formerly, namely, reduced to 6d.?—Yes. Then they would say, “How are people to do that have land—are they to allow people to trespass?” but the majority in the neighborhood think that the penalty for allowing cattle to trespass on another’s land is, that the owner of the land can take tender dairy cattle and pen them up in some small yard for twenty-four hours, and if not released during that time, he can then drive them to a public pound, some ten miles off, to be there further damaged in a filthy yard.

401. *By the Chairman.*—Do you know what was the object the Government had in view in leaving these reserves?—The object, I thought, they had in view, was this—there is a creek runs through it, the Duck Ponds Creek, and I thought this reserve was left that all the purchasers of land in the neighborhood might have access to this water for their cattle or for their own use, and also for persons travelling with stock to this market.

402. If it was the intention of the Government that it should be used for travelling stock, do not you think that the people who trespass on it are defeating that object; because there would be no feed for the stock that were travelling if all the land owners in the neighborhood kept a large number of cattle?—I will answer that by this: I think it may be about from two and a half to three years ago that my stock were on this reserve; there was good grass on it at the time, and the Crown lands bailiff came out one morning and took possession of my cattle along with some others, and drove them off to the Geelong pound, a distance of thirteen or fourteen miles, and they remained in the pound all night, although I accompanied him with the cattle, and wished them to be returned to me after paying the fee at the gate. The poundkeeper would not deliver them up until morning. Certainly, it was about sundown when we got to the pound.

403. That would show at once that the intention of the Government was that you should not run your cattle there without paying some fee?—I released my cattle, paying the heavy damages that were inflicted, and I went to the Crown Land Commissioner’s Office and I got a license to depasture stock on this reserve, for which I paid £5, and I am quite willing to pay that, and so are the residents there; we do not want to graze upon it for nothing; and I paid that at the time—£5 for six months.

404. *By Mr. Hervey.*—Could you have run any quantity of stock on the Crown lands for this £5, or were you limited in number?—I was not limited in number; I got a license to depasture stock on the unoccupied Crown lands in the district.

405. Would not this privilege be very unequally made use of? Supposing there were sixty people round the reserve that you speak of, might it not be very unequally made use of? You might have fifty and another man only one—were there any regulations with regard to that?—No.

406. And there are none at this moment?—No.

Mr. James Blair
continued.
16th Nov., 1858.

407. *By the Chairman.*—You had not the exclusive right to this reserve?—No, there were others who took out a license at the same time as I did.

408. Would you drive off the travelling stock from the place?—By no means.

409. It would amount to an exclusion of the travelling stock, if they had no feed. You have stated that, in your opinion, the landed proprietor should fence in his land?—Yes.

410. That is, to prevent your stock or strange stock from trespassing?—Yes.

411. Do not you think that the owner of stock should be compelled to look after that stock?—Yes, certainly.

412. And if he does not do so, has he not a right to pay for it?—Yes; but we will say that, in the case of a man having some working bullocks, he works those bullocks all day on his little farm and turns them out on this reserve at night, and then it is probable that he will find them in the pound the next morning.

413. You are aware that working bullocks will have feed?—Yes.

414. And will knock down any fence, some of them?—Not that I know of.

415. Did you never see a working bullock that would go through a three rail fence?—Never; I never saw any one do such a thing.

416. You have heard of it?—Yes, I have heard of it.

417. *By Mr. Hervey.*—Is this system of giving depasturing licenses still followed by the Crown land officers?—No, they have never been asked from us since.

418. Was this only on one occasion?—Yes.

419. And never been renewed?—No. I applied at the office the succeeding half year, and it was not required of me.

420. The privilege would not be conceded to you?—No.

421. And the Crown lands bailiff never interfered with you any more?—No, I was never interfered with by the Government since.

422. How many do you think enjoy the privilege of grazing over this reserve at this moment—neighbors similarly circumstanced with yourself—the whole sixty that signed this memorial to the bench of magistrates?—It is used by all the inhabitants round about as a watering place to water cattle, and we will say it is used by them also to let their cattle out upon.

423. To graze upon?—Yes.

424. What number of neighbors may you have who use this; what number would you say there were of landed proprietors who enjoy this privilege—you say sixty signed that memorial to the bench? I suppose all those sixty, at all events, enjoy the privilege?—Part of those sixty-six live upon Cowie's Creek.

425. They all signed with reference to this particular reserve, as I understand the nature of the memorial?—They all signed that the fees were too high for trespass on unenclosed land.

426. I think you said that the terms of the memorial were something like that they could not enjoy the full privileges that they claimed to enjoy of grazing over this reserve?—Yes.

427. They all signed that?—Yes.

428. And consequently all claimed a right to it?—Yes.

429. And did exercise their privilege to a certain extent, no doubt?—Yes.

430. You yourself have got thirty-five head of cattle?—Yes.

431. And many of your neighbors have as many, or perhaps as many more?—No, I do not think there are many that have that number; I do not think there is one of the neighbors that has got as many, except the one landed proprietor, who runs large flocks of sheep over those 1280 acres.

432. With regard to those sixty who own lands in the immediate vicinity of the reserve, about how many cattle may be owned amongst them all—you have thirty-five, some have ten, some twenty, some twenty-five, and so on?—Yes, just so.

433. Do you think any of those are without stock at all?—Yes.

434. Some have no stock at all?—Yes.

435. Do you think the average of the sixty might be ten head each?—I do not think it would average that number, because the sixty do not all reside upon that reserve.

436. How many head of cattle are run on that reserve daily by the right claimed in the memorial which you speak of?—Do you mean sheep or cattle.

437. Cattle at first?—Merely run upon this reserve. I do not say there are many cattle, because the feed is so bad upon it; but there is unoccupied land adjoining this reserve.

438. Unsold land?—No; sold land, but belonging to parties in England, or in other parts; bought, but not occupied by the parties.

439. I want to know the estimated number, by your calculation, of stock owned by the small proprietors of land in that vicinity, who keep that stock because that reserve is near them, and who deem that they can by right graze out of their own enclosures. You say you have thirty-five, and others have got so many; we know the size of this reserve, and we want to know the quantity of stock that may be kept upon the reserve?—In my case, although I say I have those thirty-five head, I have stated that I have recently rented 230 acres.

440. But for many years you had not that. The committee want to know something about the system which prevails. Will you tell the committee what is the number of stock of the small proprietors running upon this land, the land that you speak of as belonging to private individuals, and upon which the stock is run upon the strength of those proprietors not impounding. You are there using a privilege you may be deprived of any day; the committee want to get at the quantity of stock held by the small owners, which they cannot graze within their fences, and must graze upon the adjacent lands. You have a good foundation to begin

with; there are the sixty-six memorialists, and there might be more; but supposing you limit it to that?—I should think that, in the neighborhood in which I reside, there might be 150.

Mr. James Blair,
continued,
16th Nov., 1858.

- 441. Amongst the total number of small proprietors?—Yes.
- 442. A hundred and fifty head of cattle?—Yes.
- 443. Very few keep any dairy cattle at all there, I presume?—It is principally dairy cattle.
- 444. And working cattle as well?—Yes.
- 445. And the dairy cattle and the working cattle together will not exceed 150 amongst sixty-six people; that does not amount to a team of bullocks a piece?—The working cattle do not run there much. The working cattle are on the roads; they belong to carriers principally.

446. *By the Chairman.*—Have you any accommodation paddocks there that are used by those carriers when they are resting at home?—Yes; there are accommodation paddocks in the neighborhood.

- 447. And are they generally used?—Yes.
- 448. By the bullock-drivers?—Yes; especially this season.
- 449. Is not this the season at which feed is most abundant?—In general, in other years; but this season, from the dryness, it is scarcer than it has been seen for the last many years.

450. *By Mr. Hervey.*—Did your neighbors and yourself, in furnishing the census collectors with information, include the stock possessed by each proprietor?—Yes.

451. I think you say that the burthen of that memorial to the bench of magistrates was, that a number of parties, owners of land in that vicinity, could not enjoy the privilege of that reserve, because small proprietors and large proprietors were in the habit of impounding their stock, if they exceeded the bounds of that reserve?—Yes.

452. Is it the general impression amongst the owners of land there that they should enclose that land; that they should be bound to enclose their land by law?—That is the impression in my immediate neighborhood.

453. How long after you bought and paid £12 an acre for your land was it that you enclosed it? within what time did you enclose after purchasing?—Within twelve months.

454. And did the memorialists generally there enclose a short time after purchasing?—Yes, generally: they have all their land enclosed in that neighborhood; that is, the small proprietors.

455. And it is not felt by the small proprietors in your vicinity that, paying a large price for their land, it would be any hardship to compel them to enclose it. Would it be deemed a harsh law which should compel them to enclose?—No: I think it would be a just law, and a law that would save a great deal of malice and ill-feeling amongst neighbors, to make every man fence in his land.

456. *By the Chairman.*—And would it not be just to make every man who has stock attend to them?—Certainly.

457. Then, if each party did his duty, there would be no contention at all between them?—That is to say, that the owners of stock should mind them?

458. Yes?—I can say that, in my case, I have a herd constantly with them. Sometimes a beast will stray away from this herd, and sometimes cattle may break away from their owners.

459. In New Zealand it is not very easy to fence in the land there; and the principle laid down is, that the land will not go to the stock, and therefore the stock should not go to the land. What would you think of such a principle as that to be laid down here?—I know one case in my neighborhood where the owner of eighty acres of land took ninety-seven head of cattle to the pound.

460. Do not you think the owner of the cattle was wrong in allowing them to trespass there, and deserved to be punished?—We all thought it was not possible that ninety-seven head could be gathered upon those eighty acres.

461. *By Mr. Hervey.*—I think you have admitted the injustice of you or any one else holding a quantity of stock that you could not feed, by the fact of your deeming it necessary now to rent land to feed them on. Is not that an admission on your part that you are bound to find feed for the stock that you possess, you having become the tenant of those 250 acres of land? What applies to you must apply to a very large number in this country—that is, holding a disproportionate quantity of stock for the land they possess. Do you now deem your taking that land to be an admission that you are bound to find feed for the stock that you are proprietor of?—I think this reserve being there, we paid high prices for our land to obtain that privilege.

462. There was no temptation held out to you by the Government?—The Government compelled me to take out this license. A neighbor of mine would contend with me that he had the right of thirty individuals to feed upon that reserve, because he bought thirty sections in that neighborhood.

463. That would show that there is no regulation with regard to it, and there is no principle laid down?—That is the principle he held.

464. That is, if you said you had got one right, he said he had got thirty times the right?—Yes; that is, we, being small purchasers, had only a small right; but that he, being a larger purchaser, had thirty times the right that we had.

465. Upon the same principle that you adopt, would he not have the same right?—I contend that, although he is the largest purchaser, he has only the same right as another. We have all the same right.

466. If you bought one acre, would you consider that you had the same right as a man who bought 1000 acres?—I think so.

467. Then upon what principle would you apportion the stock that you should keep on the reserve?—In this neighborhood there are some that have not stock.

Mr. James Blair,
continued,
16th Nov., 1858.

468. Upon what principle would you apportion the right to graze amongst the neighboring proprietors, supposing you bought thirty acres, and your neighbor bought sixty, and the next neighbor 150—would you have as much right by your thirty acres to graze as many stock as the man who bought 150 acres?—I should think I had.

469. And if you had bought one acre you would have the same right?—Yes.

470. You think so?—Yes; let every one have the same right equally. I think that, because a man is a large proprietor, and is a rich man, he should not eat out his poorer neighbors.

471. You first of all start upon the principle that there is no regulation at all with regard to grazing?—Not that I have seen promulgated by the Government.

472. So that you consider that justice would claim that, if you bought an acre of land you could put any quantity of stock on the reserve that you chose?—Yes. This proprietor that I speak of, I understand, within the last few days or a week has planted a flock of sheep of nearly 2000 on this reserve, strictly and immediately; and his instructions to his shepherd are, I am told, to feed about a hundred yards on to his own purchased land only, but to keep them strictly to the reserve beyond that.

473. *By Mr. Fawkner.*—He is only doing what you do; he is running as much of his cattle as possible on the public lands, and reserving his own land; and you have fenced in your own land that you bought, and are running your cattle at large upon those 220 acres that you rented and on the public lands: so that each in your own way is taking as much out of the public land as possible?—Yes. I thought that the intentions of the Government were, that the reserve was left for the use of all.

474. You distinctly stated that you were told it was open to all, and therefore it was open to this gentleman; and, of course, he has a right to feed as well as you?—Not to eat out all.

475. *By the Chairman.*—Were you ever in the Adelaide district?—Never.

476. You do not know anything about the laws there with regard to the public lands?—Nothing.

477. *By Mr. Hervey.*—By your own testimony, there is nothing to limit you in the quantity of stock you choose to keep, or to limit your neighbors either?—I thought the reserve was free to all, that all might have equally a right, but that no one should have the exclusive right; and I say that anyone who puts a flock of sheep of nearly 2000 on the reserve, enjoys the exclusive right of it.

478. You have the privilege of doing the same, have you not?—I have, but I would not consider it right to use it, poor as I am. I should not consider that I was right in using it against my neighbors, because it is well known that, where a large flock of sheep depasture on a small piece of ground, there is nothing left for the cattle.

479. *By the Chairman.*—Did you raise any feed for your stock when you had only those thirty acres?—Yes.

480. You grew greenstuff?—The produce of what I had cultivated last year; the straw I gave to my cattle.

481. How many acres in that thirty did you cultivate?—Last year I cultivated about sixteen.

482. So that you had only fourteen acres to keep thirty-five head of cattle?—Besides the reserve.

483. Would the fourteen acres keep one head of cattle?—Yes.

484. Would it keep two?—Yes, by being enclosed. You must understand that the land is enclosed.

485. *By Mr. Hervey.*—Supposing this large landed proprietor in the neighborhood had chosen to say "I will not use this land at all, I leave the whole of it for the use of the small proprietors;" and supposing each small proprietor had sent as many cattle upon it as you did, would it ever maintain that quantity?—It would maintain them. Though a number of cattle might have been grazing upon it, still it would not have been so destructive as a large flock of sheep upon it; they cut down closer than cattle, and by manuring the ground, a large flock of sheep, disgusts cattle, as it were. In my opinion, reserves, if they are to be left open to the public at all, where a large population exists, sheep should be excluded.

486. Even travelling sheep?—There might be a protection for the traveller.

487. Then how could you apply your principle there, supposing that a flock of sheep were unsaleable, and came to market, and had to wait a week?—Travellers do not keep from the market only as short a time as they can; they make their way to market as quickly as possible. I would make an exception in the case of travelling stock; because, as in the case I related recently, of this mob of fat cattle that were travelling, I consider that they should not have been stopped even for twenty four hours; it would deteriorate their quality in the market.

488. Would you not go further in the management of those reserves, and limit the use of them to the immediate neighbors on some principle as to numbers?—Yes, I consider it would be right to limit the reserve according to its size, so that each resident should not keep more than a certain number on it, and perhaps some parties would not use it at all, and they might give their right to the next neighbor.

489. It is very difficult to get at any principle, seeing that you do not allow the principle to be based upon the quantity of land owned by the parties?—No, I do not consider that, because one man is richer than another, he should monopolise the public reserves.

490. *By the Chairman.*—Supposing this large landowner was to subdivide his land and make one hundred or two hundred landed proprietors, could not he control the entire use of that reserve then upon the principle you speak of, of one person who had not stock giving his

right to his neighbor. He would have then 200 rights, and could not he get them all to himself?—He could do so, if he was so inclined.

491. You would not limit the number of stock to be kept by the poor man; you would allow every poor man to have as much as he pleased?—The people would soon find out that, by keeping too many, they would eat each other out, and would very soon shorten their stock. At the present time a great many people in our neighborhood, myself especially, would willingly part with our stock, I daresay. I would at the present time, and it is the opinion of my neighbors also, we would willingly part with our stock down to a very small number, if they could be disposed of in the market, but at the present time the market is so depressed, and the stock are in such a low condition, that we cannot find a sale for them.

Mr. James Blair,
continued,
16th Nov., 1858.

492. What keeps them in that low condition?—The season has been a very bad one for grass. We expected that rain would fall this season like former seasons, but it has not fallen; we have been disappointed, and the grass consequently is in a poor and bare state, and we find it almost impossible to dispose of our cattle.

493. Were there many losses from deaths of cattle last year about that reserve?—None that I know of, except it might have been through overdriving and bad usage to and in pounds.

494. You never lost any cattle there from want of feed?—Not from want of feed. My cattle, up to this season, have been in fair condition.

495. Cattle will make out feed where there are not fences to stop them, will not they?—Their natural instinct teaches them to look for food.

496. *By Mr. Hervey.*—Will you name that reserve that you have been speaking about; what name is it generally known by, the Duck Ponds reserve?—Yes.

497. What is the acreage?—About 1280 acres; I think it is two sections.

The witness withdrew.

John Edward Bates, Esq., examined.

498. *By the Chairman.*—You are a landed proprietor in the neighborhood of the Duck Ponds, are you not?—Yes, I have between 3000 and 4000 acres there.

J. E. Bates, Esq.,
16th Nov., 1858.

499. Your land adjoins a reserve there?—Yes, it adjoins two or three; I will point them out to the committee—[*The witness produced a plan and explained the same to the committee.*]

500. What is the size of the reserve at the Duck Ponds?—There is one reserve 15 B, 273 acres; another, 14 A, Moranghurk, 302 acres, equal to 575 acres.

501. *By Mr. Hervey.*—Are they adjoining?—They are divided by the railway.

502. Are those at the Duck Ponds?—Yes, on the west side of the Duck Ponds. There is a third too on the west side, a large reserve, but there is no number to it on the plan. It is about a square mile, I should say, as nearly as possible.

503. How much is there altogether?—About two square miles. There are three other reserves on the east side. There are two correspondent to those on the west side, 14 A and 15 B.

504. Only divided by the creek?—Yes; divided by the creek, and then the railway cuts them in two. I suppose there are about 1200 acres in that reserve—[*pointing to the plan*]—reckoning both sides of the creek.

505. And about the same in the other?—Yes; on the Duck Ponds on both sides.

506. And adjoining each other?—No; they are not contiguous. I have a piece of land between the two reserves. Mr. John Highett, in like manner, on the east side of the Duck Ponds.

507. There are about 2400 acres of reserve altogether?—Yes.

508. *By the Chairman.*—Do you know what is the object of the Government in leaving those large reserves?—For the purchasers of the land in the immediate neighborhood. When I bought land from the Crown, I bought the right to those reserves. It is particularly mentioned in the lithographic plans in the margin.

509. Have you the plan that shows that?—I have it at home. It says that all purchasers from the Crown will have a right to those reserves.

510. Then, if that be the case, persons travelling with stock have no right to stop there?—There is nothing that I am aware of prohibiting that in these memoranda in the margin of the plans.

511. If it gives the purchasers of land the exclusive right, it would exclude the travelling stock?—It gives them the right, but not the exclusive right.

512. *By Mr. Hervey.*—It was held out as an inducement to buy and give a larger price?—Exactly.

513. *By the Chairman.*—You have been a squatter for some time in the Adelaide country, have you not?—Yes; I was partly in the Adelaide country and partly in Victoria when I had a station up at Mount Gambier.

514. Are you well acquainted with the land regulations in South Australia?—No; I am not.

515. Do you understand the principle of the hundreds there?—No, I cannot say that I do. It is some years now since I sold out.

516. Can you give the committee an idea of what stock is kept in those reserves?—Do you mean cattle?

517. Cattle, horses, and sheep?—I should say there are some hundreds of cattle that go down to these reserves to water, and some thousands of sheep. I have between three and four thousands of my own that water there, and feed over the land there. My brother William, on the opposite side has, I think, 1500.

J. R. Bates, Esq.,
continued,
5th Nov., 1858.

518. Those sheep passing over that land daily would prevent the feed being of value to anything else, would they not?—It would keep it bare, of course.

519. Cattle could not live on it?—Yes, they do live on it, but there is not a good bite for them. They must feed on the same grass that the sheep feed on. Instead of having something to put their tongues round they must just nibble it the same as sheep do.

520. *By Mr. Hervey.*—There is not a full bite?—No.

521. *By the Chairman.*—Have you had much trouble from your neighbors trespassing upon your land?—Yes, I have had a great deal of trouble, but I may say that that trouble is nearly at an end, in consequence of my having put the Impounding Act in force. Before then, I had more cattle of other people's on my run than of my own, and more grass eaten by other people's stock than by my own on my purchased land.

522. Do you impound from the Government land or from purchased land?—From purchased land. Indeed, what with neighbors' stock and stock travelling, my run was getting as bare as a highway.

523. *By Mr. Hervey.*—And by impounding you have compelled the men either to sell their stock or to tail it?—Yes, or to rent land or put their stock in the accommodation paddocks. There are several accommodation paddocks in the neighborhood; but, until recently, they have not been much used.

524. *By Mr. Fawcner.*—Do you recollect the largest number of cattle which you have impounded at once?—The largest number was 240 head, belonging to Mr. Kirby, of the Glenelg; at least, so I was informed.

525. What damages did you receive from them?—I have not received any at present. I am about to recover the amount.

526. You did not recover through the poundkeeper—you intend to sue for the damage?—Yes.

527. *By Mr. Hervey.*—What amount of damage have you put on?—2s. 6d. a-head.

528. Those were travelling stock?—Yes, fat stock.

529. Travelling to market?—Yes.

530. *By Mr. Fawcner.*—Do you consider that they have done you anything like £30 worth of damage?—They have done me a good deal of damage.

531. Do you estimate the quantity of grass they have eaten and destroyed?—I do not know that that is necessary, under the present Impounding Act. My object in claiming 2s. 6d. a head is to prevent others from trespassing.

532. I wish you to answer this question—can you tell the committee what real damage the 240 head of cattle did to your ground?—That would depend upon how long they had been on it. I found them feeding on my land; they might have been there merely half an hour and they might have been there the best part of a day and a night; so that I cannot say.

533. Supposing they have been there a day and a night, how much do you reckon the grass could have been worth that they could consume?—In the accommodation paddocks they charge 6d. per head per night, so that I suppose they would be worth 6d. a-head.

534. *By Mr. Hervey.*—And the impounding fee would give you 2s. 6d. a-head?—Yes. For this reason it should be so: stock frequently trespass several times before they are caught once.

535. Those cattle, when seized by you, were followed, I suppose, by the driver?—Yes, they were feeding them on my land; they were not driving them; they were letting them feed. In cases like this, where the trespass is so barefaced, the damage should be double.

536. Were they far from the road?—Yes, I can point out the exact spot. That is the section they were on, and that is the spot—[*pointing to the plan*].

537. *By Mr. Fawcner.*—Are the roads fenced in?—No; the line is well defined. It is marked with piles of stones whitened on the top, and these notices—[*producing a paper*]—are posted round.—[*The witness delivered in a copy of a notice, which is as follows:—*]

“ NOTICE.

“All stock found trespassing on this run, either by crossing or feeding thereon, will be impounded.”

538. What distance is there between those notices?—I should say about 300 yards. There are some of those notices put on boards where there are no suitable stones.

539. Do you think a person driving stock can conveniently confine them to a government road a chain wide?—No, I think some part of the flock or herd of cattle must be off the road, if the road is merely a chain wide; but if it is three chains wide, I think they can keep it.

540. If it is impossible for a man to confine his stock to a chain wide of road, and they trespass on the landowner adjoining, who has not a proper fence, do you think he is entitled to claim damages?—No, in that case I would not impound, so that he did his best to keep the road. I would not attempt to impound cattle or sheep either in that case, so that they were keeping the road as nearly as possible.

541. The law empowers you to do so at present?—Yes, probably it does; but I should never in that case impound.

542. You might not, but another person has the power of doing it?—I dare say they might, if the present Impounding Act were carried out strictly.

543. Have there been any other instances where you have impounded travelling stock?—Yes, one instance before that.

544. *By Mr. Hervey.*—Sheep or cattle?—Cattle. There were 150 head, belonging to a Mr. Thomson, I believe.

545. *By the Chairman.*—What damage did you receive there?—I have not recovered any yet, because I have not been able to serve the summons on the owner. J. E. Bates, Esq.,
continued,
16th Nov., 1858.

546. *By Mr. Hervey.*—You did not drive them to the pound?—No, I merely impounded them on my own ground, and let them pass on. In the other case I kept them on the reserve, and put them into my own paddock at night, where there was plenty of grass, so that they did not suffer in condition. And I released them on Mr. Rutherford writing to me that he would be responsible for all reasonable damage.

547. And he considers 2s. 6d. an unreasonable damage?—Yes, he fancies so; but that will have to be decided.

548. *By the Chairman.*—Has the present Impounding Act your approval—does it work well, in your opinion?—Yes. If it were not for the present Impounding Act I think my run at the present time would be more occupied by other persons' stock than by my own.

549. Do not you think, if you enforced the fees on all occasions, that you could make more by impounding than by any other use you could convert the land to?—I should say not.

550. *By Mr. Fawcner.*—Not at 2s. 6d. a head for one night?—No; because by putting the Act into force, it will deter people from going on there. I would here observe, for the information of the Committee, that my gross receipts from impoundings, from January, 1858, up to the present time, is £21 12s. 6d.; deduct £10 17s. 6d., rewards paid to my own men, and there remains a net balance of £10 15s., an amount not sufficient to pay for horseflesh.

551. *By Mr. Hervey.*—Do you think those two cases of impounding travelling stock have deterred people?—Yes, decidedly.

552. It makes them so frightened, that they will keep out of the way?—Yes, they will avoid my run.

553. *By Mr. Fawcner.*—They would rather go fifty miles round than come upon you run?—There is no doubt about it.

554. *By the Chairman.*—If you drive them from your run, would they not have to trespass upon some other person's land before they got to market?—If they kept the road, they would not trespass upon any one.

555. But, by your own admission, you say it is impossible to keep the road?—They cannot keep a road one chain wide, if there is no fence; but I should not impound them if they kept the road as nearly as they could, nor do I think any other person would.

556. *By Mr. Hervey.*—In this case, they were feeding?—Yes.

557. And therefore off the road, you would say?—They would be about from one quarter of a mile to half a mile off the road.

558. And spread out?—Yes. There is just a road between the sections. It is not a direct line of road to Melbourne. It is just a road between the sections that I allude to.

559. *By the Chairman.*—Was that portion of your land immediately on the Lovely Banks, or the hills, by the last witness?—Yes.

560. Was it over that hill that this last mob of cattle that you impounded trespassed?—Yes; they came over that hill over the Lovely Banks, at least I fancy so—they were coming from the westward.

561. The head of the mob might trespass before the men in charge of them could see whether they were trespassing or not, or if he was at the other side of the hill?—They were right on the middle of my run.

562. You think the present Impounding Act perfection?—No; I think there might be some alteration in it. I think people should be bound to put up notices on unenclosed land.

563. At what distance apart would you have those notices?—From 200 to 300 yards apart, so that a person could not pass through with either a flock of sheep or a mob of cattle without seeing one notice or the other.

564. *By Mr. Hervey.*—Are you aware of a memorial having been sent to the bench of magistrates as to the impounding rates?—Yes; I have heard of it.

565. Did you see it?—No.

566. Do you know the nature of it—praying the bench to reduce the rate of impounding?—Yes.

567. And also that proprietors of land should be compelled to enclose?—I was not aware of that.

568. In order to make the reserves more available to small proprietors, that memorial was not presented to you for signature?—No.

569. *By the Chairman.*—In your experience, as a squatter, is it a practice with squatters to eat down the grass on the land close to the road in order to drive the travelling stock the quicker?—From my own knowledge, I cannot say that it is, but it is very likely that it is done by some.

570. Do not you think that practice should be checked?—That applies to Crown lands.

571. Yes, that practice on the part of the squatter on Crown lands?—Yes; I think, as there is a quarter of a mile reserve on either side of the road over Crown lands, that that should be kept expressly for the public travelling.

572. And no person should have the power of feeding over it, but persons really travelling?—Yes; that that land should be reserved on each side of the road, according to the Act; I think it is a quarter of a mile.

573. Have you any suggestions to make of any alterations that would in your opinion improve the present Act?—I would suggest having those notices upon all purchased land along the boundaries.

J. E. Bates, Esq.,
continued,
16th Nov., 1858.

574. *By Mr. Hervey.*—Along lines of road only, or along the whole of the boundaries of unenclosed land?—Along the boundaries and along lines of road too.

575. You would do both?—Yes.

576. Would you consider it a very great hardship, as a considerable landed proprietor, to be obliged to fence your land in?—Yes. It would take twenty miles of fencing to fence my land in, amounting to between 3000 and 4000 acres. It is intersected by so many roads, that it would take fully that, and it would cost fully £2000, and then it would be almost useless to me, because I should be shut out from this reserve which I bought a right to.

577. Supposing it became law with regard to travelling stock, that parties must either submit to be trespassed upon, or keep their land enclosed, would you deem that law a very harsh one?—Yes, very hard. With reference to enclosing, I would here remark, that two-thirds of the enclosed lands, as far as my knowledge extends, are wholly unfit to turn stock. A section of land is either enclosed substantially, or it is not; if substantially, it is a paddock; if unsubstantially, it is a trap and a snare in the most complete sense, as the Act now stands. Land insufficiently enclosed is far worse than land wholly unenclosed. One might prevent stock trespassing on the latter by tending, as the danger is known, but not on the former, because unknown. Confidence is placed in what appears to be a fence to keep stock in or out, and generally speaking it will do neither. These kind of enclosures then being only traps and snares, I would suggest that, instead of the trespass money being higher than for unenclosed lands, as at present, there be no damage given at all. If an individual has not the means or inclination to fence substantially, let him remain unfenced, or abide the consequences of enclosing in a cheap and temporary manner.

578. Would you say it was very hard with regard to travelling stock passing along the road and within a reasonable limit of the road—you admit that it is impossible on a chain wide road to keep stock on that road—what would you do supposing you had land adjacent to such a chain-wide road?—In that case, if they were keeping the road as nearly as could be, say there was one part of the stock on the road, and another part just off it, I would not impound.

579. Supposing they were camping for the night?—They would have no business to camp on purchased land. They should make for a reserve, or for an accommodation paddock. There are accommodation paddocks in this neighborhood, though they have not been used much.

580. A man might have ten miles of a road frontage, Mr. W. J. T. Clarke for instance, and you might be travelling with weak stock, and supposing he did not choose to enclose his land, and you were compelled to encamp on that land, would not it be a gross hardship upon the stock in that case, if they were impounded?—That is an extreme case. In that case I should say the parties would let him sue for the amount, and the magistrates in all probability would dismiss the case.

581. *By the Chairman.*—The magistrates are obliged to carry out the Act, and if the law empowers a man to levy this damage, of course he can do so?—The hardship of the case might plead in mitigation.

582. *By Mr. Hervey.*—Supposing the man who trespassed upon the land swore that he came there in total ignorance, that the cattle were passing along and were imprisoned suddenly, and that the damage they had done was almost nothing; in that case you could enforce the Act?—In my case I had notice up, and they could not go on to the land blindfold.

583. *By the Chairman.*—The committee are not looking to your individual case, but to the general meaning of the Act?—What applies to me will apply to a great many others.

584. *By Mr. Hervey.*—It becomes almost an impossibility to reach parties with travelling stock, unless some plan were adopted. The committee have it in evidence that small proprietors make a complete trap of their land, and if we preclude the small we must preclude the large?—I can only say, in my case, there was no trap, as will be seen by those notices.

585. Near the Salt Water River there is a regular system of trapping there?—There is a trap here—[*the witness here referred the Committee to three small lots on the plan*]. This land was let to Mr. Blair for a shilling a week by the week, by Mr. J. Galetly, of the London Chartered Bank. I had permission from the last occupier, Grady, to run over it, and did not know of the change, and Mr. Blair came upon me suddenly and impounded my sheep, and the magistrates saw it was a vindictive proceeding, and dismissed the case.

586. Supposing you had only eighty acres of land, and forty of those on each side of the road, that would be a trap, and it would be very annoying to any person travelling to this market to get his stock impounded. How could you deal with such small lots—by compelling the party to enclose, and still exempt the larger proprietors?—I do not think he should be compelled to enclose. If there was a road, he should allow the stock to pass along the road, and on either side of that road, without impounding them.

587. You could hardly get a flock of sheep along without trespassing upon the whole of that forty acres; all sheep do feed along the roads coming to market; you cannot rush them, nor cattle neither. The desire of the committee is to get at a general law with regard to travelling stock?—I think they should be compelled to keep the road as nearly as possible, within, say a chain, or a chain and a half on either side of the road, and if a man who had a small piece of land did not like to be trespassed upon to that small extent, let him fence.

588. Then you would recommend, with regard to a very limited proprietor's position, fencing, or that he should submit to the trespass?—Yes, in that case.

589. *By the Chairman.*—Would that be just to the poor man. We must consider all classes?—Yes; I do not think there could be any injustice in the matter, making it a chain on either side of the road. If he could not afford to lose that grass, the better way would be to fence in.

590. *By Mr. Hervey.*—That would be, virtually, depriving him of a chain of ground?—*J. E. Bates, Esq., continued, 16th Nov., 1858.*
I would willingly submit to that, in that case.

591. *By the Chairman.*—You could afford the loss, but he might not be able to do so?—
If they passed over all my ground, I should lose in a greater degree; I should lose for a mile of the road on either side, and he would only lose for a few chains.

592. Then you would suggest that all proprietors should submit to a trespass for a chain wide on each side of the road if the land was not enclosed?—Yes; I should not attempt to impound if the stock were keeping within a chain on either side of the road.

593. Where there is a large landed proprietor, a man holding something like Mr. Clarke, twenty or thirty miles on a public road, along which stock have to travel, how would you deal with that? What journey ought fat stock to make in a day?—Cattle I have not had much experience with, but I should think ten miles.

594. Ten miles for fat sheep?—Yes.

595. That is a very long journey for sheep. Supposing a landed proprietor held land for an extent of thirty miles which you had to travel through, how would you act in that instance; the stock must be fed?—Such cases would very seldom happen. I think it might in one or two instances, but I do not see how you could very well provide for it.

596. Would you, under such circumstances, compel a man travelling with stock to use an accommodation paddock supplied by the owners of the land?—That is the only way I see in which it could be done. I suppose there is not any other person in the country who has that amount of land, besides Mr. Clarke.

597. What was the object of the bench in fixing so high a rate of fees?—I should say their object was to deter the straying of cattle into purchased lands.

598. Do you think it was intended to apply to travelling stock?—I cannot say but they did it with the full knowledge that there were travelling stock. I have not only succeeded in keeping my run free from any neighbor's cattle, but free from cattle travelling, and I may now say that I enjoy my own property.

599. *By Mr. Hervey.*—And you think that, if the impounding fee had been continued at 6d. a head, you would never have effected that?—No, I am sure I should not.

600. As far as your evidence goes, it is in favor of the Impounding Act as it at present exists?—Yes; with the exception of putting up notices.

601. *By the Chairman.*—Do you think it would be desirable to restrict a landed proprietor from impounding within half a mile of his boundary, where a road ran through his land?—Less than that. I should say, if the stock were beyond a chain or a chain and a half from each side of the road, he should be at liberty to impound.

602. Then that would give three chains wide for the stock to travel on?—Yes.

603. And you would not give power to a landed proprietor who had not his fences up to impound within a chain on each side of the road?—No.

604. *By Mr. Hervey.*—And on no part of his land would you allow him to impound unless he had notices up?—No, I think not.

The witness withdrew.

TUESDAY, 30TH NOVEMBER, 1858.

Members present:

The Honorable T. H. POWER, in the chair;	
The Honorable J. P. Fawkner	The Honorable G. Urquhart.
„ M. Hervey	

C. Neville Bagot, Esq., examined.

605. *By the Chairman.*—I believe you are a large squatter. The committee wish for evidence on the operation of the Impounding Act?—I have both stations and land. *C. N. Bagot, Esq., 30th Nov., 1858.*

606. You have had some experience about the gold-fields?—I have been constantly travelling about them during six or seven years; I have cattle travelling constantly. There is scarcely a month in the year that I have not cattle travelling.

607. Have you ever been molested in any way by the squatters in bringing your stock to market?—Not much. My cattle have never been impounded.

608. You have heard some complaints made by persons in charge of stock?—Of annoyance, I have frequently.

609. Are those persons travelling with stock principally the holders of small cattle stations?—I have heard of both classes; particularly persons wishing to keep back their stock from the market for a short time, that have been molested.

610. Is that about the gold-fields?—Not so much immediately about the gold-fields as rather towards the towns.

611. As a holder of property, have you been troubled by stock trespassing on your land?—Very much, latterly.

612. Have you impounded much?—I do not think I ever impounded any.

613. You have not?—Never; I never did personally, I think. My men did once some stock that were unknown; they were sent to pound. They had been on the station several years.

IMPOUNDING ACT.—h.

C. N. Bagot, Esq.,
continued.
30th Nov., 1858.

614. That is where you were a squatter?—Yes.

615. Do you think a landed proprietor should be compelled to fence in his land?—I think it would be very arbitrary if he was; it would be far more to his advantage if he could do so. Do you mean to fence every section?

616. All where roads intersect your property?—I think it would render the land valueless for pastoral purposes if the roads were fenced in. If you take a map where the roads are delineated, you will find very little water frontage allotted to each proprietor. If you take that connected with water, there is not one-tenth of the whole frontage, so that the consequence would be, you would have to move your stock once or twice every day.

617. But are not those roads laid out by the Government as public roads?—It is sectional roads I allude to. Any public road should be kept open; but sectional roads, where they are held by one individual, no person can claim a right to travel upon those roads.

618. You have not the power of fencing those roads in?—You can fence your land, but they are not your property; and if you place fences across them, persons can cut them down. A man did so on my property, though the road led to no where.

619. What portion of land do you hold in that locality you speak of?—12,000 acres.

620. How many roads are there?—I really could not tell.

621. What quantity of fencing would it take to fence in these roads? Would it be worth the cost of fencing in all those sectional roads?—I am only talking from memory: it would cost me about eighteen miles of fencing to fence in the land and the block; and to fence those sectional roads, about forty miles. It would cost me a little more than the land did. The land had been cut up into very small allotments—none larger than 150 acres, and many under 100.

622. As the present law exists, you will be exposed to great trouble; you will either be compelled to fence in those roads, or suffer from trespassers. What would you suggest to protect you?—I think the Government should put up those private roads for sale. The person who has the land should be allowed to take them at the upset price; for if those roads are required as public roads, they could be taken up again.

623. *By Mr. Hervey.*—Roads which were terminated on the property you purchased?—Yes.

624. *By Mr. Urquhart.*—Did you say that you bought several sections of land, and that all those roads terminated in your block, where those people took the liberty of breaking down your fence?—Yes; two or three of the fences were cut down by the person. Of course, you could follow the road, it was across the land; but he attained his object. I did not like impounding him. He had a right to go down the road; but he could not keep his cattle on the road if it was not fenced in: so he spent a day or so on the land, and came back.

625. *By the Chairman.*—You have had some experience in the Adelaide district?—I was there for eight years.

626. I believe they adopt a similar system of occupying the land to that which we do in this colony?—They sell it in small allotments of about eighty acres.

627. What is their impounding law—is it similar to that of Victoria?—I do not know what it is now; but in South Australia, in the settled districts, where land is sold, they declare a hundred after a certain time; and if 30,000 or 40,000 acres of land are sold, they occupy 60,000 acres, and form it into a hundred. They do not give it for nothing. They impound all travelling stock most religiously on that land; they allow no one there. It is looked upon as purchased land. The Government lose by it, for those people stock it more fully than the squatter would have done; and they form a local board, and settle how much stock they are entitled to carry on that land.

628. But how do they regulate the number of stock which each person is to keep?—It will alter a little, according to the district and the quality of the land. But the general rule will be, so many acres so many sheep or cattle. They act very liberally in that respect.

629. *By Mr. Fawkner.*—How is it divided amongst themselves?—Suppose they are 40,000 acres held by 100 individuals. One holds 10,000 out of 40,000. He has a right to one quarter of the commonage, and the remainder according to the quantity they buy. If a man have ten acres, he will only get his proportion; he gets nothing more—he does not claim it. And as to travelling stock, it is looked upon as a perfect farce. If you reserve 1000 acres or 5000, I should render it valueless in a week. If I had 5000 or 10,000 sheep, I should render it valueless in one week or a fortnight. If I am travelling with stock, and desire the benefit of your market, and think it is possible that, by delaying a day or two I should be compensated, there are always people ready with accommodation paddocks to receive them.

630. *By the Chairman.*—Has the Government of South Australia any provision at all for persons travelling with stock?—None.

631. *By Mr. Urquhart.*—Do you think that advisable?—They might make watering places, perhaps, but any reserve they might make would be valueless in a week.

632. But there are as many stock travelling to Melbourne as to Adelaide, and I find the reserves very beneficial to the public?—If you saw them, and that there is not a blade of grass for cattle of any kind on them, you can easily imagine what 4000 or 5000 sheep would do on 400 or 500 acres of reserve.

633. If you make travelling with stock rather too expensive, that expense must fall upon the stock, and the public generally must pay it?—Of course.

634. *By the Chairman.*—I speak to you as a squatter. Would you sooner paddock your sheep and pay for the paddock than have the reserves?—Always. If you make a reserve of 10,000 or 20,000 acres, then people would eat it who hold 50 or 500 acres with two or three mobs of fat cattle or flocks of sheep, beside the confusion there would be if they get mixed. In one week I will feed down any reserve there is.

635. Then you calculate it is more to your interest to pay for a paddock for your stock than to feed on a reserve?—In self-defence I would do so. I am speaking of main roads or cart roads. C. N. Bagot, Esq.,
continued,
30th Nov., 1858.

636. I go back to the gold-fields. Are there not persons there keeping a number of stock who really are not proprietors of land sufficient to keep that stock on?—I have known several persons who have kept a large number of stock on Government land who paid no assessment whatever. They knock up a small paddock and stock yard, steal cattle, and get a dairy; charge 1s. to 2s. a-head for horses, and that they do on Government land.

637. And those persons are allowed to do that?—Mr. Fenton, on whose land a case occurred, tried to prevent it, but could not do it. There were fully 500 or 600 stock kept on his land in the way I allude to.

638. Has that occurred to your knowledge, on the gold-fields?—It has, and those people got a newspaper to write and assert that "This man Fenton is impounding the stock of the poor-diggers."

639. What remedy would you suggest in that case?—I think in regard to a central population like that, the South Australian system should be adopted. This stock must be fed, and you must either take the land from the squatter, or allow him to make those people pay for them. Either allow the squatter to pay the Government for the assessment on those stock and charge it to the parties, or adopt the South Australian system of hundreds. No man now pays for any of those stock, but Mr. Fenton should be charged for them, and obliged to render an account, and make a declaration, that there were no other stock on his land. I have known in New South Wales, that it was common to have 500 or 600 head of cattle belonging to the herdsmen on the station. They used to steal them. The squatter knew that they would not steal his, but when the man came to leave he had 500 or 600 head of cattle to drive away. Mr. Fenton should be obliged to render an account to the Government, and charge them.

640. Would not the Adelaide system be more convenient—giving the advantage of those commons to purchasers of land?—To purchasers of land, and that a local board should every six months appoint the number of stock for the small squattages. There are hundreds of small properties in the neighborhood of Bendigo.

641. That system gives general satisfaction in South Australia?—Almost universal; I have been a sufferer, but it saved any further turmoil or bother about it, but I was glad to have it done. Government authorised me to impound on my private land to any extent. They look upon it as private property, until required for sale by them.

642. As the country becomes settled, the squatter goes back?—The regulation is, if you buy 20,000 acres for your run, 20,000 acres will be given by your run to form a hundred; but it requires a population, as well as purchased land, to form a hundred.

643. *By Mr. Urquhart.*—What population is required to form a hundred?—300 or 400, or 500 persons.

644. *By the Chairman.*—You get the hundreds from the inhabitants of the district applying for it?—Yes; there must be a fixed population, and a certain quantity of purchased land. It will not do to buy the land, and have no population.

645. *By Mr. Fawkner.*—The two must be together?—Yes.

646. *By the Chairman.*—What distance do you think stock ought to travel in a day—fat sheep, for instance?—Six or eight miles, under ordinary circumstances: they will travel that.

647. Your purchased land does not extend so much as eight miles?—No; about five and a-half or perhaps six miles.

648. Where your run is not fenced in, do you think you are entitled to impound—would you impound?—I have not done so, but I intend to do. A person named Lascelles has cut down my fence on two occasions, across a sectional road.

649. Are those laid down on the Government chart?—Yes. It is not a main road; it is a road that has been laid out, supposing the land to be sold to different individuals.

650. *By Mr. Urquhart.*—Do I understand that that road does not extend through your own land?—No; it ends on my own land. He had a right to go down that road, but of course he could not keep his cattle on that road. It was not a track of any kind, it was only an imaginary road; so he drove his stock down two and a-half miles, and went across the land, and he fed them. It was only to feed them.

651. *By the Chairman.*—You say you purpose to impound—do you put out any notice to intimate that your's is purchased land?—I have placarded. You understand I have never impounded for any land heretofore, but now I have got the land fenced all along the external line—it will be complete in a month; the main roads are left open with slip panels and gateways, and placards are placed, saying it is private property, and any one remaining there, their cattle will be impounded.

652. Are those sectional roads a chain wide?—I think so.

653. Could a man keep his stock on a road a chain wide?—I do not think he can. My opinion is that private roads should be done away with, where one single individual has got all the land, for the Government is deprived of the value of that road, and it is of no use to anyone but the purchaser of the land; but to public roads I would give 200 or 300 yards on each side of the road to drive stock upon.

654. Did those roads terminate in your boundary? or when Government sell the adjacent land, do they intend those roads should be used?—Some of those roads do so.—[*The witness explained his meaning to the committee by a diagram.*]

655. When your land is not fenced in, do you suppose you are entitled to charge the same amount of damage that a man who has fenced in has a right to do?—No; I should say

C. N. Bagot, Esq., not.
continued,
30th Nov., 1858.

I should only charge the mere value of the grass, the smallest amount that would pay, that would compensate a man. If it was worth 6d. a head in an accommodation paddock, I would only allow 1½d. at the very most. I think fencing land makes a very great difference indeed.

656. Would you allow anyone to impound, unless there were always notices up to show it is private property? If you are not very indulgent indeed when persons are driving stock, you must impound?—Of course. So long as I see a person inclined to move on, and not to give trouble, I never had a difficulty about it. The only time I ever had a thing of the kind was when this man cut down my fence. It was on two occasions. I was astounded how he could have face to have done it.

657. *By Mr. Urquhart.*—Do you say the main road is only one chain wide?—I think all the roads are one chain wide.

658. Castlemaine and all the roads to the westward are three chains wide?—There is a road in the neighborhood, I think, two chains wide, but of all roads that were ever laid out, it is the worst. There are ten miles of this road, a regular “slough of despond”; it was through Mr. Clarke’s survey. He has let 400 or 500 acres, and the tenants charge a toll for going through the ground to avoid that place. The road has been laid for eight or ten miles only one chain wide, but it is impossible to drive stock along it; we can hardly pass in fine weather, and some one should recommend the Government to open all those roads and make them all three chains wide. It is dreadful to drive stock on metalled lines of road, and when they are confined in that narrow space coaches and bullock drays frighten the stock to death. It takes twice as long to come into town with them on such roads, and they are more severely injured after going one mile on them than by going ten miles through the country.

659. We have two classes of men to consider in this matter—one is the men who have small blocks of land, and the other the large holders. You take it to be a hardship to be forced to fence off the main road; but supposing a man had only thirty acres on either side of the road, how would the liberty you take on a large property affect him—that is, allowing stock to spread out over from the centre of the road? you are only talking of what you would do, not what you would have the law to do?—That man ought to fence in, and not to claim a right to impound, unless a chain was allowed on each side of the road.

660. Would you deny him the right of impounding?—To a certain extent.

661. I would take the land about Gisborne as an instance of small properties through which to drive stock?—I know men who make a trade of watching people travelling with stock, and impounding the stock. It was done once to my men, and we had to pay £2 or £3 expenses. The man had only eighty acres, which was not marked. I should suggest that I should not allow any man to impound, unless a notice was at his corner of his land; then you know you are coming on private property, and you use a little more caution than usual.

662. We are looking at an extreme case, but we have it in evidence that it is frequently done, especially in the vicinity of reserves. How would you treat those cases?—I would not impound except by notice.

663. *By Mr. Fawcner.*—I think you have given an idea of a good scheme, if the land is not fenced in, they should be entitled to mere nominal damages?—There should be a fixed scale of charges. We know what feed is worth within twenty miles of Melbourne.

664. *By Mr. Hervey.*—The Impounding Act gives 2s. 6d. a head?—Yes, but that is more than the worth of the land.

665. *By the Chairman.*—Is there anything else in which you think the Act could be improved?—I think that those poundkeepers should be salaried individuals, who ought not to have any money whatever from poundage. It is the most infamous ill-used thing in the colony, that Impounding Act.

666. *By Mr. Hervey.*—They are not poundage fees, but sustenance fees?—We know of stock being sold at 10s. or 15s. a head. When a poundkeeper is entitled to come upon parties owning cattle I never knew an instance where he claimed fees, for there was always some understanding between him and parties in the neighborhood. He never charged poundage fees of any kind. If their stock comes there he makes no charge that he can avoid. The sustenance fees are monstrously high. I am speaking of cattle, not horses. If any ordinary beast comes there and is sold, it will fetch 10s. or 20s. less than the fees amount to.

667. *By Mr. Urquhart.*—Do you think that the appointment of poundkeepers at the petty sessions is judicious?—I think it would be better to give the man a salary, and allow him to receive none of the charges. It ought to be an appointment by the local people. It is notorious how robberies are perpetrated by poundkeepers. They have always some cousins or nephews butchers.

668. Did you know them ever to seek cattle to impound?—I scarcely ever knew a poundkeeper that did not either directly or indirectly.

669. Do you consider the quarterly petty sessions the proper tribunal to deal with cases of poundkeepers who have been guilty of abusing their occupation?—It ought to be. If they are not competent to deal with them, I do not know what they are competent to deal with.

670. Do you think, by bringing a man before those who appointed him—and you know that poundkeepers are appointed through interest—you would be bringing him before the proper tribunal?—I think they are, if the magistrates that live thirty or forty miles off all went to hear the charges against him.

671. You would think a man would get justice by taking a poundkeeper for any misdemeanor before those magistrates?—I do not know that; they ought to be able to deal with such a case, but to take the appointment away from the local bench would be rather an improvement. I think they ought to be able to deal with any case that might arise.

672. *By the Chairman.*—Do you not think the poundkeeper ought to be compelled to keep a paddock or some place where stock could get sustenance?—I never saw such dreadful work—the cattle are up to their knees and bellies in mud for eighteen hours out of the twenty-four. They are taken out of the pound a few yards on to Government land, but they are so ill treated that they generally die; a large proportion of cattle impounded do die. I think there should be a Government paddock for cattle, and inspectors appointed.

C. N. Bagot, Esq.,
continued,
30th Nov., 1858.

673. Are you not aware there are inspectors of pounds?—I only know of one, a recent appointment; an extraordinary one, I consider.

674. *By Mr. Hervey.*—You would still retain sustenance fees?—I would allow 3d. a head for cattle.

675. You would make the poundkeeper a servant of the Government?—Yes, and he should give security for £200 or £300.

676. *By the Chairman.*—If your suggestion, that the Government should have a paddock, was adopted, would the fees you propose pay the cost of that paddock?—No ordinary paddock would do. If you had a ten, or twenty, or thirty acre paddock, that would only do a short time. If 200 or 300 head of cattle were on they would make it bare in two or three days, and it would take a large sum of money to fence it in. Perhaps a small paddock would save a good deal of trouble, but not unless it was in a well grassed country, and then it might be on Government land. I have no doubt, if you reduce the sustenance fees to 3d. or 2d. a head, it would allow to each poundkeeper a salary of £400 or £500 a year, and for assistance too; but now they are gentlemen, and go about with long boots and breeches along the road; they keep a clerk, and two or three stock riders. A poundkeeper, I think, should attend to his work himself. He should never allow the stock to be out of his sight; but now they are always going about the country.

677. *By Mr. Fawcner.*—You think he should reside there, and always be there?—Always.

678. Should he be allowed to practise any other trade?—If you give him a salary of £300 or £400 a year, you know what you do. If you will inquire—I am not positive I am right—about Echuca pound—the man receives some salary. Dr. Rowe and Mr. Jeffries, who formed the pound there, reduced the sustenance fee to 1s. 4d. or 1s. 2d., and they found it paid expenses, after allowing a man £600 a year. I live in the neighborhood, and think that is the case.

The witness withdrew.

Charles Whybrow Ligar, Esq., Surveyor General, examined.

679. *By the Chairman.*—You have been a length of time in New Zealand, I believe?—
Yes. I was surveyor general there about sixteen or seventeen years.

C. W. Ligar, Esq.,
30th Nov., 1858.

680. Did the question of impounding cattle cause any great trouble in that country?—
No; not at all.

681. Perhaps the country was not settled?—There was not much pasturage in that part, that I was particularly acquainted with. Everything was done to protect the agriculturists against persons who had cattle. No impounding was allowed on unfenced land, and when population got to be some four hundred or five hundred, or some 10,000 or 15,000 acres had been sold about the neighborhood, a large quantity of land was added to it, and put under commonage, because Sir Charles Grey, who governed in Adelaide, came down to New Zealand and introduced exactly their system.

682. Did it work well there?—It worked exceeding well.

683. You have commonage about the gold fields?—No, we have not legal commonage, but most illegal acts are done amongst those who occupy land as miners.

684. What are they?—By a kind of intimidation, they seem to do very much what they like. They run stock without any authority whatever.

685. On sufferance?—No, upon pastoral lands, lands held under lease, pastoral tenants' lands. It may be stated that encroachments in this country are now systematically encouraged on the pastoral tenants.

686. *By Mr. Fawcner.*—They have begun the system of the free pasturage?—They look for commonage and influence the public prints, so that the pastoral tenant is prevented from resorting to those strict measures he is legally entitled to.

687. *By the Chairman.*—Do you think it would be desirable to introduce the same system here as is in force in New Zealand and South Australia?—Scarcely. In fact, the character of this country is eminently pastoral, and until population has established itself in towns and villages, I think it would be unwise to make a great number of pastoral tenants.

688. I do not mean that: I mean the making of commonage such as there is there?—
Yes. I should have stated to you that there are some features in New Zealand which do not exist in the Adelaide country. Every man's land is brought under that commonage, whether it is purchased or not. A grant from the Crown is thrown into the hundred.

689. *By Mr. Urquhart.*—I suppose there is no impounding on land unenclosed?—It is quite different in New Zealand, and you would require a different lease.

690. There is no travelling stock from one district to another in New Zealand?—No, it is intersected so with rivers that there is very little travelling. New Zealand consists of two distinct countries. The middle island is purely a pastoral country, and very easy of access all over it, but markets have not been established to any extent. Travel where you will, you never are in danger of impounding on that country.

C. W. Ligar, Esq.,
continued,
30th Nov., 1858.

691. The Impounding Act is applicable to certain prescribed districts?—Yes, applicable to the whole.

692. *By Mr. Fawcner.*—Would you advise a system of commonage, as in Adelaide?—When the population of a district reached 500, a proportion of acreage, something like twice the purchased land, should be thrown around them. The grazing capabilities of this common should be ascertained, and their relative number of acres, and as the whole capabilities of the land was to the number of acres of purchased land, so should the holder be entitled to feed stock on the common. The process is this—as soon as a place is declared a hundred, the people and grantees of the Crown are called together to a public meeting, by the commissioner of Crown lands, and they are requested to nominate a herdsman and warden. Two of them are appointed to act, and they and the warden say the number of cattle the hundred will carry, and then they give to each person a right of pasturage for their cattle, each person paying 10s. a year, which is necessary to give them the right.

693. *By the Chairman.*—That is the system you would recommend to be introduced?—Yes.

694. *By Mr. Hervey.*—Is the right to the commonage perpetual?—No: the Government keep selling the land as they think necessary, and by and by there is no commonage, except that portion in the vicinity which remains on hand.

695. Is there a new election every year?—I believe so.

696. You allude to Adelaide?—No; I know nothing of that.

697. *By Mr. Urquhart.*—Would you recommend that system to be adopted, together with local or district boards?—No. I think every grantee of the Crown should pay 10s. a year, otherwise, he should not be entitled to a vote at all; for if he is entitled to vote, he is entitled to vote for overseers and appoint the herdsman. They keep all entire horses and scabby sheep off the common. At present there is an instance illustrating this question. A squatter not far from the Duck Ponds has got a quantity of purchased land and a large reserve adjacent to him, and there is no commonage nor anything else, but this reserve is left there by the Government, because they thought it useful for cattle to come to water; and he, having a large quantity of sheep, keeps so much on it, that there is not a blade of grass on it. So that by wanting a law of that kind, you prevent the general utility of those reserves.

698. *By Mr. Hervey.*—But, if that gentleman stated he was induced to give a high price for his land in consequence of that temptation, what would you say to that?—I am not speaking of particular instances, but as a general rule. The strong man over-rides the weak man.

699. We had that case before us?—Had you? I could not deal with it. I could give the small tenants no assistance, but I got the rangers to act and drive the sheep off the land, and the sheep are now off it.

700. *By the Chairman.*—Are you aware that he has got a lithographed plan, set out at the time, stating that he has a right to pasture his sheep there?—The commissioner of Crown lands states he has no right.

701. *By Mr. Hervey.*—It is his statement?—He says he has a right. There is another thing you should settle in these matters, namely, the right of grazing on a town reserve. The law does not touch that, but the pastoral tenants of the Crown, by a kind of mutual understanding between them and the Crown commissioner, do not impound cattle on anything like a town reserve. The question is very unsettled at this moment. I was flushing round a track one day; I had no knowledge it was a Government road, and I met a large mob of fat cattle. The person who was with me immediately said, "This is my land, I must impound those cattle," and I could not tell whether I was on private land or on a Government road, but he knew, and he made ten pounds by that person whose cattle he impounded, and the man paid it rather than the cattle should be driven to pound. The law here is very unjust.

702. *By the Chairman.*—You would make every man fence in?—He should not have the power of impounding at all, unless he put out a notice, and he should not have the power to drive cattle to the pound if the person gave up his name and address. He should then not have the power of taking those cattle to pound, but of recovery by civil process and remuneration, not exceeding 16d. a-night, or something of that sort.

703. *By Mr. Urquhart.*—If he was travelling fast through it?—If he came on the land, I mean. I believe the law is, you can remain a night on the land, where land joins a public road. The owner of private property unfenced should have no power to impound cattle.

704. *By the Chairman.*—You would not apply that rule to a neighbor's stock?—No, that is different. In a pastoral country like this, where land is valuable only on account of herbage, it is difficult to say you shall not impound them. He should have protection against his neighbor's cattle.

705. You have heard Mr. Bagot's evidence, and his complaint of sectional roads—do you think his suggestion is a good one, that the Government should take the value of those roads?—It is rather a dangerous proceeding, and it is very doubtful if it could be legally done; but in your western district the grantee of the Crown gets a written authority from the Government, as far as they are concerned, to shut roads up on condition that, if the Government wishes the roads to be opened, it shall be done so. I propose that they shall be reserved by right, and unless the district road boards, or the majority of the inhabitants, want the roads open, they shall be shut up.

706. In fact, unless it was wanted for public accommodation?—Yes. The Government's object in giving those sectional roads is only to give access to small sections. There should be, at every mile, access to rivers.

707. Would you suggest that Government should be paid for those roads?—They should not charge anything, for if you charge anything, you give a kind of equitable right in it.

708. *By Mr. Hervey.*—You still would leave that power of impounding, where the land is fenced in, or where it is distant from the road?—No; I think you should take two or three chains of the roads. The Government roads generally have followed the old original cart tracks, and sometimes the track is on the Government road, and sometimes a little off it; so that it is impossible for any stranger to know it. And I think it should be certain that there are three chains on the side of the road.

C.W. Ligar, Esq.,
continued,
30th Nov., 1858.

709. Most Government roads are three chains wide?—Yes.

710. *By the Chairman.*—Would you expect a landed proprietor to put up notices?—I think it is right. I think he should, at the beginning and end of his land, and at all intersections of the road meeting on his land. He should have a white board, with black letters, saying that land belonged to him, and that he would impound any cattle trespassing. That seems to be the old rule at home. In travelling cattle, you must leave grantees of land to allow their cattle to graze on each other's land.

711. *By Mr. Urquhart.*—Would you have poundkeepers paid partly by fees and partly by salary?—It has always been a source of pain to me to see the brutal mode of treating cattle in the pounds. I think it is something parallel to the old way of treating prisoners in gaols; and there is no necessity for it. I think every poundkeeper should have a paddock at least of 200 acres in extent, and that it should be very strongly fenced, and between sunrise and sunset it should form a place for cattle to be in.

712. *By Mr. Hervey.*—With water?—With water, if possible. It is the old law in England that no pound should be put up without a running stream flowing through it. I think that no pound should be less than a couple of acres in extent, that there should be a stock yard, and that the poundkeeper should be put on exactly the same footing with gaolkeepers: that he should be a Government officer, and not receive any remuneration from the prisoners. That he should protect and save the cattle in as good condition as possible.

713. *By the Chairman.*—What is the time now for keeping cattle in pound before they are sold for expenses?—I think three weeks, but I do not know.

714. We have it in evidence that poundkeepers get nothing out of that?—The object of a poundkeeper is to make them as valueless as possible.

715. *By Mr. Urquhart.*—Do not you think, where there are three or four pounds, such as at Bacchus Marsh, and Merton, and Keilor, and so on, it would be better for cattle to be put in the central pound—do you not think it better for the public?—I have always been for having pounds as near the main roads as possible. I think pounds should be more numerous than they are.

716. *By the Chairman.*—Have you any other suggestion to offer to the committee?—No. What I feel most about is, to try to ameliorate the condition of the animals.

717. One grievance that I feel is, we have persons keeping a large number of stock who hold scarcely any land—those persons inflict an injury on the landed proprietors?—I think every one should be made to pay.

718. I think you suggested that introducing the Adelaide system here would put a stop to that?—Every man feeding stock on a common should pay 20s. a year.

The witness withdrew.

WEDNESDAY, 8TH DECEMBER, 1858.

Members present:

The Honorable T. H. POWER, in the chair;

The Honorable M. Hervey | The Honorable G. Urquhart.

Captain Charles McMahan examined.

719. *By the Chairman.*—You have had some experience, I presume, with reference to the working of the present Impounding Act?—When I had the management of the police, I came in connection with the pounds a good deal. I only then had experience so far as knowing that a good many fraudulent transactions took place.

Capt. McMahan,
8th Dec., 1858.

720. Is that with reference to the poundkeeper?—In some instances with the poundkeepers; in other cases I do not recollect the exact circumstances; but I am aware, that the pounds were frequently made use of for improper purposes; cattle were taken out of one district and impounded in another under a fictitious name, and you could not get at the end of the various schemes in existence for impounding cattle, and afterwards buying them at a cheap rate, or disposing of stolen cattle through the medium of the pounds.

721. At present the poundkeepers receive a portion of the fees, and in some places they receive a salary in addition to the fees?—I am not aware of the exact position they are in, but I understood it was to be arranged, that they were all to receive a fixed salary.

722. Do you approve of that, rather than having payment by fees?—Decidedly. I do not think they should have any interest in the fees or sustenance.

723. Do you think it is desirable that a poundkeeper should have any private business of his own to attend to?—It would depend upon the nature of the business. If it was a small farm in connection with his pound, I cannot see that there would be very much harm in it.

Capt. McMahon,
continued.
8th Dec., 1858.

724. Are you aware of the great abuse that the stock receive whilst they are in the pound, the imperfect state of the pound-yards, and the cruel manner in which they suffer from wet and cold?—Of course, even if the poundkeeper was most attentive, it must knock stock about a good deal.

725. Do not you think it would be advisable to have a paddock of a few acres on such occasions?—I should say, a paddock of five or ten acres would be far preferable to the usual pound-yard.

726. With reference to the sustenance fees of cattle at present, do they get any equivalent for it, in your estimation?—No, I never could understand it. I always looked upon it as a very great hardship to the poorer class to have to pay a sustenance fee of 3s. a day, when the cattle for the most part were tailed on some run in the vicinity of the pound, and costing among the whole of them, merely the wages of the boy who tailed them.

727. Do you think it is necessary that the present time given to the poundkeeper for advertising before the sale should continue, or would you alter that time?—I do not think you could do with much less. We will say that store cattle have been purchased that have come from some distance away—if they break out of the paddock or run in which they have been placed they are sure to stray back to the country from which they came, and may go a great distance off in that way, and if a certain length of time was not allowed, the owners would have very little chance of recovering them.

728. With the present charges paid for sustenance, and the other fees, and the injury sustained by the beast by starvation, is an animal worth the redemption at the expiration of the notice?—No. I saw the other day that three cattle of my own had been impounded, I think at Korong. I never made any inquiry after them, as I was aware, from the length of time they had been impounded, it would not pay me to release them.

729. Are you aware that many beasts die in the pound before they are sold?—I suppose some die; I have not seen them myself.

730. Do you think that it is right to allow the owner of purchased land to impound where the land is not fenced in?—I should say, of course; what other remedy would he have, except by an action at common law.

731. Would not you restrict him in some way; would you have the damages the same in unfenced land as you allow where the land is fenced in and the fence broken down?—It would depend upon what you consider unfenced land. In the way a good deal of the land is disposed of in the present day there are a number of small by-roads pass through it. I believe the object partly was to prevent one person purchasing any large blocks. All those roads are in reality merely rights-of-way to the farms abutting on them. But supposing one purchaser has bought several, or any number of farms abutting on one of these rights-of-way, the right-of-way to all intents and purposes becomes his; no one else has any necessity to make use of it except him. A proprietor of that sort would not go and fence in every subdivision; if he did, in using the land for the purpose of grazing stock, it would become valueless, because it would shut off the water. He would put a fence round the whole, leaving those roads not fenced in; and I call that, to all intents and purposes, fenced land. Of course, the stock in this country are different to the stock at home; you cannot drive them down to water.

732. Are you aware that, in the locality of the gold fields, there are a great many persons who have a number of stock without having land to feed them on?—Yes.

733. What remedy would you apply in that case; would you put a stop to that system which at present prevails?—No. I think there should be some commonage in the vicinity of the gold fields, or in the vicinity of any extensive township, to which the poorer class should have access for a limited number of cattle, a couple of cows, or whatever it might be.

734. You would limit the number to each?—Yes. That is the system that is pursued in Van Diemen's Land. I find there is a commonage attached to each township, on which the residents in each township are allowed to run, I think, two cows and a horse. I think, in the vicinity of the gold fields, where there is any amount of population, a portion of land should be set apart for commonage purposes. I think that would be much better than giving them an indiscriminate use of all the surrounding runs.

735. Do you see any objection to the present Impounding Act, or any improvement that you could suggest to be made in it?—The present Impounding Act, as far as I am aware, appears to work very well, particularly the clause in it which enables you to restore the cattle to the owner and demand damages; and if he does not give them, summon him before a court of petty sessions. That prevents a neighbor's cattle being injured by being sent off to the pound and is at the same time a sufficient check to prevent him trespassing upon you constantly. I see there is now a Bill before the other house to amend that, with a view to protecting the bullock drivers.

736. In a case where there was a repetition of trespass, how would you act? would you have the damage the same?—It would depend, to some extent, upon whether the repetition was accidental or intentional.

737. In instances where people have a number of cattle without any land to feed them on, those animals must find food, and they will find it?—I do not see why a person should be allowed to keep a number of animals to profit by free of expense.

738. You think they should contribute something to the Government, either in fees, or something to justify them keeping stock even on a commonage?—I think that the same principal which applies to one portion of the community who have to purchase or rent runs, or whatever it may be, should apply to all, except in the case of the poorer class in the vicinity of a township, or the diggings, as I have already said.

739. How would you amend the Impounding Act with reference to sustenance fees? You say that the stock impounded under the present law are injured by not getting proper sustenance; how would you remedy that?—I think there should be a reserve attached to each pound, on which the poundkeeper should graze his stock.

Capt. McMahon,
continued,
8th Dec., 1858.

740. Where the land is sold and the Government cannot give a reserve, what would you do?—Then I think the Government, or the court of petty sessions, should authorize the poundkeeper to rent a paddock in the vicinity. I think it is totally useless, the supposition we go upon now, that hay and food of that sort should be provided for them; it is absurd. It never is done, or very rarely; perhaps on the diggings, or in Melbourne, it might be, but in the country pounds they never give them hay; we all know that cattle from the bush would not eat hay. The great thing, it appears to me, that is wanted is a far larger number of pounds. It is a great hardship upon a bullock driver now; he has perhaps got to go from twelve to twenty miles to look for his bullocks, if he loses them. If there were a larger number of pounds, and the sustenance fees nominal, instead of being looked upon as a nuisance, they would be looked upon as a boon by travellers and every one else, because they would immediately know where to go and get their stock if they lost them.

741. Would not that be a very costly thing to the Government?—The pounds heretofore have paid some £50,000 a year which has been applied to charitable purposes; but still it has come out of the pockets of the owners of stock.

742. Are you aware of that fact?—I believe that to be about the amount.

743. Then you would recommend the pounds to be increased?—Yes; there are not nearly sufficient at present; and the pound sales should, if possible, be conducted in a township, or some public locality.

744. Then, if you made the pounds more numerous, would you not limit the time for advertising?—I think the time might then be reduced to a fortnight; but if the fees were merely sufficient to do little more than cover the expense of tailing the stock a week or two here or there would make very little difference.

745. There are some localities where you cannot get this feed?—You can always hire it if you cannot get it; and then, if a paddock had to be rented, the sustenance fee should be greater. It should be calculated as divided amongst the average number of cattle that pass through the pound in the year. The owners of stock and bullock drivers, I should think, would prefer that to having their animals starved and knocked about.

746. In case of stock travelling down the country, where the land is not fenced in, it is very difficult or impossible to confine them to a chain wide of road. How would you act in that case—would you give damages for the trespass?—Yes, I would. I think they can do it if they please. In the case of stock travelling down the country, in many instances the drovers will not keep to the direct road, but they will go round to such parts of the country as they know there is land upon which there is feed—never mind to whom it belongs. They will go out of their way for the sake of getting feed. Where that is on an extensive run it does not make very much difference; but when it comes to feeding a mob of cattle on land which has been purchased, or is rented at a high rate per acre, it is a very serious loss.

747. Would you not find it very difficult to confine a mob of cattle or sheep on a road one chain wide where the land was not fenced in?—It depends altogether upon how a man is driving them. If he drives them fairly and honestly through your land, it is nothing; but if he drives them with a view of feeding them through your land, you should have some remedy. Wherever land is subdivided by those lanes and bye-roads, there is nothing to prevent a man going up one and down another for six weeks tailing his stock. Nor do I believe that that system of having reserves here and there for stock travelling is of much use. It is intended, I believe, to reduce the price of meat to the public; but I think it has a contrary effect; because it enables people bringing stock down to hold over, waiting for high markets; whereas, if they had to accommodate them in paddocks, the market would all the year round approach a more level average.

748. That would have the effect of making meat dearer at another period?—No; I think not. I think it would have the effect of bringing it to a better average all through the year. I do not think you would have those great fluctuations in prices which now exist. I have known a mob of cattle held back upon Crown lands in that way for six weeks, waiting for the Melbourne market to rise.

749. *By Mr. Hervey.*—Would you make any difference with regard to the impounding of travelling stock, and the impounding of the stock of a neighbor habitually trespassing, including in the term "travelling stock," stock either working or travelling to market?—It is difficult to say. Speaking from my own experience, I find that the travelling stock and working stock going up and down the roads are a far greater nuisance than the neighbors' stock. With their stock there is never any difficulty. I think, as a general rule, neighbors generally show that proper courtesy and kindness to each other which prevent any great grievance existing. But when you are situated on a main line of road, the travelling stock, and the working stock more particularly, are a positive nuisance.

750. With regard to the trespass fees, would you propose the same trespass fees upon travelling stock that you would upon neighbors' stock habitually trespassing?—I would adopt another remedy in the case of a neighbor's stock habitually trespassing. I think that there should be a clause in the Act enabling you to summon him, and enabling the bench to deal with him where the offence of habitually trespassing was proved. And even if it was travelling stock, I would treat it in the same manner, because you have the same habitual trespass with travelling stock. The same drovers are up and down the road periodically.

Capt. McMahon,
continued,
8th Dec., 1858.

751. Not with the same stock?—No; but the same drovers.

752. You do not impound the drovers, but the stock?—The drovers are the responsible men, and there is the same trespass every two or three weeks. As soon as they find out a good spot, and think that they have got the slightest point in law in their favor, they trespass every time they come, so that they become a greater nuisance than the neighbors who habitually trespass.

753. A man travelling with stock would not be habitually a trespasser, if he was habitually impounded, would he?—I could mention a dozen men who do it, who are habitually travelling through certain roads, and who habitually make a halt there, because it is good feed. There is generally a hesitation on any man's part to impound fat stock, on account of the injury you do them.

754. The committee have had it in evidence that it is the habit to do so, and that in some cases it is made a means of profit?—I would deal with all habitual trespassers alike, no matter whether with travelling stock, or neighbors' cattle; but I would deal with them by special provision, by summoning them before the nearest court of petty sessions, and making provision in the Act to meet such conduct, whether he was a traveller or a neighbor, if he was an habitual trespasser. It is almost impossible to make a distinction between the classes of stock, and say which is a working animal, and which not. It would lead to endless disputes.

755. Are there no relaxations which you would be disposed to make with regard to travelling stock at all, from the operation of the present Impounding Act?—No; I fancy not. I never could see why they should graze at no expense upon the roads, when they can obtain accommodation paddocks. I think it is unfair to the holders of land, many of whom have purchased it with a view of making accommodation paddocks.

756. In the case where the land was not fenced in, would you not have some properly defined boundary?—I think on any road leading from one township to another, where the land was not fenced in, there should be a good plough furrow.

757. That plough furrow would not confine the stock, either sheep or cattle. A man cannot possibly confine his stock to a chain wide road. Would you not give some indulgence to people by allowing them to come a chain or so off the road?—They can confine the stock very nearly to that, and if you give an indulgence, they will extend just as far over that indulgence as they would now over the road if it was marked with a plough furrow, their object being to obtain feed.

758. Do you think it is possible to confine cattle to a chain wide road?—Very few main roads are only a chain wide; they are generally more. But I think the drovers could confine them pretty closely to it, if they chose. If you see the various mobs coming into the Melbourne market across the open land at North Melbourne, you will very rarely see them extending over much more than a chain wide.

759. Then you would make no distinction between the land that was fenced in and that which was unfenced?—I think there should be an increased trespass fee on fenced-in land.

760. What difference would you make?—It is very hard to tell; if the land was under cultivation it should be greater.

761. We are speaking now with reference to the grazing land, unfenced grass and fenced grass?—The difference would be considerable; two or three times as much at least.

762. On open grass land, what do you think would be a fair charge for trespass: how much per head for stock and cattle travelling, that trespass under the charge of the drovers?—It depends upon the locality to a great extent, whether it is a well-grassed or an ill-grassed country. Of course, where the piece of land is small, and the mob of cattle large, the first trespass ruins it perhaps for a year, if it is at a particular time of year, so that you must have a fee sufficient to some extent to deter people from making use of what does not belong to them.

763. If you take the main road unfenced, upon which a large mob of cattle may be passing, say 1000 head, coming to market for store purposes, and they exceeded the plough furrow, would you deem it right that the law should entitle the proprietor to lay hold of them and impound them?—No; I would summon the man.

764. For trespass?—Yes, as is provided by the present Impounding Act. I would demand the trespass from him, and if he did not give it, I would summon him. I would leave it to the bench to decide; if it appeared that but a few cattle accidentally trespassed, the bench would not give damages.

765. Taking the leading thoroughfare to market, where the land was bought up and unfenced, on the main leading thoroughfare to market which was laid down on the charts as the main line of road?—You may be coming down the main line of road so far, and still turn round, and go round another road. I consider that the bench should decide whether the drover had done it to take advantage of another man's property, or for other purposes, and award their decision accordingly. If a few cattle strayed aside, the bench would dismiss the case; but if it were shown that he made no attempt to keep to the main road, but did all he could to feed his cattle on another person's land, they would deal with him accordingly.

766. Are you clearly of opinion that the present Impounding Act is quite just with regard to the power of impounding, whether a main line of road is fenced or not?—I think it is, if properly applied; but I think the remedy should not be alone in impounding the travelling stock, but in dealing with the trespass before the local bench, who would be impartial judges of whether the drover or the owner of the land was in the right.

767. *By the Chairman.*—The man in charge of the stock may deliver them in town, they are then sold; and he is a hired servant, he gets away, being paid so much for the transaction. How is the landed proprietor to reach that man?—Judging from my own experience, I think he can generally reach him.

768. Would not the landed proprietor be put to a very great deal of trouble and inconvenience?—It is a difficult question. If a man came to me and said he was going to Kilmore, and wanted to drive his stock through, I should say go; but do not get them mixed with mine and do not graze over the land. And if I observed he delay'd purposely, and took the stock off the road where there was good feed, I should think myself justified in summoning him, or impounding the stock. Other proprietors of land, or their overseers, would perhaps watch him, and if they caught one beast a yard off the road, would impound him. That would be straining the law, which would not be fair; and I would leave all that to the bench to deal with.

769. *By Mr. Hervey.*—Then the bench would become the law-makers for the time being?—In many cases of that sort, it is utterly impossible to provide by legislation.

770. A definite sum might be fixed by law for a certain trespass, and you might leave the extenuating circumstances to be considered by the bench; so that they might inflict either a larger or a smaller fine, not exceeding the amount named?—I should be inclined to leave it, not as a trespass, but as a penalty on the drover of the stock, as an act of misconduct on his part, rather than as a trespass fee; because, as a rule, these things do not happen with *bonâ fide* owners of stock. It is generally the drovers and jobbers, and men of that sort, who do it. Extensive settlers would not do such a thing.

771. *By the Chairman.*—Then your idea is, that the present Act works well?—I think it would do so if there were a considerably greater number of pounds, and if the rates were reduced. I consider that it works very badly to the poorer classes now, from the exorbitant charges.

772. Those charges are fixed by the local benches?—Yes.

773. *By Mr. Hervey.*—Do you know that the trespass fees, as defined by the present Impounding Act, leave the benches no power, inasmuch as you can in impounding off your purchased lands put 2s. 6d. a head on each beast?—Only 1s. I think; but that depends upon the various benches. There is one means which I think would assist to guard against the difficulty; that is, compelling the owners of land which is not fenced in to have their boundaries marked with a plough furrow, or some other distinct mark which could be seen, and to have notices posted up in conspicuous positions, so that none could through ignorance trespass upon them. That would assist it to a great extent, and I would give them no remedy if they had not that. And then you would have to provide a punishment for any person taking away those notices.

774. Would you then deem the land to be in the same position as enclosed land?—No; I should not.

775. You would still make a difference between that and securely enclosed land?—Yes. There is another transaction which requires to be particularly provided for, with reference to enclosed lands. There should be some severe penalty upon any person found pulling down a fence with a view to turning cattle in. That is a very frequent offence.

776. Does not the Town and County Police Act provide against that?—Yes; but your remedy, for the most part, is when you catch the stock; you cannot always find the men. The men who do that will not come for their bullocks; other men will come; and you cannot prove who did it. If the provision in the Town and County Police Act were embodied in the Impounding Act, it would be much better understood by the class who have land, and by those who are travelling the roads. They are not aware of there being so many Acts and so many clauses in existence. If the Impounding Act provided for everything of that sort, it would very soon be known. I would also suggest that, if it could be managed, an impounding sheet, detached from the *Government Gazette*, should be published at a nominal price, so that all holders of stock could afford to get it, and in that all impoundings should be advertised. That would be a great convenience, because the expense of taking in the *Government Gazette* now is considerable—in fact, a great deal more than it is worth. But if for 10s. a year, say, parties could have the impounding sheet of the *Gazette* sent to them, it would be very useful, not only to holders of stock, but also in detecting horse and cattle stealing.

777. Do you think the Bill now before the Legislative Assembly to amend the Impounding Act will work harshly to the landed proprietor?—I think it will amount to a confiscation of his property. If by a legislative enactment you allow private property to be trespassed upon, even though only to take the grass from the surface, it is opening the door to mining, &c., and you never can prevent it. If you open it for any purpose, where are you to stop? We must expect, as the country gets more settled, and the bulk of the land is sold, that in the neighborhood of large towns, such as Melbourne and elsewhere, graziers will replace the squatters, and the squatters will naturally retire to the back country, and will supply the graziers.

778. *By the Chairman.*—In the progress of settlement, that will be the case?—Yes; that is the state of affairs which exists in the old country, and what we must expect here—that there will be large tracts of land in the hands of graziers, who will probably get supplied from squatters in the remote districts: and if that class is not encouraged, the result will be that meat will be very dear to the public.

779. Do you think that class is sufficiently protected by the present Impounding Act?—I think they are.

780. And you would not alter that Act in any way, except to increase the number of pounds?—Yes, and to lower the fees, so that it might not operate so hardly on working men with working bullocks. The hardship to them is not the impounding of their cattle so much as the heavy fine they have to pay. But should a Bill of the sort now in contemplation be carried, it will lead to disturbances. You will have cattle poisoned and shot, and all sorts of things

Capt. McMahon,
continued,
5th Dec., 1858.

done; in the vicinity of scrubby land or ranges, the cattle will be driven back into the ranges, and the owners will never see them again.

781. *By Mr. Hervey.*—That Bill, of course, contemplates every owner of land upon a main road, or apparently upon any road enclosing his land, before he is entitled to impound?—It appears to me that this Act, taken into consideration with the present subdivision of the lands, prohibits any person from purchasing to any extent.

782. Unless there was some protection against sectional roads being used after they were no longer wanted by the public?—I cannot see that they are ever wanted. I cannot see what use they are.

783. If roads lead to the adjoining section which has not been disposed of, when that is disposed of, those roads may require to be opened?—Of course. It altogether depends upon the locality, and the plan of survey in that locality.

784. You would have protection given to the landholder until the roads were required?—Yes, until such time as the roads are required to be formed; and if they are required to be formed, I do not see why a district should not bear one half the expense of the fencing. I do not see why a proprietor should be compelled to fence in both sides of a road for the convenience of the public. And if the expense of fencing in those bye roads were some of it thrown upon the district road boards, before the roads could be made available, they would not be in such a hurry to use them. But if you compel the owner to fence in both sides, you will ruin him.

785. *By the Chairman.*—The land would not be worth the cost of the fence?—Not only that; but if it was fenced in, it would be valueless, because of shutting the stock off from water; and it comes to be a question whether it is desirable that there should be a class of graziers in the country or not.

786. *By Mr Hervey.*—As far as the evidence before this committee has gone, it would seem that it is the small proprietors alongside the road whose land is unfenced that would be ruined more than the large proprietors?—They would be ruined also of course, if their land was trespassed upon. In the case of a small lot of fifty or sixty or one hundred acres; one day's trespass of a large mob of cattle, and it is ruined for the year.

787. The committee have it in evidence that a system exists in some districts of those small proprietors impounding for profitable purposes?—It could not be done if the system to which I have referred, of the land being properly marked and notices erected, were carried out; it could not then be trespassed on through ignorance.

788. But it might be from necessity, from the absolute impossibility to keep the stock within bounds?—I think this system should be dependent upon the land being applied to a useful purpose. If a man, for speculative purposes, was allowing his land to lie idle, I would not protect him in any way.

789. Supposing he had a small portion of his land enclosed and cultivated, and was grazing upon the remainder, he might say that that land was as important to him as a larger quantity to a large proprietor?—Yes, and so it would be.

790. Have you not met with some cases where very small portions were enclosed, and no doubt other land was unenclosed and used for grazing?—If there were notices posted up that it was private property and that all cattle would be impounded, I do not think you would find much trespass, and if they do trespass I think then that the owner of the land is only deriving a rent from the trespass fee, provided the fee is not exorbitant. If it was an accommodation paddock, they would have to pay 6d. a night or some such thing. All this must depend upon the locality of course.

791. It falls particularly heavily upon the stock passing from one part to another, where the profits are *nil* from the trespass; that is where the evil falls particularly—upon the travelling stock?—With travelling stock they are always under control, and if the ground is marked and notices posted up, they could not err through ignorance, and they would never allow their stock to scatter so far.

792. Are you not aware that there is no possibility of keeping anything like a considerable mob of cattle or sheep on a chain wide road?—It is very difficult to do, unless you have one fence to guide you.

793. There is only one way in which it can be done; that is, where you have nothing in the road at all, and they can string up, and that cannot be done on any of the leading roads now?—I think the impounding should be applied only where the land is applied to some useful purpose. You will find in some cases that, perhaps, there are not above one or two lots sold at an entire land sale. On a station up at Seymour, I think, in the whole land sale, there were only two lots sold, and if the owner of those lots could just watch his opportunity, and pounce upon all the settler's cattle that happened to cross them, it would be absurd: this being right in the middle of a station, of course the cattle will go over them. So that a man might really purchase a lot or two of land, and take advantage of annoying you, and compelling you to buy it from him by watching and impounding the stock as it passed. I have known such cases to occur where a man has purchased land—not that he wanted it himself—but with the view of making the settler buy it afterwards at an increased price. If you allow such a man as that to pound, who is doing nothing to the land, and turning it to no useful purpose, it may be a very great nuisance.

794. In the other case, where the small proprietor on the line of road does turn it to a useful purpose, you would leave him the remedy which the law allows him now?—I would; particularly if the stock trespass on it after the proprietor had warned the person in charge of the stock not to trespass; because it would be mostly a case where a lot of stock were coming

down the road. The owner would be living there, and if he saw the stock coming, he naturally would go to that portion of the road where the stock were passing, and not allow them to trespass over him. It is almost impossible to provide for all cases that may arise.

795. *By Mr. Urquhart.*—Where the road is only one chain wide, it would be impossible for a herd of 300 or 400 cattle, or a flock of sheep of 2000 or 3000 head to keep to that: they could not be kept upon the one chain wide road, unless it was enclosed, could they?—It is very difficult to do it, but still if you admit their right to trespass they could go on to any of the blocks of land which are now surveyed and they could keep on that block for a fortnight, going up and down all the lanes in it which were only a chain wide. I say, let the law remain as it is. I do not see the right that they have to go upon private property; if they choose to go on to a sectional road which is too narrow for the amount of cattle they are driving, they do so at their risk. Why should a private individual suffer; let them bring down smaller mobs.

796. You would protect the purchaser of the land?—I would not infringe upon private property to suit any persons. If you once give a certain portion of the community an idea that the law does not protect private property, you may bid good bye to the welfare of the Colony.

797. *By the Chairman.*—Have you any further suggestions to make to the committee?—No; the principal suggestions I would make, are, that there should be a greater number of pounds, a paddock attached to each, or a reserve for tailing the stock over, and that there should be some form of publication which could be circulated at a trifling expense in which all impounded cattle could be seen by owners of stock and small farmers.

798. *By Mr. Urquhart.*—Would you still recommend the present system of impounding, or would you prefer that it should be placed under the police?—It was suggested to me, some couple of years ago, that it should be placed under the police, and I then objected to it; I thought it would have the effect of not doing much good to the public and of doing a great deal of harm to the police.

799. *By Mr. Hervey.*—Would you allow the poundkeepers, as they do at present, to derive a benefit from the sustenance fees?—No.

800. You would limit them entirely to salary?—Yes, entirely to salary.

801. You would require that all the receipts should be handed over to the Government?—Yes, and from the funds so created, where the Government had not land of their own, they should be enabled to rent paddocks in the neighborhood of the pounds.

802. Would you still leave the benches to regulate the pounds with regard to the appointment of the poundkeeper, the rate of sustenance fees, and the trespass fees as at present?—No, I do not think it is a good plan.

803. You would withdraw them from local influence altogether?—Yes, as far as the naming of the rates went.

804. And the appointing of the poundkeeper?—Yes; as a rule, I think it would be better that it should be all under the direct control of the Government, who should take the necessary steps to obtain information as to the cost of sustenance in the various districts.

805. *By the Chairman.*—Would it not be necessary to have an inspector of pounds?—Yes.

806. Under the former Government, had they not some inspectors?—No.

807. Did you never know an instance of it?—I heard that some one had been specially sent round on a mission once to inquire into the pounds, but the particulars of the appointment I know nothing about. I do not see why, whilst the pounds are held by gentlemen, or whoever the poundkeepers may be, unconnected with the police, the pounds themselves should not be under the surveillance of the local police. I think some provision should be made for the surveillance of the police. I do not see why a constable should not be present at the pound sales when possible, and why the pound sales should not be conducted in a township or village, in as conspicuous a place as can be managed.

808. *By Mr. Urquhart.*—Where there were three or four pounds within a few miles of each other, do you think it would be advisable that the cattle should be taken to one public place, and be sold there, instead of being sold at the pounds, which might be in some isolated corners away from the villages?—I think the more public place you sell them at the better, but I think if you had the several pound sales to take place on one day, in one locality, it would probably lead to much confusion, and more opportunity would be given for tricks with cattle, because a settler naturally looks to the pound where he observes his stock are impounded.

809. *By Mr. Hervey.*—It is generally believed that pounds have paid the poundkeepers pretty well throughout the country, is it not?—So they used to say, in olden days.

810. The present mode of payment is partly by salary and partly by sustenance fees. If the Government took them into their own hands entirely, those sustenance fees could be brought so low as to cover expenses merely?—Yes; simply to be self-supporting, and to cover the expense of some impounding sheet, which could be distributed either gratuitously or at a low price. The present sustenance fees are absurd; it is, on an average throughout the colony, three shillings a night, and threepence would be too much.

811. The large sums which accrue to the Government from the pounds at present accrue from the unclaimed stock of settlers?—Yes.

812. Not from the fees?—No.

813. *By the Chairman.*—If you issued this cheap publication that you have spoken of, of course there would be more of the cattle claimed than there are at present?—Yes.

814. When your evidence is forwarded to you for your revision, will you have the goodness to add to it anything further that may occur to you upon the subject?—I will.

The witness withdrew.

Ordered—That this committee be adjourned sine die.

APPENDICES.

APPENDIX A.

PROPOSED ADDITION TO SCHEDULE OF IMPOUNDING ACT.

*Addition marked—**

Description of cattle trespassing.	In any forest or open pasture land, open stubble, after grass, or other unenclosed land.	In any paddock of grass, enclosed by a good and substantial fence.	* In any garden, uncut meadow, or growing crop of any kind enclosed by a reasonably good fence.	In any garden, uncut meadow, or growing crop of any kind enclosed by a good and substantial fence.	Amount to be charged for sustenance whilst impounded.
	£ s. d.	£ s. d.	£ s. d.	£ s. d.	
For every horse, mare, gelding, colt, filly, ass, mule, bull, cow, ox, heifer, steer, calf					
For every ram, ewe, sheep, or lamb...					
For every goat ...					
For every pig ...					

PROPOSED ALTERATION TO THE ACT, CONSEQUENT ON THE ALTERATION OF THE SCHEDULE.

The omission of the following proviso contained in the IXth clause of the Impounding Act, as follows :

“Provided that no provision shall be made for damages committed upon cultivated land not securely enclosed to a greater amount than would be payable if the trespass had been committed on land not cultivated.”

And also the addition of a clause exempting cattle travelling from the operation of the Impounding Act, provided that the cattle are being merely driven over unenclosed land, and are not agisting upon unenclosed purchased land.

Geelong, South ...	50 14 0	128 3 4	0 8 0	44 7 10	28 18 10	252 12 6	...	45 10 6	131 0 2	16 15 0	43 9 0	10 1 0	246 15 8
Gisborne ...	236 2 0	773 10 0	...	...	...	1,009 12 0	...	192 18 0	538 13 0	6 2 10	...	1 8 0	739 1 10
Glass's Creek ...	...	...	...	...	...	...	...	15 12 0	60 4 0	...	...	...	75 16 0
Guildford ...	194 5 0	292 9 0	...	...	22 4 6	508 18 6	First impounding, 19th Apr., 1858.	112 18 6	56 0 0	...	...	...	168 18 6
Hamilton ...	141 16 3	906 14 2	3 8 6	...	...	1,051 18 11	...	56 8 0	736 19 9	27 5 6	...	...	820 13 3
Heathcote ...	712 4 9	...	...	...	...	712 4 9	Horses and Cattle classed together.	469 3 1	...	...	...	...	469 3 1
Hexham ...	34 8 0	172 8 4	...	...	...	206 16 4	...	27 0 0	120 18 9	...	...	...	147 18 9
Horsham ...	151 6 0	443 13 5	6 11 9	...	...	601 11 2	...	95 10 0	203 3 10	...	...	...	298 13 10
Kerang ...	...	...	...	...	...	...	No return received.	...	...	...	...	...	...
Kilmore... ..	99 18 0	85 16 6	...	...	...	185 14 6	...	119 5 0	49 19 0	...	...	...	169 11 0
Kyneton ...	285 11 6	291 13 0	...	3 3 0	3 9 0	583 16 6	...	240 14 9	278 14 10	13 6 8	0 16 8	21 18 6	555 11 5
Keilor ...	...	...	...	...	...	...	...	33 3 0	109 4 0	...	3 9 0	...	145 16 0
Kensington ...	18 2 0	115 5 7	0 8 0	0 1 0	3 19 6	137 16 1	First impounding, 19th July, 1858.	16 7 0	167 2 9	5 11 3	1 0 0	3 4 6	193 5 6
Kalkallo ...	59 4 6	122 9 6	...	...	4 12 6	186 6 6	First impounding, 7th Mar., 1857.	84 9 0	41 4 6	5 14 0	4 11 8	7 8 6	143 7 8
Lexton ...	346 8 6	972 4 0	...	...	...	1,318 12 6	...	206 14 9	769 0 10	...	...	...	975 15 7
Longwood ...	126 19 3	513 15 8	...	...	...	640 14 11	...	129 6 9	447 5 1	...	...	...	576 11 10
Malmesbury... ..	...	2 10 0	...	...	...	2 10 0	First impounding, Nov., 1857.	183 6 0	278 11 2	11 9 0	2 12 6	0 10 6	476 9 2
Melton ...	...	...	...	...	...	...	First impounding, 19th May, 1858.	88 19 0	425 2 0	29 0 8	...	...	543 1 8
Meredith ...	58 6 6	320 8 3	...	...	1 16 0	380 10 9	...	86 5 5	255 2 9	...	...	1 13 0	343 1 2
Morang... ..	90 3 6	86 19 0	...	...	1 10 0	178 12 6	...	59 14 0	86 0 6	...	...	0 18 8	146 13 2
Mount Moriac ...	6 10 6	59 5 6	...	...	4 15 6	70 11 6	...	9 18 6	98 18 0	...	0 1 6	5 1 3	113 19 3
Muddy Creek ...	173 17 6	136 2 0	...	...	...	309 19 6	...	86 16 6	51 11 0	...	...	...	138 7 6
Murchison ...	666 5 3	801 2 8	...	...	...	1,467 7 11	...	317 18 6	636 0 1	46 7 9	...	...	1,000 6 4
Newbridge ...	257 17 0	893 5 0	...	...	...	1,151 2 0	...	292 8 0	957 18 0	...	...	...	1,250 6 0
Oakleigh ...	48 11 10	266 7 1	...	...	0 7 0	315 5 11	...	82 2 6	182 1 6	...	0 2 6	1 8 6	265 15 0
Pentridge ...	...	...	...	...	...	...	First impounding, 20th June, 1858.	26 14 0	10 4 6	...	...	...	36 18 6
Portland ...	...	21 10 3	...	0 19 0	...	22 9 3	...	...	52 5 0	...	...	...	52 5 0
River Leigh... ..	549 18 6	...	...	...	...	549 18 6	Horses and Cattle classed together.	674 13 0	...	...	...	...	674 13 0
Sale ...	35 12 0	...	...	...	...	35 12 0	...	75 16 0	...	...	...	...	75 16 0
Shepparton ...	163 17 0	455 15 0	...	...	...	619 12 0	...	80 16 0	341 5 6	...	...	...	422 1 6
Skipton... ..	...	600 0 0	...	...	...	600 0 0	Only an approximate amount, as the books are most imperfect and irregular.	...	300 0 0	...	...	...	300 0 0
Somerton ...	31 8 3	34 15 6	...	...	...	66 3 9	First impounding, 14th Nov., 1857.	240 17 0	256 3 3	...	...	...	497 0 3
St. Kilda ...	...	...	...	...	...	...	First impounding, 15th Mar., 1858.	10 14 6	110 16 3	...	15 3 3	3 0 0	139 14 0
Sugar Loaf Creek ...	578 19 0	636 8 6	...	...	...	1,215 7 6	...	373 7 0	332 14 0	...	...	...	706 1 0
Wangaratta ...	...	1,688 13 7	...	...	...	1,688 13 7	Horses and Cattle classed together.	...	1,295 18 1	...	...	...	1,295 18 1
Warrnambool ...	71 12 0	137 14 0	...	...	...	209 6 0	...	17 8 0	70 14 0	...	...	...	88 2 0
Warrandyte... ..	102 18 1	314 12 4	...	...	...	417 10 5	...	44 13 9	158 15 2	...	...	...	203 8 11
Wattle Creek ...	91 3 0	311 19 3	...	...	...	403 2 3	...	254 4 6	634 17 9	...	...	...	889 2 3
Williamstown ...	43 18 0	43 0 0	0 7 4	5 14 0	48 19 6	141 18 10	...	75 0 0	280 12 6	...	1 2 0	3 11 0	360 5 6
Winchelsea ...	9 4 6	57 18 0	...	0 2 0	6 15 6	74 0 0	...	16 8 0	191 14 0	...	...	1 15 0	209 17 0
Melbourne ...	591 19 0	...	...	...	...	591 19 0	...	404 0 5	...	...	...	...	404 0 5
£	12,539 12 10	20,470 11 6	46 15 5	54 18 4	253 5 5	33,365 3 6	... TOTALS ...	£ 9,665 0 3	17,386 18 10	268 12 5	80 8 10	129 1 6	27,530 1 10

600

1858-9.

—
VICTORIA.

R E P O R T

OF THE

SELECT COMMITTEE OF THE LEGISLATIVE COUNCIL

ON

THE ABORIGINES;

TOGETHER WITH THE

PROCEEDINGS OF COMMITTEE, MINUTES OF EVIDENCE,
AND APPENDICES.

ORDERED BY THE COUNCIL TO BE PRINTED 3RD FEBRUARY, 1859.

By Authority:

JOHN FERRES, GOVERNMENT PRINTER, MELBOURNE.

EXTRACTED FROM THE MINUTES.

TUESDAY, 26TH OCTOBER, 1858.

ABORIGINES.—The Honorable T. McCombie, in accordance with *amended* notice, moved, That a Select Committee be appointed to enquire into the present condition of the Aborigines of this Colony, and the best means of alleviating their absolute wants; such Committee to consist of the Honorables Messrs. H. Miller, J. Henty, G. Urquhart, M. Hervey, J. H. Patterson, and the Honorables Drs. Hope and Tierney, and the Mover.

Debate ensued.

Question—put and passed.

The Honorable T. McCombie moved, That the Select Committee have power to take evidence.

Question—put and passed.

WEDNESDAY, 19TH JANUARY, 1859.

ABORIGINES.—The Honorable T. McCombie, as Chairman of the Select Committee appointed on the 26th October last, “to enquire into the present condition of the Aborigines of this Colony, and the best means of alleviating their absolute wants,” brought up the Report of the Committee.

THURSDAY, 27TH JANUARY, 1859.

ABORIGINES.—REPORT OF SELECT COMMITTEE.—The Honorable T. McCombie moved, in accordance with notice, That the Report of the Select Committee on the Aborigines be received.

Question—put and passed.

THURSDAY, 3RD FEBRUARY, 1859.

ABORIGINES.—REPORT OF SELECT COMMITTEE.—The Honorable T. McCombie moved, That the Report of the Select Committee on the Aborigines (brought up on the 19th ultimo) be printed.

Question—put and passed.

REPORT.

THE SELECT COMMITTEE of the Legislative Council appointed to enquire into the present condition of the Aborigines of this Colony, and the best means of alleviating their absolute wants, have agreed to the following report :—

Your Committee have found that the subject was brought before the Legislature of New South Wales, previous to the separation of Victoria, on five different occasions ; but in no case were any effectual measures adopted for the amelioration of the Aborigines.*

From the evidence which the Committee have obtained, it appears that at the first settlement of the Colony in 1836 there were from six to seven thousand Aborigines distributed over its area. So great has been the mortality amongst them, however, that so far as can be ascertained, there are not more than a few hundreds remaining, who are in a state of abject want, with the exception of the Yarra and Western Port tribes, under the immediate charge of the Guardian of Aborigines and a few who settled on or near the old Aboriginal Station at Mount Franklin.

The only Government assistance which has been given to the other tribes has been in the shape of a few blankets, supplied by Mr. Moore when President of the Land Board, and some casual supplies by Mr. Duffy, who succeeded him.

Indeed, the Blacks have been in a worse position than if the Protectorate had never been called into existence ; for under that establishment they received assistance and protection, but were left to their own resources again, when it was abolished.

The great and almost unprecedented reduction in the number of the Aborigines is to be attributed to the general occupation of the country by the white population ; to vices acquired by contact with a civilized race, more particularly the indulgence in ardent spirits ; and hunger, in consequence of the scarcity of game since the settlement of the Colony ; and, also in some cases, to cruelty and ill-treatment. The great cause, however, is apparently the inveterate propensity of the race to excessive indulgence in spirits, which it seems utterly impossible to eradicate. This vice is not only fatal, but leads to other causes which tend to shorten life.

* The first was in 1838. Aboriginal Select Committee at Sydney. The late Lord Bishop, chairman ; Report printed, and no further notice of the matter.

2nd. In 1843, Dr. Thomson, of Geelong. Returns ordered, from which it was supposed extensive measures would result ; but no further notice taken of the matter.

3rd. In 1845, another Committee, under the late Mr. Windeyer as chairman, *to resume again*. Mr. Windeyer died, and no further notice of the matter.

4th. In 1849, another Committee, under Mr. Foster. This report was cruel in the extreme, recommending all asylums for the Blacks to be done away with, and to expend the amount on educating the Whites.

5th. In 1850, recommendations from the Governor and Executive of New South Wales, which contain some humane considerations ; nevertheless, they were never acted upon.

Mr. Thomas, the Guardian of Aborigines, states in evidence, that one morning he found five drunken blacks lying buried in the mud at the Merri Creek, which being followed by pulmonary attack, death, as is invariably the case, ensued. It may be remarked, that consumption forms a fruitful cause of mortality amongst them, in addition to the other causes enumerated.

It would appear that they have materially degenerated since the advent of the whites, as Mr. Thomas has said "the young die two to one in proportion to the old; I have some old people yet." The rapid settlement necessary upon the country being occupied by flocks and herds was more unfavorable to the Aborigines than if it had only been gradually taken up for agricultural purposes.

Your Committee are of opinion that great injustice has been perpetrated upon the Aborigines—that, when the Government of the Colony found it necessary to take from them their hunting grounds and their means of living, proper provision should have been made for them. Had they been a strong race, like the New Zealanders, they would have forced the new occupiers of their country to provide for them; but being weak and ignorant, even for savages, they have been treated with almost utter neglect.

With the exception of the Protectorate, which was an emanation of the Imperial Government, and which seemed to have been only partially successful, little or nothing has been done for the black denizens of the country. Victoria is now entirely occupied by a superior race, and there is scarcely a spot, excepting in the remote mountain ranges, or dense scrubs, on which the Aborigine can rest his weary feet. To allow this to continue would be to tolerate and perpetuate a great moral wrong; and your Committee are of opinion that, even at this late period, a vigorous effort should be made to provide for the remnants of the various tribes, so that they may be maintained in comparative plenty. This is a duty incumbent upon the community, and clearly in accordance with the principles of advanced civilization and Christianity. The Committee regret that it has been so long neglected. They trust that your Honorable House will vigorously strive for some permanent provision for the poor oppressed and wandering natives, who have been so long left in abject want and misery; and that endeavors will be made, in the language of the Society for the Propagation of Christian Knowledge in Foreign Parts, "for the conversion of the blacks, whose country God's Providence has given to the British Crown, and whose amelioration and happiness he has confided to British Christian benevolence."

The responsibility of the condition to which the Aborigines have been reduced rests with the colonists, as the Home Authorities have endeavored to ameliorate their condition, but without much success. The present Earl of Derby, when Secretary of State for the Colonies, thus expressed himself in a despatch to the then Governor of New South Wales, of which this Colony at that time formed a portion:—"I should not, without the most extreme reluctance, admit that nothing can be done—that with respect to them alone the doctrines of Christianity must be inoperative, and the advantages of civilization incommunicable. I cannot acquiesce in the theory, that they are incapable of improvement, and that their extinction before the advance of the white settler is a necessity, which it is impossible to control. I recommend them to your protection and favorable consideration, with the greatest earnestness, but at the same time with perfect confidence; and I assure you that I shall be willing and anxious to co-operate with you in any arrangement for their civilization which may hold out a fair prospect of success. It is impossible to contemplate the condition and the prospects of that unfortunate race, without the deepest commiseration." Lord Glenelg was quite as anxious about the welfare of the Aborigines.

In addition to the examination of such witnesses as were at hand, your Committee framed a list of queries on the subject, which they forwarded to

such gentlemen as they thought competent to reply to any of them, and who were either living at too great a distance, or were too much occupied to attend and give evidence. The information thus received is of a very important character, and it is hoped that it will collectively form one of the most valuable historical documents extant connected with Victoria, and be prized by the learned societies of Europe, which have been very anxious to obtain replies to many of the queries.

The only practical method of accomplishing the desired object, and the one most likely under all the circumstances of the case to succeed, would, in the opinion of your Committee, be to form reserves for the various tribes, on their own hunting grounds. Those ought to be of such a size as would enable each tribe to combine agricultural and gardening operations with the depasturing of a moderate number of cattle and sheep (such reserves in agricultural districts not to exceed 500 acres; but where the land is not capable of being used for agriculture, then the reserve to be materially extended, in order that it might unite pastoral with agricultural pursuits); and every effort should be made to induce the Aborigines to take an interest in the occupations of civilized life and give their aid in carrying out the various branches of industry. Those establishments ought to be under the charge of missionaries, clerical or lay, whose duty it would be to endeavor to teach the Aborigines the great principles of Christianity, as well as the elemental branches of secular education; and it is the opinion of the Committee, that ample supplies of provisions and blankets should be provided for these establishments until they could be made self-supporting, which your Committee trust might ultimately be the case.

In cases where grants for this object are made, the sites should be chosen in retired localities, and no licensed taverns should be permitted in their vicinity.

It was hoped that it might have been practicable to have settled the whole of the remnants of the tribes in one locality, and the first two witnesses, Mr. Thomas, Guardian of Aborigines, and the Rev. Mr. Spieseke, Moravian Missionary to the Aborigines, were examined at great length on the subject. The former gentleman expressed a decided opinion against the practicability of such a plan. The blacks would not leave their own hunting grounds, and would pine away at once if removed from them. The various tribes would never agree to go there; consequently the idea of settling them together was reluctantly abandoned by your Committee, in favor of the plan that all the witnesses appeared to agree in thinking the most likely to succeed.

Your Committee hope that, in some measure, under the plan which they have suggested, the remnants of the Aborigines may be both civilized and christianized. They find, upon a thorough investigation of this part of the subject, that the Aborigines are possessed of mental power on a par with their brethren of the other races of man; and that they are perhaps superior to the Negro, and some of the more inferior divisions of the great human family. They are supported in this opinion by Dr. Pickering, the only writer on the subject who personally inspected the races whom he described, and who therefore stands high as an authority on the subject. He says—"I would refer to an Australian as the finest model of the human proportions I have ever met with in muscular development—his head might compare with an antique bust of a philosopher."* Their perceptive faculties are peculiarly acute, they are apt learners, and possess the most intense desire to imitate their more civilized brethren in almost everything. Mr. Archibald Campbell has given most important evidence in reference to their diligence and faithfulness as servants, and Messrs. Chase, Spieseke, and Parker, to their quickness and capacity for acquiring the rudiments of education, which is corroborated by various public documents written by

* "The Races of Men."—By Dr. Pickering.

G. A. Robinson, Esq., for many years Chief Protector of Aborigines in this country.

The general tenor of the evidence will bear out the conclusion which your Committee have arrived at—that, while the Aborigines are endued with keen perceptive faculties, there is a considerable deficiency in their reflective faculties, and a certain want of steadiness of purpose in their characters, which appears the great obstacle to be overcome in reclaiming them, and bringing them within the pale of civilization and Christianity.

THOS. McCOMBIE,
Chairman.

PROCEEDINGS OF THE COMMITTEE.

WEDNESDAY, 27TH OCTOBER, 1858.

Members present :

The Honorable T. McCombie, in the chair.
The Honorables Dr. Tierney, J. H. Patterson, M. Hervey.

The committee deliberated. The chairman was authorised to prepare a list of queries, the same to be printed and distributed to the members of committee prior to next meeting.

The committee adjourned until twelve o'clock on Monday, 1st November.

MONDAY, 1ST NOVEMBER, 1858.

Members present :

The Honorable T. McCombie, in the chair.
The Honorables J. H. Patterson, J. Henty, Dr. Tierney.

List of Queries submitted by the chairman, read, considered, amended, and adopted.

Mr. William Thomas, Guardian of Aborigines, was examined. The witness handed in certain documents.

Rev. F. W. Spieseke, Moravian Missionary, was examined.

Rev. F. A. Hagenauer, Moravian Missionary, was examined.

Rev. F. W. Spieseke was further examined.

The committee adjourned until half-past two p.m. on Tuesday, 2nd November.

TUESDAY, 2ND NOVEMBER, 1858.

Members present :

The Honorable T. McCombie, in the chair.
The Honorables Dr. Tierney, M. Hervey, J. Henty, J. H. Patterson.

The committee deliberated.

Ordered—That the queries be circulated amongst the police magistrates, settlers, and others supposed to be in a position to afford information upon the subject; also, that an envelope bearing the address of the chairman (and 1s. stamp affixed) be enclosed in each circular transmitted by post.

The committee adjourned until one o'clock on Tuesday, 9th November.

TUESDAY, 9TH NOVEMBER, 1858.

Members present :

The Honorable T. McCombie, in the chair.
The Honorables G. Urquhart, J. H. Patterson, Dr. Hope, Dr. Tierney, J. Henty.

Mr. William Hull, J.P., was examined.

Rev. S. L. Chase was examined, and handed in certain documents. (*Vide Appendix A.*)

Committee deliberated.

Ordered—That the Queries be transmitted to the heads of the several religious denominations.

The committee adjourned until one o'clock on Wednesday, 17th November.

WEDNESDAY, 17TH NOVEMBER, 1858.

Members present :

The Honorable T. McCombie, in the chair.
The Honorables J. H. Patterson, G. Urquhart, Dr. Hope.

Mr. Archibald Campbell was examined.

Ordered—That Mr. E. S. Parker be written to, and requested to bring in his replies to the queries on the 24th instant, and furnish such additional information as he may wish.

The committee adjourned until one o'clock on Wednesday, 24th November.

WEDNESDAY, 24TH NOVEMBER, 1858.

Members present :

The Honorable T. McCombie, in the chair.
The Honorables J. H. Patterson, Dr. Hope.

Mr. E. S. Parker was examined.

Committee adjourned until one o'clock on Wednesday, 1st December.

WEDNESDAY, 1ST DECEMBER, 1858.

Members present :

The Honorables T. McCombie, Dr. Hope.

A quorum not being present, no business was transacted.

WEDNESDAY, 15TH DECEMBER, 1858.

Members present :

The Honorable T. McCombie, in the chair.

The Honorables J. H. Patterson, Dr. Tierney.

Committee deliberated.

Ordered—That circulars be addressed to the persons to whom queries had been transmitted, requesting the favor of an early reply, to enable the committee to report soon after the re-assembling of Parliament, and intimating that any replies not received by the 10th January, 1859, cannot be appended to the Report.

Committee adjourned until two o'clock on Tuesday, 18th January.

TUESDAY, 18TH JANUARY, 1859.

Members present :

The Honorable T. McCombie, in the chair.

The Honorables J. H. Patterson, J. Henty, M. Hervey.

Committee deliberated.

Draft Report read paragraph by paragraph—part considered.

The committee adjourned until two p.m. on the 19th January.

WEDNESDAY, 19TH JANUARY, 1859.

Members present :

The Honorable T. McCombie, in the chair.

The Honorables M. Hervey, J. H. Patterson.

Draft Report further considered—agreed to.

Ordered—That the Chairman do report the same to the House.

MINUTES OF EVIDENCE.

MONDAY, 1st NOVEMBER, 1858.

Members present :

The Honorable T. McCOMBIE, in the chair ;

The Honorable J. Henty

The Honorable Dr. Tierney.

„ J. H. Patterson

William Thomas, Esq., examined.

W. Thomas, Esq.,
1st Nov., 1858.

1. *By the Chairman.*—I believe you are guardian of aborigines?—I am.

2. How long have you been connected with the aboriginal establishment?—I received my appointment in December, 1837, in the first instance. I received my appointment from the Home Government as assistant protector of aborigines on the 21st December, 1837.

3. You were appointed by the Home Government?—Yes, by Lord Glenelg, Colonial Secretary of State. I was ordered by Sir George Grey to go to Sydney, where I arrived on the 3rd of August, 1838.

4. How long did you hold the office of assistant protector to the aborigines?—From the year 1837 to the close of 1849.

5. At which period you were appointed guardian?—On 1st January, 1850, I was appointed guardian.

6. To the aborigines generally, or a portion of them?—Confined to the counties of Bourke and Mornington ; but subsequently, by an arrangement between myself and Mr. La Trobe, Evelyn was added to it.

7. Were you appointed guardian of the aborigines with a view to protect the aborigines, or simply to keep them from coming into the towns and annoying the whites?—My instructions, on being appointed guardian, were in fact almost verbatim, the same as Lord Glenelg gave me as protector ; but Mr. La Trobe stated that I was to take cognizance of all information I could get respecting the aborigines, and take cognizance of everything that occurred in Melbourne and in those three counties, and to keep the blacks out of Melbourne.

8. So that you had a general and a special instruction?—I had ; and if I could not keep the blacks from Melbourne, I had liberty, as a last extremity, to apply to the Commissioner of Crown Lands to assist me with the police.

9. Can you give the committee any idea as to what the number of aborigines were on the settling of Port Phillip in 1837?—I have made a calculation, but it is calculated upon the number of acres in the whole of the colony, and the advantages upon coast and river tribes. My calculation, which I have not with me, is, that there were 6000 aborigines at the least. I have calculated by the square miles ; taking my own three counties as a datum to go from, and knowing that many of the other tribes were far superior to my own, I have calculated upon a very low calculation that there were at least 6000.

10. Have you any idea as to what the number has been reduced to at the present moment?—I have not, only as far as regards my own tribes.

11. In what proportion have they been reduced?—I have only thirty-one now in the two tribes, and had 300 at the time I came to Port Phillip. I have taken a regular register of every birth and death since.

12. Do you think that would be a tolerably fair average of the decrease throughout the Colony?—My impression is, that it has been greater amongst other tribes, especially to the westward.

13. What do you attribute that great mortality to?—There have been various collisions in other parts of the country, but not in the counties that I have been connected with, and I attribute it to that, when added to the amount that die annually from intoxicating liquors. At the Merri Creek, one morning at daybreak, there were four or five lying bedded in the mud, drunk, not dead ; cold comes on, and as soon as disease touches a black's chest you cannot save him.

14. Is there any disease acquired from the whites which has tended to increase the mortality?—There was when I first came amongst them, but they know how to manage that as well as Europeans do, and they never get it to that excess now that they used to formerly.

15. Do they ever injure one another in your tribes—have you had any cases of blacks murdering blacks, or aggressions between one portion of a tribe and another?—There have been cases of murder.

16. Have they been numerous?—No.

17. Or have there been collisions between neighboring tribes?—I have seen many in the cases of neighboring tribes, but in the same tribe I think I have only known one instance.

18. Have the cases of murder within the tribe been frequent?—No.

19. Have there been many cases of murder perpetrated by your tribe upon other tribes, or vice versa?—Many.

W. THOMAS, Esq.,
continued,
1st Nov., 1858.

20. Have they been numerous?—The murder that I allude to between one and another in the same tribe was occasioned by drunkenness—one friend cut another's head almost off with a butcher's knife. That was an isolated case.

21. In fact, a case of insanity from intoxication?—Yes.

22. And that is the only case in your own tribe?—Yes, the only one.

23. Have there been frequent cases of murders in collisions between your own tribe and other tribes?—Yes; very many.

24. Is that propensity to aggression wearing out amongst them?—Decidedly so. The Gipps Land blacks and the Western Port blacks, who have been continually at enmity, according to what I can learn, from time immemorial, are now the most friendly blacks with each other; more so than their old friends.

25. Has the Government rendered your tribe any assistance in the shape of supplies, such as blankets and provisions?—For many years we were without any supplies, until the stations were formed in the year 1842.

26. After they were formed, were you then supplied?—Regularly supplied.

27. Up to what time was your tribe regularly supplied—has your tribe been regularly supplied up to the present time?—No; it ceased on the breaking up of the stations in 1843. The Government would not suffer anything to be given to the blacks, unless they would stop at the station, and they deserting it for six or eight months, the station was broken up and made a police station of.

28. Which station do you allude to?—Nerree Nerree Warreen.

29. Then, after that year, were any supplies given?—Not till 1853.

30. And since 1853 what supplies have been given?—Regular supplies to the two tribes, the Yarra tribe and the Western Port tribe. The Yarra tribe is from Melbourne up to the end of Evelyn, and the other in Mornington and down to the coast.

31. Have those supplies been attended with good results?—Decidedly so; we have had very few deaths, comparatively, since then.

32. Then that has prolonged the lives of the remaining portion of the tribe?—Yes, in two ways. Mr. La Trobe and myself were often displeased with each other. Mr. La Trobe was displeased with me; he insisted upon the blacks being kept out of Melbourne. I could not keep them out, and the result of it was, that I told Mr. La Trobe that, if he would permit me to have supplies for my own blacks, I would guarantee to keep my own blacks out, and then I knew the others would not come; that is how it was arranged; and ever since then my blacks have not wanted anything.

33. I believe none of the other tribes but yours have had any regular supplies from the Government?—Not till this present ministry came into office, at least till Mr. Moore's Government. We were under the Survey Department, and the Gipps Land blacks said that they had had no blankets or anything of the kind for four years, they came down this time last year. I wrote to Mr. Moore saying that they were on the road and I would meet them at the Inlets—they came as near as Brighton. Mr. Moore asked me what was the best plan to pursue. I told him to give them all a pair of blankets and provisions for the journey, and I would see them back to their own country. Recently, a very respectable gentleman has arrived from Gipps Land, Mr. McMillan, who told me that the first time the blankets went down there were about fifty, and there were about 600 blacks, and Mr. McCrae was obliged to tear the blankets in two to pacify the blacks.

34. What supplies have been given since this Ministry came in?—Whatever requisition I have asked for has always been granted.

35. How many tribes have received assistance since this Ministry came in—have any other tribes but the tribes you have alluded to been assisted?—Yes, at Bacchus Marsh. Mr. Pohlman wrote to me about the distress of the blacks there, recommending a very kind lady there who had taken a great interest in the blacks, I wrote back that, if she submitted a requisition to the Government, I was confident the Government would supply them. Mr. Duffy referred it to me, and all the requisition that she made was supplied; also at Swan Hill, and the aboriginal station under the clergy of the Church of England.

36. Still, it has only been casual?—Only casual.

37. Have you an impression that, if a regular system of supplying the wants of the aborigines were carried out, it would prolong their lives and ameliorate their condition?—Decidedly so.

38. Do you think it would be possible to do that by employing a staff under you to look after the aborigines and leaving the distribution of the supplies to magistrates and gentlemen of standing throughout the bush, or would it be necessary to have persons to look after the depôts and give out the supplies?—I think the safest and best plan would be for magistrates in the different districts to have the blankets there at a police station, the same as they do on the Sydney side. There is one advantage, that the police stations are studded all over the country and mostly have sixty or seventy acres of land attached to them by a creek or river, and there would be a place for the blacks to camp on; it would familiarise the blacks with the police, so that they would become friendly with one another.

39. Then you think the police stations are the proper places to have the supplies at?—Yes, anywhere where there is a stipendiary magistrate.

40. *By Mr. Patterson.*—Is there any unfriendly feeling existing between the police and the natives?—Not that I know of. In my district they hail each other.

41. You said it would make them more friendly?—We have two blacks come in now for murder. I submitted *inter se* cases to the Government this morning; really it is a painful

thing. These blacks came from beyond Mount Rouse a great way; one is as stupid as the blacks were when we first came into the colony.

42. *By the Chairman.*—Is there any other plan that you could suggest for ameliorating the condition of the blacks—such as providing a tract of country where they could all be settled and kept as much as possible from contact with the Europeans?—I am sorry to state that my experience, so far as it has gone, in all previous exertions that have been made is, that they have proved totally fruitless.

43. That applies to small isolated attempts, that is to say, such as Peacock's school and Barrabool school; but do you think that, if a large tract of country sufficient for the purpose were appropriated to themselves under proper restrictions, and care were taken to keep them from any communication with the whites or the civilized race, that it would be likely to extend the term of their existence, and that they would be likely to settle into fixed habits and become a settled and permanent people?—I do not think they would settle into fixed habits very readily, but at all events population might go on. But there should be no tract of land in any shape whatever behind the station that should ever be let for the squatting interest—it is a thing utterly impossible—there could not be a worse plan of civilizing blacks than having them in a squatting country. There was not a place so well secured round as Nerree Nerree Warreen; we had the Rev. Mr. Clow on one side, and Mr. Foster on the other, and religious people all round us, and yet the contamination that got upon that station from the men on the different farms was very great.

44. Supposing a tract of country such as Gipps Land could be set apart entirely for the whole of the aborigines of the colony without being interfered with by squatting or farming, would they be likely to settle down upon it and become a fixed people?—I think it would be impossible to get blacks from the Wimmera or any other part to come to Gipps Land. Supposing, for the sake of argument, that were the spot fixed upon, you might kidnap the children; but I do not think it is at all practicable to settle the blacks in that way.

45. If each tribe had a special place set apart on their own hunting grounds, and reserved from squatting and farming and every thing else, would they be likely to settle down into more fixed habits?—I doubt it. There would be some encouragement if they were not interfered with by any one else but missionaries or those intended to benefit them. If there was a tract of land of 120 square miles and five or six tribes only in it, it might answer, because the people would be still upon their own grounds. I think in Africa that answered well, but it would be a cruel thing and a hard case to bring them away from their own hunting grounds—to entice them away.

46. They do not live so long now as they did when you first knew them, do they—they are getting more effeminate?—The young die two to one in proportion to the old. I have some old people left still.

47. Have most of those who were born about the time you came into the colony died since?—Yes; we have only one child left, and she is a fine girl five years of age.

48. Then you consider that the physical constitution has degenerated very much?—I do not say they have not had children, but they have been made away with.

49. Do you think the children could be got away from their parents and preserved—do you think they would give them up?—No; I tried to get that girl, but the mother would not give her up. The only way would be to get them from a very far distance to a central school.

50. *By Dr. Tierney.*—Would they be more likely to give them to you when they were infants?—We have had very few born since I have been amongst them. I do not think we have had six children born since I have been amongst them.

51. *By Mr. Patterson.*—Since you have been protector?—I do not think there have been more than six or eight born. I am talking of my two tribes. I have had as many as fifty children in Melbourne, but they have been belonging to other tribes which have congregated in Melbourne.

52. *By Dr. Tierney.*—Are you aware of there being any idea amongst them as to their destroying one of twins?—I never knew them to have twins.

53. *By the Chairman.*—Under existing circumstances, what practicable plan would you suggest for ameliorating the condition of the blacks on their own hunting grounds?—I would have depôts all over the country for provisions; at all events, a pair of blankets every year, and if stations are formed, they should be formed upon their own territory, and four or five stations of that kind in a circuit, wherever a spot can be found; and that is the only thing that I consider will preserve the aboriginal race.

54. What do you mean by stations—do you mean small reserves of ground with provisions, or simply putting the provisions on a police station?—Depôts here and there, and after twelve months or so it might be seen where they most frequented, or that might be ascertained from information gained by the local magistrates. I have never been further than Lake Colac myself, so that I can say very little about the westward.

55. And when you found where they most frequented, would you have stations for them?—Yes, the magistrates could ascertain where they would like to be.

56. Could any attempt be made to civilize them and bring them more into our habits upon those stations when once located?—There ought to be some system of education carried out in some shape or other, for they are not deficient in abilities for learning, excepting in arithmetic. I have a boy who reads and writes well, who has been, from an infant under my charge, one of the Gipps Land blacks.

57. Would you propose having missionaries sent to them?—I should say missionaries to teach and to educate and look after them. There used to be some German missionaries, that used to work as well as teach.

W. Thomas, Esq.,
continued,
1st Nov., 1858.

58. *By Dr. Tierney.*—Do you think, if there was a kind of agricultural or industrial school instituted, so as to teach them habits of gardening, it would be desirable to teach them industry, together with reading and writing, upon their own ground, and let them have the result of that garden?—Yes, let them have the result and consider it their own.

59. Let them grow their own potatoes and eat them, and grow their own fruit and eat it?—I have not the least doubt that, if they were separated from the whites, it would answer in a great measure. We carried that on pretty well at Nerree Nerree Warreen, but another tribe of blacks came down and we had to cut all our own corn, and there were about four cart loads of cabbages forced to be thrown away, because the blacks all went away and would not eat them. There was going to be a fight at Lake Colac, and they wanted to go to see the fight. Now it would be quite different, if they were settled in the way proposed; those missionaries would be peace-makers; for though the different tribes are fighting, they are friendly. They never marry in their own tribes. They used to be always fighting and always intermarrying, so that they kept up a sort of confederacy amongst themselves.

60. Is this fighting a sort of fighting for love?—It is more about the lubras than anything else. I never knew but one instance of a black being killed in a fight.

61. *By Mr. Patterson.*—Is there not a tendency for them to fight and commit murder when different tribes meet together?—They exchange lubras and settle all manner of differences when they meet. That is the cause of their fighting.

62. Is there not a tendency for them to fight and commit murder when different tribes meet?—I have never known much murder committed; there has been a good deal of fighting.

63. Did you not know of a murder in Melbourne, about 1840, when several tribes were congregated here?—Yes; one man speared another in a corroboree. In that case that young man's father had killed the other man's father.

64. *By Mr. Henty.*—They meet to settle encroachments?—No; but for example, in the course of six months there will be a death here and a death there, and when they come together, it is all settled how they died; and then the parties who have lost a brother or relative get angry and throw spears, and there is a fight. There is nothing material, unless there is life and death on the carpet; and then, if he has been killed by another tribe, there is a fight.

65. *By Mr. Patterson.*—Is there not some superstitious idea, that when one black dies his kidney fat has been stolen by another tribe, and then the tribe of the man who has died go and commit murder in the other tribe?—Yes; but they seldom come amongst their friends.

66. Is there any cannibalism amongst them?—No. I have often watched that, and the only extent to which it goes is, that, when they have a victim, they take the kidney fat out and rub themselves over with it.

67. *By Dr. Tierney.*—Do you think, if there was some law to keep the blacks out of all towns, it would be attended with some good result?—Decidedly so; and that could soon be carried out if they were provided with provisions.

68. How is it that you say so many die from intoxicating liquor, and still there is a law to prevent those unfortunate beings from receiving it? how is it that they get the drink?—I have tried in every direction to find out, and I have had a conversation with the blacks in the morning, at Brighton, and, perhaps, at dinner time I have found them drunk—the very same blacks. I have gone about from one public house to another, and they have not served them. There was a poor woman called me into her hut as I was passing, and said, "Sir, my little girl brought me in a sixpence, and she said some blacks outside had got her to fetch them some bottles of rum;" that is how they get it. I do not think it is the publicans serve them.

69. Do you think the Europeans ever buy their blankets by giving them drink?—I do not think they would.

70. You think the blacks retain their blankets?—Yes.

71. *By Mr. Patterson.*—But you have known them to sell their opossum skin rugs, have you not?—Yes, but they can make another of those; they cannot make a blanket. I have tried several times to endeavor to get a brand upon them, to detect anything of the kind.

72. Do you believe they would sell their blankets, if any one would buy them?—Yes, but it must be a very low character that would take a blanket away from a black. I think some drunken black such as Derrimut would sell his blanket for drink.

73. Would they sell them if any one would purchase them?—If a black was half drunk and a man was to say, "I will give you a couple of shillings for that blanket," he would sell it.

74. Or for a fig of tobacco?—I doubt that.

75. *By the Chairman.*—Do you think they have any superstitious horror of a white man? do you think, if they could get an opportunity, they would assassinate him?—No.

76. That is not their habit, you think?—No, as soon as I came amongst them I endeavored to make them sensible of the English law, and I do not think they have killed a white man in those three counties.

77. *By Dr. Tierney.*—But they do conceal murders amongst themselves?—Yes; you might find them out accidentally.

78. Then they are aware that they are doing wrong in killing each other?—They are aware that the white people do not like it; they never disguise it among themselves.

79. *By Mr. Patterson.*—How many of the tribes you were looking after went into the black police?—I think about eighteen out of the thirty-two.

80. When that system was broken up, did you find those better conducted men than the others?—No, worse; and they are all dead; there is not one of them alive now.

81. *By the Chairman.*—Had they acquired a taste for dissipated habits?—Yes, most awful drunkenness. In fact, in the case of Gellibrand, I was with him in Melbourne, and he

actually died and was buried in going back to his station. They laid him in the cart. He was one of the troopers going out of the town, and he was dead and buried before I knew it.

W. Thomas, Esq.,
continued,
1st Nov., 1859.

82. *By Mr. Patterson.*—Were any measures taken to educate the police in any way?—None whatever, beyond their exercise.

83. *By the Chairman.*—Or to prevent them from getting drunk?—No.

84. *By Mr. Patterson.*—There was no drink given them?—Certainly not.

85. Did they get pay?—Yes, three pence a day.

86. How was that spent? as they thought proper themselves, or was there any control exercised over them?—I have had many complaints made to me that they never did get their money; they would get 2s. 6d. or 3s. at the end of the quarter—the officers got it; but the officers and men too are all dead. There is not one left of that force.

87. Neither officers nor men?—Not one.

88. Captain Dana was in it, and he is left?—No, he was not in it then; he was brought in afterwards. When they got rid of the only good man that was in it—Mr. Bennett; he died, and the present Captain Dana was brought in.

89. *By Mr. Henty.*—Have you had any experience of the blacks on the Goulburn?—Yes, I know most of them on the Goulburn; I have been travelling with them.

90. Are they in considerable numbers there?—They were a very powerful tribe; the Goulburn tribe amounted to 600 some years ago.

91. They are still numerous, are they not?—A great number of them have died; they mostly come down to Kilmore; that is, they hang about the public-houses there.

92. Do you know in what state the natives of that district are now, as to their habits or means of living?—They must be very destitute. There was a station at the Goulburn under Mr. Le Souef, which has been done away with for some years.

93. You are not aware whether there are many children in that district?—No; by what I learn occasionally from the blacks, most of the Goulburn blacks are dead; there are very few of them left; they are mostly hanging about Seymour and Kilmore and those towns; occasionally they draw as nigh as Bacchus Marsh.

The witness withdrew.

The Rev. F. W. Spieseke examined.

94. *By the Chairman.*—You are a missionary?—Yes, of the Moravian Church.

Rev. F. W. Spieseke,
1st Nov., 1859.

95. How long have you been in the Colony?—I first came out here in February, 1850.

96. Where have you been settled in the Colony?—On the banks of the Murray. I may just mention that, in July, 1856, I left the Colony and went back to Germany. I was from 1850 to 1856 in the Colony.

97. You were one of the missionaries at Lake Boga?—Yes.

98. Had your mission special reference to the aborigines of the Colony?—Yes.

99. Did you form a mission station at Lake Boga?—We had one, but it was abolished.

100. How many of the aborigines were under your control there?—We averaged about twenty-five or thirty; at one time we had 100 about our place. They would just come and stay for a little while, and then travel about, as their habits are.

101. Had you a grant of land for the purpose?—There was a piece of land reserved.

102. You had land under your control at the time?—Yes, to some degree we had.

103. What extent of land?—There was a reserve set apart of twenty-five square miles; and, for our special purpose, we had somewhere about 1000 acres for the private use of the mission. The reserve of twenty-five square miles was for the use of the aborigines.

104. That has been lost to you now, has it not?—Yes.

105. And has the 1000 acres been lost?—Yes.

106. Then you have no land nor station there?—No, not now.

107. Had you any difficulty with the aborigines who were upon the station—did you find it easy to communicate literary and religious instruction to them?—Their moral condition is so depraved and low, it is rather difficult to get at them.

108. Do you consider it practicable?—I have been among them for about four or five years, and, knowing all the difficulties I had to contend with, I am still in hope. I rest upon the command of God. Success, of course, must come from Him, and I may say I am still in hope.

109. Do you think that the system of forming stations, such as that at Lake Boga, and locating the natives upon them, could be carried out advantageously?—That is only my own opinion, I do not give it as the opinion of the board; I think it could be advantageously done.

110. *By Dr. Tierney.*—If you had been allowed to remain there, do you think you would have been able to bring them into habits of industry?—I am confident that it would have been successful ultimately, but to what extent I cannot say. At the latter part of the time we were there it looked very favorable.

111. How long was the station there?—About five years.

112. *By Mr. Patterson.*—What was the greatest number of aborigines you ever had on the station?—We staid there for more than two years before one of the blacks ventured to come near us.

113. And when they did come, what was the greatest number you had?—At first only one family came, and by degrees more and more, and at one time we had about a hundred. The average would be between twenty and thirty.

114. When you left the station, how many were there?—I think about forty, and when we left they were all anxious for us to remain.

Rev. F. W. Spieseke,
continued,
1st Nov., 1858.

115. What became of the other sixty?—The natives are not settled there, they roam about from one station to another. There may be more at the station at one time than at another.

116. *By the Chairman.*—Do you think it would be possible to instil anything like industrious habits into them, so that they would learn to cultivate the soil?—Yes, I think so, because we tried it and it succeeded. We commenced to have a small garden, and they took a great fancy to it. Sometimes they left, but they generally came back again, and attended and looked after their own cultivated plot of ground.

117. Could you give the committee any suggestions for their practical improvement. You heard the examination of the last witness, Mr. Thomas, and heard the questions put to him, in reference to a general grant of land for the whole of them and special grants for each tribe on its own hunting ground. Do you agree with what Mr. Thomas stated generally in reference to that point?—In the first instance, I must say that the rudiment and foundation of all plans to ameliorate their condition must be the Gospel.

118. But still the means must be used?—I think a block of land would be good.

119. For each tribe?—I would not say to each family, but to each of the large tribes. I fully agree with Mr. Thomas, that it would not do to take them away from their hunting-grounds; they are too much attached to them, and they would pine away, I am sure.

120. What extent of land do you think would be necessary for each large tribe?—That is a difficult point for me to say anything upon, that rests with the Government; but where the land is poor, of course the block of land should be larger than where the land is better; because where the land is poor, agricultural pursuits cannot be followed.

121. Then your recommendation would be, that the size of the blocks should be governed with reference to the quality of the land, and the number of the tribe located upon it?—Just so.

122. Is there any other suggestion which you could make to the committee with reference to the amelioration of the natives?—Besides giving a piece of land for their use, of course other assistance might be very welcome too, as clothing and food, because they are destitute, and in fact, being deprived of their soil and not being now well accustomed to their aboriginal habits, they are dependent upon what they can get, and they travel about, and in some degree they may be treated kindly; but they often are sent about from one place to another and get that food to which they are now accustomed in a manner that we should not like to see; so that it is always necessary to have them provided in the first start with clothing and food.

123. *By Dr. Tierney.*—Do you think that, if you built habitations for them, you would get them to live in them?—I think they would prefer to be in the open air at first, because they are not accustomed to habitations, but I am confident they would get used to it by degrees and would like it by and bye. In cold or rainy weather they are glad to get shelter in a hut or house belonging to whites, and often told me, on those occasions, they should like to have one of their own.

124. Have you known many infants born in your time?—Very few.

125. Do you think their parents would give them up for educational purposes?—That depends upon circumstances.

126. Supposing you had an establishment such as has been spoken of on their hunting ground, would they allow the children to be reared there?—Yes, on their hunting grounds; but they would not like to part with them altogether, because they are affectionate and like them. On these conditions they would be pleased to have them educated.

127. Then do you think that the next generation might be civilized by that means?—Yes, by the grace of God I hope so, and I think so.

128. If they were taken gradually in place of forcing them into education, letting them come on into habits of industry gradually, by getting an hour's work at first and increasing it as they went on, do you think that could be advantageously done?—Yes; in that I fully agree. I think it can only be done by degrees.

129. *By Mr. Patterson.*—Supposing you had small reserves in different parts of the districts of, say a square mile each, and give the natives food and clothes, would you consider it advisable that they should take the clothes away with them when they went hunting, or that they should leave them, and when they returned get the clothing again?—Sometimes they do not stick much to clothing and put it off, but then they will take it on again if they come back.

130. Did you feed them at the station you were at?—Yes, if they worked for it.

131. Would you suggest their being fed without working for it?—No, except the old and infirm and children, who are not able to work.

132. How long have you known them to remain at the station at any one time, when you have been feeding them?—I recollect one family staid for three months.

133. Did they do much work during that period?—Yes; every day. Sometimes more, sometimes less.

134. *By Dr. Tierney.*—They did every day work, more or less?—Yes; you must always consider that they are people not accustomed to work. You must not expect them to go on like white people; it is impossible.

135. Did you feed them at the station, or did they go out to get their natural food?—Those who worked were fed.

136. And those that were worked and fed did not wish to go out after their kangaroo hunting?—Occasionally they would take a fancy to go, and we would let them go.

137. *By Mr. Patterson.*—When you speak of feeding them, what sort of rations did you give them?—They got a regular scale.

138. What did it consist of?—Flour, sugar, and tea; that was the principal food; and tobacco.

Rev. F. W. Spieseke,
continued,
1st Nov. 1958.

139. Did you give them meat?—Yes.
140. Then you had sheep there?—We bought them.
141. Had you none belonging to the mission?—No.
142. *By the Chairman.*—And you grew vegetables?—Yes; we had a nice garden.
143. *By Dr. Tierney.*—Used they to eat vegetables?—Yes; they like vegetables.
144. And fruit?—Yes.
145. *By Mr. Patterson.*—Were you ever at Jim Crow?—Yes; I saw Mr. Parker's station there.
146. What did you think of that establishment?—I think Mr. Parker did all he could, considering he was only a protector. He was only appointed to be a protector, but he also took care of their spiritual affairs.
147. *By the Chairman.*—Do you think that those reserves or stations that you propose for the aborigines should be under the care of missionaries?—At least, as long as the missionaries are there, they should be under their superintendence, and they should have the right to exercise their discipline so long as that does not interfere with the law of the country.
148. *By Dr. Tierney.*—Would you not think the missionary would be more in his own sphere if he was placed to afford spiritual consolation, and if the temporal affairs were kept distinct?—I do not know how you mean.
149. Supposing there was an establishment formed by the Government and a superintendent placed over it to see to the blacks in point of industry, and then a clergyman to see to them in point of mind, and religion, and education, the one to take care of the mind and the soul, and the other of the body, and to see that the blacks learned some habits of industry and occupation, would not that be the more desirable course to pursue?—Of course it depends upon how the Government thinks; but I think they can be well combined together, especially as these mission stations are carried on. Some missionaries are appointed for spiritual affairs, and some are appointed for secular temporal affairs.
150. *By the Chairman.*—Have you any other suggestions you could give to the committee with reference to the subject?—I do not exactly remember at present.

The Rev. F. August Hagenauer examined.

151. *By the Chairman.*—Can you offer any suggestions to the committee as to the best means of ameliorating the condition of the aborigines of this Colony?—I think the best thing would be to have a large reserve of twenty or thirty square miles on each hunting ground under the care of the missionaries. Our missionaries have been located in every part of the world with great success, and we have instructions to follow the same system here.
152. In fact, your society finds that to be the best mode?—Yes. When we came to Australia, the Government promised us a piece of land up near Lake Hindmarsh, that would be a new part altogether. We want to preach the gospel and begin a school there for the children, and settle the blacks on our place and teach them and educate them in every point, and the children are going on and learning very nicely, Mrs. ——— taught some of the children, and they learned very well indeed. The place is very far from the white population. Where there are public houses, we hear that the blacks go to them; but this station is thirty-five miles from any public house, and there are no settlers near the place. The land is not so very good, but it is well situated, because it is far from the white population.
153. Would this grant interfere with any squatting station at present in existence?—Yes, and therefore it takes a long time to settle. The Government promised us a piece of ground last year; and when we came out last May we looked about the country and found this to be a place well suited for the purpose, and very nice; and then we asked to have out station there, but the Government seem a little backward in the matter.
154. Have you any documentary evidence to prove that you were promised it?—It was only proposed.
155. *By Mr. Henty.*—In the plan that you propose, is it the intention to draw the blacks from the various hunting grounds to within this area that you seek to have?—We hope they will come by and bye.
156. You propose to draw them from their own hunting grounds into this area?—Yes, they will come by and bye.
157. *By Dr. Tierney.*—How many blacks are there in the neighborhood of this proposed reserve?—Four hundred and sixty-eight.
158. Are there many young blacks among them?—Not many young children.
159. Are there more males than females?—I do not know.
160. And you do not know the proportion of children?—No.
161. Have you any further suggestion to offer to the committee?—I should think assistance from the Government, for the mission station, would be very beneficial to the blacks indeed; that is, in the way of food and clothing, not only land.

Rev. F. A. Hagenauer,
1st Nov., 1858.

The Rev. F. W. Spieseke further examined.

162. *By the Chairman.*—Have you any observations to offer to the committee with reference to this proposed station at Lake Hindmarsh?—We seek nothing by it, because we get no salary from the Government, and our mission board gets nothing from the Government; and in asking for a block of land, it is certainly only for the blacks; because, if we go away the land will remain behind, and our pockets will be as empty as when we came.

Rev. F. W. Spieseke,
1st Nov., 1858.

Rev. F. W. Spi-
seke,
continued,
1st Nov., 1858.

163. *By Dr. Tierney.*—Can you ascertain the number of young blacks that there are in the tribe in that neighborhood?—We shall be most happy, if we can give that information, by and bye to do so, but at present we cannot tell.

164. Do you think the establishment which you contemplate would in any measure prevent the present race of blacks from becoming extinct?—I really think, however feeble we are, that it will, for it has been proved among other heathen tribes.

165. Do you think that it is possible to prevent the present race of blacks from becoming extinct in this country?—If they could be, I would not exactly say, separated from the whites altogether; but, taken from the evil influences of some of the whites, I am sure it would be salutary.

166. Is there much venereal disease amongst them?—There is a sort of disease of that kind.

167. Do you think medical men might be advantageously appointed in the various localities to examine them and cure them of any disease, whether syphilitia or otherwise?—It would be a mercy, I am sure.

168. Do you think it would be possible?—Yes.

169. Do you think the blacks would consent to vaccination?—I think so, if it were explained to them.

170. Do you think that the law is stringent enough at present, or could you suggest how it could be made more stringent for the purpose of keeping them from intoxicating drinks?—I know a good deal about that, and I think the law is stringent enough and good enough, but it is difficult to carry it out.

171. Would you suggest that the police of the country should have their attention more particularly called to carrying out that portion of the law?—No doubt it would have a good influence.

172. At present, the law is a dead letter, and you think it would be an advantage to have it better carried out?—I think it would be.

The witness withdrew.

TUESDAY, 9TH NOVEMBER, 1858.

Members present :

The Honorable T. McCOMBIE, in the chair ;

The Honorable J. H. Patterson
" G. Urquhart

The Honorable Dr. Hope
" Dr. Tierney.

William Hull, Esq., J.P., examined.

W. Hull, Esq.,
J.P.,
9th Nov., 1858.

173. *By the Chairman.*—How long have you been acquainted with the aborigines of this colony?—Nearly seventeen years. I have been seventeen years in this colony, and during fifteen of those a magistrate.

174. You have always taken a considerable amount of interest in their welfare, have you not?—I have, from the earliest period.

175. Have you any idea of your own knowledge, of the numbers that were in Victoria when you first became acquainted with them?—I had at one time, but I have forgotten now. I know that, where there were thousands then, they are reduced to scores now. I am speaking now of the Yarra Yarra and the coast tribes.

176. And the other tribes are reduced more in proportion than those?—Yes.

177. To what do you attribute the great mortality amongst them?—It is impossible to give in a short answer all that I have to say upon that subject. I believe that those tribes were decreasing before the white man arrived here. I do not believe that the vices that the white men are said to have implanted on them have been the cause of it, that is to say, not those particular vices, excepting the vice of drunkenness. I think that an opinion, which has been very current, that the white men communicated to them certain loathsome diseases is altogether wrong. That they have communicated it to them, and that they have communicated it to the whites, I have no doubt; but I believe that the particular disease to which I refer, the venereal, existed among them before ever we came here, or at all events a disease so similar to it, that it would be impossible, except from practical experience, to say whether it is the same or not. I recollect that Dr. Wilmott and Dr. Cousens many years ago were called in to one or two most horrid aboriginal cases, and it was declared that the men would die, but they did not die, to the great astonishment of the medical men, and therefore it was satisfactorily proved to their minds that it must have been a disease, which, although very much resembling the venereal, was indigenous to the people.

178. Then you think that syphilis existed previously to the introduction of the white population amongst them?—I have not the least doubt of it, and I believe that I shall be corroborated by one or two practical men in saying that syphilis exists in all savage nations. It is one of the incidents of that promiscuous intercourse and filth which exists amongst them. The vice of drunkenness has caused many to die, no doubt.

179. Do you think the want of proper food and clothing, consequent upon their hunting grounds being taken up by civilization, has been the cause of the great mortality prevailing

amongst them?—I do not think their hunting grounds were ever of that importance that the public have thought; I believe that they subsist mostly on the opossum, and the murnong root, and one or two kinds of fish.

180. Is there no other cause that you would attribute their quick extermination to, besides what you have stated?—Of course, I am now speaking hypothetically, and speaking with great caution, and am perhaps speaking that which I ought not to speak; but if I must answer, I believe that it is the design of Providence that the inferior races should pass away before the superior races, and that independently of all other causes, since we have occupied the country, the aborigines must cease to occupy it.

181. Then, in fact, you would not recommend any steps to be taken to try to prevent the inferior races being swept away before the advance of civilization?—If I were a minister of the Government, the only steps I should take with respect to the aborigines would be to have stations at certain places in connection with the police, or there are some very humane settlers who would undertake the care of a supply of stores, and on application of any of the aborigines for relief they should be furnished with blankets, flour, sugar, tea, and such little ordinary medicines as a man can administer to himself. I believe (and I speak with much deference) that all attempts to Christianise them will prove ineffectual. I speak that from my own knowledge of them and from conversation with them, but I also refer it to a much higher authority than mine, namely, the authority of some very great and eminent men of all classes of missionaries, from the first Roman Catholic missionaries down to Mr. Dredge, and I believe Mr. Thomas, the present guardian, is of the same opinion.

182. That opinion is not held by the Moravians?—They may probably be an exception, but Mr. Dredge, one of the most clear headed men amongst the missionaries, was of that opinion, and he was so conscientious a man that he abandoned his office after about eighteen months' trial.

183. He had a quarrel with the head of the department, had he not?—I do not think it was so much owing to that that he abandoned it; but Mr. Parker, the ex-protector and guardian, and the present guardian might, if he were asked, either corroborate or differ from my opinion.

184. *By Mr. Urquhart.*—Do you think that the blacks do not believe in dying from natural causes?—I am confident they do not, so far as the authorities I can quote, Billy Hamilton, Billy Lonsdale, and a man Robert Yang Yang Cunningham, who was a very superior man indeed and a highly intellectual man, and spoke English fluently. In consequence of my not bringing Derimot to justice for spearing at me they had great confidence in me. That was at a corroboree somewhere near where the new military barracks are now building, and his people flew upon him and threw him down upon the earth, and I walked off and escaped with my life. They knew that I was a magistrate and expected that I should bring him up, but I did not do so, because it was my own fault; I did not know that he was the chief of the tribe and the head of the corroboree that was going on, and he was drunk, and I called him a drunken fellow, and he immediately took up a bundle of spears, one of which he threw at me, and it went into a tree close to me. My not taking any steps against him caused them to have great confidence in me, and they used to come to my store at the corner of Little Flinders-street by the Queen's Head public house, and look at me and say, "Good fellow you," and I found that I had their confidence. Yang Yang became very confident and I could get almost anything out of him, but always with a strict injunction to secrecy; in particular, I was not to let his uncle, Mr. Murray, know anything he told me. By that means I attained a knowledge of their superstitions, and their traditions, and their astronomical notions. My idea, in the book which I had time unfortunately to publish on the subject, goes to attempt to trace these people up to the ancient heathen nations of the highest antiquity, and in that I am borne out by Mr. Miles, the late police magistrate of Sydney, a very clever, though eccentric man, who has devoted great attention to this subject, and by Dr. Leichardt, with whom I corresponded: for instance, the worship of the pleiades. Their great corroborees are only held in the spring, when the pleiades are generally most distinct, and their corroboree is a worship of the pleiades, as a constellation which announces spring. Their monthly corroboree is of the moon. The whole of the ceremonies and the custom of the lubras doing up of the opossum rug and beating it, is precisely that of the Greeks and of the ancient nations, which observances the Israelites were warned to avoid. You may notice the frantic gestures of the men. I have observed them, not as many do just to look at the dance, but I have observed them with somewhat of a philosophic mind. The last corroboree I ever saw was on the old punt bridge, which was one I got up myself for a friend from London. I got fifteen or twenty men there and then particularly noticed that, after so many genuflexions, they looked at the moon and bowed, clasping their hands.

185. Then, do you think that the same description of worship as you now describe is inherent to the savage state all over the world?—No. The North American Indians do not worship the constellations; they understand something about them, but they are a much higher class of savage, they have a notion of a Great Spirit, and a very high and elevated notion of the Great Spirit in one sense. Our aborigines have no notion of God or of a priest, and no word to signify anything of the kind; and the only fear they have is of some imaginary being they call Coen; and formerly a black would not move from his fire at night lest Coen should take him away. Now they are getting better accustomed to it; they see that white people move at night and they do not mind it so much, but they are not fond of moving at night, even now, if they can possibly help it.

186. Upon the sea-shore I have found that they have a very indistinct idea of the transmigration of souls; when they have seen the quail about, they have described them as

W. Huil, Esq.,
J.P.,
continued,
9th Nov., 1858.

black fellows gone. Have you met with that idea at all amongst them?—Robert Cunningham told me “White fellow come from Pindye; black fellow, when he die, go to Pindye one way west, then come back again east, jump up white fellow.”

187. *By Mr. Patterson.*—Is not that what they have been taught by the whites. My brother made one woman believe that he was her son, and that he died and went to Van Dieman's Land and came back a white fellow?—The tradition can be traced far back. They have an idea or tradition (and here again I am trespassing upon ground I ought not to touch upon) that the first man who was created killed his brother, or rather that he wounded him, but that he did not die; that the man who wounded his brother flew away to the west, and that his brother has ever since been searching for him; that a good being named Karakarock who knew of this came and offered to be an atonement for the death of this brother, and they believe that this Karakarock is the mother of those women who carry the fire stick upon the occasion of all their ceremonies. They always have the fire stick upon all their ceremonies. There is a question asked amongst the printed questions put by the committee, as to whether the boys are capable of bearing pain with fortitude; as to that, I would say that, when the boys are about twelve or thirteen, they are admitted to the society of men with certain ceremonies, which have taken place to my knowledge, on the hill here, just by where the Prince's Bridge barracks are. A certain number of boys who are to be admitted to the society of men are thrown in a heap and the earth is thrown over them. Old women are admitted who heap the earth upon them, then the old men fall upon them and put them to as much torture as they can without killing them; and then they are supposed to be born again. Any fellow who squeals or makes a noise is put back for another trial.

188. *By Mr. Urquhart.*—I presume you only refer to a particular tribe?—My observations now apply only to the tribes in the neighborhood, the Yarra tribe and the coast tribe.

189. In some tribes they knock a tooth out?—Yes; I believe the Goulburn do. I am speaking now as to the aborigines in this particular neighborhood.

190. *By the Chairman.*—Is there any further information you can give in answer to the printed questions?—With respect to death, they do not believe that any man dies naturally. If a man dies, they believe that some enemy has inflicted death upon him; and in old days they would not rest till they found out who was the cause of the death. Young men were sent out to seek the supposed destroyer of life, and they travelled in a certain direction, which was indicated by some grub, which they put on the ground, and as it went they went. There were generally three of them. I have seen them sometimes, and you can always tell them by their agitated way of walking, and the perfect state of arms that they have; and the first man they meet of another tribe, who is young and good looking, they kill, and take out his kidney fat. I am now speaking of what has occurred before me in my own position as a magistrate at the old police office, in Market-square. A man was brought there charged with killing another, and we got rid of it as being “*inter se*.” I asked him afterwards, “Would you do it again?” “Yes,” he said, “plenty kill him again; why not take his kidney fat.” He had killed the other, but not taken his kidney fat out, and consequently the thing was not complete. At Major Davidson's station, at the river Acheron, some of the blacks went up from this place to seek revenge, and they killed one of Major Davidson's Calcutta coolies. My son went out armed to defend the poor coolie, but they had “kidney fatted him,” that is, stunned him—taken away the fat by an incision—and left him lingering in death.

191. *By Mr. Patterson.*—They took his kidney fat out before he was killed, did they not?—Yes, and that is absolutely necessary, according to their idea. The blow that is struck is generally struck behind on the poll; and when the man falls, the kidney fat is taken out whilst he is still living, otherwise the thing is not complete. I saw, in the year 1842, a procession of twenty or thirty blacks walking the boundaries of this town, and I walked with them up Bourke-street from about the junction of what is now Swanston-street, to where the Government offices now are, until I got tired of walking with them. They were evidently bewailing the occupation of this place by the white man. They were singing low and plaintive songs. Referring again to the subject of their corroborees, and their worship of the stars, I may mention that one night I showed Robert Cunningham the pleiades, and he said they were the children of the moon moon—moondick, and very good to black fellows. The name of the moon with our tribe here is Meniyan; and it is a very remarkable thing, that in the early periods of the world the earliest children of Noah were called the children of the moon, and called Minœi or Minye. I believe that, if the aborigines are treated well, they are almost incapable of being treacherous. I believe, to show kindness to the blacks is to secure kindness to yourself. I never had, and never should have, any hesitation in going alone with any number of blacks, provided I could be certain that I was not mistaken for any one that had injured them.

192. *By the Chairman.*—Sir Thomas Mitchell's experience is very different from that?—Yes; they saw Sir Thomas with horses, and mules, and men, and all armed. Ignorant and low as they are in their minds, they know well enough when their land is going to be taken away from them.

193. *By Dr. Hope.*—They would not revenge themselves upon one white man for another white man, who had acted cruelly towards them, would they?—No; it is always a black that they seek, not one of their own tribe, but one of some other tribe.

194. Supposing one of them had been murdered by some other white man, and he escaped, would they keep up a bad feeling towards all the white men in consequence of that?—I do not believe they would, and I have no reason on earth to believe it, for the blacks have pointed out to me, all round Swanston-street and that part when it was all bush, particular settlers, and said “Very bad fellow that; no good that fellow;” and, on the contrary, they have pointed to others and said “Very good man that.”

195. You mentioned that the blacks do not travel at night ; but is it not the case that, by late accounts from Moreton Bay, there have been several of the settlers and shepherds there murdered in the middle of the night by the natives ? Probably you will recollect the case of a family of the name of Fraser ?—Yes, I recollect that ; but I would observe that I followed up my observation as to that by my remark that they imitate, as all savage nations do, the superior races. They find that white men are in the habit of travelling by night, and they have got rid of a great deal of that dread which they formerly had.

196. *By Dr. Tierney.*—Have you ever had any of the aborigines working for you ?—Yes ; you cannot depend upon them, they commence with an earnest desire and intention of working steadily, but their habits are so erratic that the slightest thing makes them go off, unless by some weeks or months intercourse you have got well grounded with them, and then you may to a certain extent depend upon them. You cannot well depend upon them in taking a letter for instance. They have an idea, if you send them with a letter, that it is something to be done to them. On my station at Holcombe, my son-in-law had a black of the name of Colon, who was picked up on the Keilor plains by Mr. Protector Parker about eighteen years ago. He had been deserted, and he was brought up by Mr. Parker ; he could read and write, and was perhaps as intelligent as some of our bullock drivers, or of that class of people. He was at Holcombe for some time, and it was impossible to have a more faithful servant, excepting when he got drunk. When he got drunk he was a perfect madman.

197. Is there not a very general habit among the whites, when they get any little service performed for them by the blacks, of giving them drink ?—There is, and a very scandalous habit it is. For years past I have always made it a point, if there was not a baker's shop or a butcher's shop near at hand where I could lay out the sixpence, I gave them nothing.

198. Do you believe that, very often, when the blacks get in a state of inebriety, they get the drink from persons who are not publicans ?—I am sure of it.

199. Would you recommend a more stringent law to be brought in to prevent persons giving drink to the blacks, especially in the interior ?—I would ; and I really think that to give a black money ought almost to be made a misdemeanor.

200. Or to give him drink ?—To give him drink most decidedly should ; there can be no mistake about it. The publicans have been blamed, and it is but fair to relieve them of some of the blame that has been attached to them. I do not believe that the publicans sell the liquor to the blacks themselves. The blacks are knowing enough ; when they have a sixpence or a shilling they give it to some fellow, or get some little child to go and get the drink for them ; and if they give it to some low man of the lower class of people, then they all drink it together.

201. You have described a case where a chief attempted to kill you when he was in a state of inebriety ; in that instance, do you think that it was from a public house or from a private individual that he got the drink ?—I think in that case it was from a publican. When I came back over the old punt-bridge, I said to the punt-keeper, "I have had a very narrow escape : " and he said, "I was very sorry to see you going over that way ; I thought you would come to some harm, for that man Derimut is a very dangerous man when he is drunk."

202. Would you recommend that the aborigines should be kept out of the townships altogether by some enactment ?—I would, most decidedly.

203. Do you think that, if that were carried out, they would be bettered in their own condition ?—Yes. What I would recommend would be, that there should be stations here and there, as might be most convenient. There are police stations all through the country at certain distances, and I do not see why gentlemen throughout the country should be burdened with the stores ; it would be no burden or any increase of expense to the Government, if every police station was made a depôt for the necessaries of life.

204. As you have been yourself so much in the confidence of the blacks, did you ever endeavor to get a child to take under your protection for the purpose of educating and nurturing it ?—Never ; but I saved a child's life from the attack of a savage dog in 1843.

205. Do you think it is possible to get the children given up in any instances ; do you think there are blacks who would give up their children for the purpose of education ?—Not one, except with a mental reservation that they were to derive something from it, and that after a certain time the child was to return and visit them ; and they invariably go away when they get to a certain age.

206. What time would that be ?—Just about the time when they are old enough to enter the tribe, about twelve or thirteen.

207. Supposing a child were educated and taught European habits of industry up to that time, do you think that would be any advantage ?—No.

208. Have you never heard of instances where children have been given up by their parents ?—Yes, but the result has been that they have gone back again.

209. Some have not, and some have ?—You may recollect a man of the name of Tommy Walker, of Sydney ; that man was supposed to be a converted man, and he could deal with the Scriptures almost like a priest. There was a place called the Devil's Hole somewhere near Sydney, where no white man would go at all, it was so dangerous ; but this man, Walker, was so firm in his religious convictions, that he would go there when no one else would. But what was the end of it ; he at last broke out and became one of the most abandoned and wretched blacks amongst all his tribe.

210. *By Dr. Hope.*—Where was he a native of ?—Somewhere in the neighborhood of Sydney. Dr. Tierney will also, perhaps, recollect that there was an aboriginal black who took all the prizes in one of the schools in Sydney. I do not know of that myself, but I have heard of it.

W. Hull, Esq.,
J.P.,
continued,
9th Nov., 1858.

211. *By the Chairman.*—Have you seen Mr. Thomas's black boy?—Yes.

212. He appears to be quite weaned from his tribe?—There was a black boy named Jemmy, who went with Mr. Bunce in all his excursions; he has turned out as bad as any.

213. He was a Sydney black, was not he?—Yes, I believe he was. With regard to traditions, I may say it is not generally known that the blacks,—Cunningham, Murray, and Old Bembo, say that their grandfather, "My uncle," as they call him—they do not know the word grandfather, my uncle is the term they use for all progenitors—recollected when Hobson's Bay was a kangaroo ground; they say, "Plenty catch kangaroo, and plenty catch opossum there;" and Murray assured me that the passage up the bay, through which the ships came, is the River Yarra, and that the river once went out at the heads, but that the sea broke in, and that Hobson's Bay, which was once hunting ground, became what it is.

214. Would not an observation of the ground lead you to believe that the water in the bay had been higher than it is at present, rather than that the soil of the bay had been higher?—I only state what their tradition was.

215. But observation would lead you to believe that the sea had been far higher at one time, and had been receding instead of encroaching, would it not?—That might be, I only state what their tradition was.

216. *By Dr. Tierney.*—Do you think there ought to be some law to compel the European population to pay the blacks for their services by some means or other in the way of clothes or food, and not in drink or money?—I would not employ a black at all, if I was a settler.

217. But they are employed?—They are employed, but I would not employ them; I would give them the necessaries of life and let them seek their own mode of passing their life away, giving them food and clothing and medicine.

218. If the committee had evidence before them, to show that they could be made to till the ground and grow their own produce, if a station were made for them, would you not think it advisable that that should be done?—I am only speaking as far as my knowledge of them goes. As far as my knowledge of them goes, and so far as my information from others goes, I know that they cannot be depended upon; that they will dig, there is no doubt. I recollect about eighteen months ago going upon an excursion with Mr. Thomas, the guardian of aborigines, to see some of his children (as he called them) up beyond the Yan Yean reservoir, and we found five or six blacks digging a potato field. Mr. Thomas expressed himself very glad to see them occupied in that way, and one of the old men said, "Yes, me never go away from here now, me tumble down very soon;" that is, he should die, and potato digging suited him, he knew he had not long to live, as he expressed it that he should "tumble down soon."

219. *By Dr. Hope.*—Have you had any experience or knowledge of any aboriginal ever continuing faithfully attached to a family where he was brought up? Supposing any family had taken a black from his tribe and brought him up as a member of the family and educated him, has he broke loose at some time or other?—Yes, his tribe would come for him, and if he did not go at their command, they would kill him.

220. Would he not have a sort of inherent desire himself to go away at that time?—Yes, no doubt.

221. And that is the experience of almost every person you are acquainted with, who has tried the thing?—Yes, of every one that I am acquainted with; but that the aborigines are capable of strong attachments, and have more virtues than people generally give them credit for, I am certain.

222. Is there any further information you could afford to the committee relative to the subject under consideration?—In the select committee which sat in Sydney many years ago, a black, who was supposed to be civilized and christianised, was examined before the committee, and if this committee could get Derimut and examine him, I think he would give the committee a great deal of valuable information with respect to himself and his tribe, which would be very interesting; he speaks moderately good English, and I was told by a black a few days ago that he was still alive, and that he "lay about in St. Kilda." The last time I saw him was nearly opposite the Bank of Victoria, he stopped me and said "You give me shilling, Mr. Hull." "No," I said, "I will not give you a shilling, I will go and give you some bread," and he held his hand out to me and he said "Me plenty sulky you long time ago, you plenty sulky me; no sulky now, Derimut soon die," and then he pointed with a plaintive manner, which they can affect, to the Bank of Victoria, he said, "You see, Mr. Hull, Bank of Victoria, all this mine, all along here Derimut's once; no matter now, me soon tumble down." I said, "Have you no children?" and he flew into a passion immediately, "Why me have lubra? why me have picanninny? You have all this place, no good have children, no good have lubra, me tumble down and die very soon now." They are very sensitive, and they are all destroying their children now. I was at Seymour about twelve months ago, and I walked out very early in the morning as the sun was rising, and I saw a black fellow and his lubra, she had just got up to light the embers of the fire. There was a baby there, and he went and kicked the baby as far as he could kick it, evidently with the intention of kicking it into the fire, but he saw me and turned round and was as polite as possible immediately. The poor lubra took up the child, and two such hideous objects I never saw, they were a perfect mass of sores, both of them. I said to the man "You very cruel." He said "No, me no cruel at all, me want to die." In the words of Stizelecki, I would say: "Leave them to their habits and customs; do not embitter the few days in store for them by constraining them to obey our's, nor reproach them with apathy to that civilization which is not destined for them."

The Rev. Septimus Lloyd Chase examined.

223. *By the Chairman.*—The committee understand that you have given a great deal of attention to the subject of the aborigines of this colony?—I have taken a great interest in it, but I have resided in Melbourne principally. Rev. S. L. Chase,
9th Nov., 1855.

224. But still you have been connected with missions?—Yes.

225. The committee would wish to hear your opinion, whether you think it is possible to civilise them by missionary enterprise?—I have with me a paper giving an account of the station Poonindie—[*The witness delivered in the same.*—*Vide Appendix A.*] They have had the same difficulties to contend with in the colony of South Australia, and they have fairly overcome them, and it has been upon information derived from that colony, principally, that I have built my hopes of success, as far as experience goes. Though I am quite persuaded that success would follow from Divine promises, yet, as regards experience, I have derived encouragement principally from the effort made there with so much success.

226. Had you not a mission station for aborigines?—We have one now.

227. Where is that situated?—On the Murray, at the junction of the Darling.

228. That is not connected with the Moravian missions at all?—No.

229. Have you succeeded with your mission?—May I give you a report of our mission: the third and fourth years are completed and I brought with me the report.—[*The witness delivered in the same.*] This is the history of a little boy I had—[*handing in a book*]—and I have brought with me his copy book, to show how a boy of that race may improve. I may mention that he was only under training for about eleven months.

230. You took him in from the tribe?—He was neglected in the streets of Melbourne—no one owned him, and some poor children got their mother to attend to him; she afterwards communicated with me about him and then I clothed him; and when I was about going to England, thought perhaps he would go with me, and might be educated and trained as a missionary. He had every advantage when he was in England—he was treated not as a servant but as a son, and educated in the highest point of view at an excellent school for a short time, and he improved wonderfully.

231. What was his ultimate fate?—He had a cough, it gradually increased; I could not at that time bring him back. I had to wait and it resulted in his death.

232. *By Dr. Tierney.*—Was his death very rapid?—He was ill for a few weeks. I do not know but what his cough lasted some little time, but it was rather rapid at last.

233. Was any medical man attending him?—Yes.

234. Did he say the disease was more rapid than it would have been in a white person?—I do not recollect asking the question: the principal doctor of the place attended him. I do not know that I could give any very satisfactory answer to the question.

235. *By the Chairman.*—Then, upon the whole, your mission has succeeded?—No, it has not succeeded, excepting so far as gaining the confidence of the blacks, and the missionaries are acquiring something of their language, but we fully anticipated that it would take some time.

236. You have hopes of their ultimate success?—I have great hopes of its ultimate success. At Poonindie they have a magnificent station. They have had the greatest advantages, and those that are there are married, many of them. There is a village consisting of I forget how many huts, but the natives there are so superior to the wild blacks that they rather look down upon them, and the wild ones really look up to these men.

237. *By Dr. Hope.*—They have given up their nomadic habits entirely?—Yes.

238. And become fixed settlers?—Yes, they are self-supporting; they cultivate the soil, and cultivate sheep and cattle. They have the same advantages the settlers have, and under those great advantages they are living and self-supporting.

239. How long has this been in operation?—I think five years. When I was in Adelaide, in 1849, I made particular inquiries as to the school there. They were doing everything they could for them, but those who had charge of them were perfectly hopeless; assigning as the reason for it, that they no sooner got good but they got harm again. Children left for their own tribes, and got a great deal of harm, and, eventually, when they grew up to be young men and young women they were taken away and went back into their own habits. The remedy of this station at Poonindie arose out of this state of things. Seeing the children would be lost altogether if they were not separated from contact with their own people, a clergyman in Adelaide undertook to separate himself and them altogether, and he has succeeded. That clergyman is the present Bishop of Perth; he was taken from the station and made Bishop of Perth.

240. *By Dr. Hope.*—Then was this exclusively an educational establishment?—The institution at Adelaide was an educational establishment; it was a school where they were fed and clothed, and they were taken to church on Sundays, and so on.

241. *By the Chairman.*—Is this establishment you allude to at Port Lincoln?—The first I mentioned is. The establishment at Adelaide was a failure, because they had no means of following it up. At the time when those persons might be married, then, all was lost; and to remedy this state of things they were taken away to the station and gradually increased in numbers.

242. *By Dr. Hope.*—Had any of those arrived at that age spoken of by the last witness, when it would be necessary to give them the rights of manhood, to go to their own tribes; had they come to mature age—twelve or fourteen years of age?—It is not a school at Poonindie.

Rev. S. L. Chase,
continued,
9th Nov., 1858.

Originally I think they were couples that were taken there ; at all events, there are now about sixty blacks, and out of that number there are at least twelve married couples.

243. It is, in fact, an industrial farm?—It is altogether so. The men are engaged all day in operations out in the fields, and in the evening they have an adult school. In the day-time the girls and little children have a school.

244. Then, you would reason from that case, that we could do the same here, and settle them in that manner here?—All the objections that the public raise here I found there ; and, also, that there was no remedy ; just the same as the feeling is here. And, if it had not been for this particular scheme, I think they might have been hopeless there still ; but now it is decidedly proved that they can be recovered.

245. Then you would suggest the establishment of industrial farms, on the same principle, to a great extent, subsidized of course by the Government, and ultimately to be made as much self-supporting as possible?—The station is not only an industrial institution, but it is a missionary station ; and what I would suggest would be, the greatest encouragement to Christian missions, giving Christian missionaries the opportunity of carrying out their mission in the same manner that that gentleman at Poonindie, partially by private means, was enabled to do.

246. In the absence of Christian missions, while the blacks are being cut off so fast as they are, do not you think the Government might try to settle the blacks on industrial farms under the charge of a missionary?—What I would suggest should be, that the best sites which they look upon as rendezvous should be chosen, and the Christian missionaries should be permitted and helped to carry on missions on such sites ; then I think all would be done that the Government should be called upon to do.

247. And in the absence of their taking them up?—Then the Government should provide an industrial home.

248. And that would require to be on their own hunting grounds, or else the tribes would not come to them ; each tribe would want a separate ground for themselves?—I think they are so mingled now, that that would be unnecessary.

249. I believe it is a prejudice that they would not overcome, and it would be necessary to have each industrial farm or mission on their own hunting ground. There is a superstition, or rather a custom amongst them, that if they go off their own hunting ground they will be murdered by the tribe to which the ground belonged ; therefore such a mission should, if possible, be started for each tribe?—That may be so.

250. Could you give the committee any information with reference to the great mortality amongst them—what you think causes it?—I have not been amongst them myself to judge from experience, but all the inquiries I have made lead me to suppose that it is owing to drunkenness and vices that have been prevalent among them, more especially since the whites have been in the land. I have asked in a great many quarters, and have found that that has been the evidence on the subject.

251. Is there any other information that you could afford the committee on the subject?—I would say, that I think that the lad I had under me was not at all a bright specimen of a youth originally, but that the improvement he made showed that they were capable of equal improvement with white children. I have had a good deal of experience of white children, and I should judge that it is very much the same thing to teach the natives as the white people. On the whole, I would give the preference to such a boy as that.

252. The mental power is quite upon an equality?—Yes ; up to a certain point. He could not continue long upon a subject.

253. But he was naturally a boy of bright parts?—Of quick perceptive parts.

254. My own observation is, that they are quick, but of very little perseverance?—Yes ; they are very sensitive in their feelings ; and it struck me that the very best treatment that can be given to them is what they require ; that we are justified in bestowing upon them the very best treatment. I believe their feelings are very acute, and anything in the shape of ridicule or feeling in one's own mind that they are inferior, indicating mistrust at all, would be perceived by them, and it tends to degrade them very much ; and if we wish merely to do them good, they ought to have the very best of every thing in regard to the best instruction, and to be treated in the kindest manner, and I believe they are worthy of it. This boy was very sensitive to ridicule. Any unkindness would be immediately seen, and kindness won upon him. I have noticed that they are looked down upon. I did not expect myself to find him so forward when I saw the child was looked down upon and despised. I felt it was very much against him, and I think they improve very much in proportion to the kind of superior treatment which they receive. Great stress has been laid upon their leaving after receiving instruction. I do not think they lose their instruction. It is only natural that, unless some provision is made for them in regard to marriage, they should leave and return to their tribe.

The witness withdrew.

WEDNESDAY, 17TH NOVEMBER, 1858.

Members present:

The Honorable T. McCOMBIE, in the chair ;
 The Honorable J. H. Patterson | The Honorable Dr. Hope.
 „ G. Urquhart

Archibald McArthur Campbell, Esq., examined.

255. *By the Chairman.*—You resided for many years in the Wimmera district?—I have resided for about four years in the Wimmera district. A. M. Campbell,
Esq.,
17th Nov., 1858.

256. And previously to that you resided on the Murray?—Yes.

257. During that time have you had many opportunities of becoming acquainted with the aborigines?—Particularly during the time that I lived on the Murray.

258. Do you think, from what you have seen of them, they are capable of being civilised, or christianised?—I think that they are capable of being civilised; and I suppose all men in the image of our Maker are capable of being christianised. If we believe the Scriptures, we should think so.

259. Are you aware that there has been a great mortality amongst them generally?—I am.

260. To what do you attribute that particularly?—Drink principally.

261. And vices contracted from the whites?—Yes; diseases contracted from the whites.

262. What means would you suggest for preventing that mortality from going on in future, and for saving the remnant of the blacks?—The law, if it was enforced at present, would have a great effect in stopping the supply of drink at the inns. They supply the drink at the public houses throughout the country. The law is very good in that respect at present, but it is not enforced.

263. Do you think that, by establishing reserves for them on their own hunting grounds, and supplying them with food and rations, they would be preserved?—I think so. For the food and rations, however, I would expect them to do some work.

264. To try to imbue them with industrious habits on the station at the same time?—Yes.

265. Is there any better means which suggests itself to you, for the object of preserving them, than by having reserves in their own hunting grounds, and supplying them with food and rations, and endeavouring to give them industrious habits, and train them to industrious pursuits at the same time?—Yes; to endeavour to get them to work for their living—the able-bodied men.

266. Have you employed them frequently?—Yes.

267. And have you found them faithful servants?—I have found them faithful and useful servants. For about ten years they washed my sheep on the Murray very well, without the assistance of white men.

268. And you found them honest, generally speaking?—Yes.

269. What is your opinion of their capacity generally—their literary or moral capacity?—They are very acute, and learn anything very quickly; they are quick in perception.

270. Are they quite upon an equality with other races?—There is a certain want about them which it is very difficult to explain. They are very acute and quick.

271. That is, perhaps, more a want of steadiness and firmness of purpose than a want of ability?—Not a want of ability.

272. Is there any other information of your own personal knowledge that you can give the committee with reference to them?—They are accused of being treacherous very often, and I would mention that there was a black fellow up on the Murray, for whom there was a warrant out for twelve months for murdering another black fellow. When I was up there I sent to him to come and see me, and I would guarantee that he should get back again without being interfered with by the police, and he came without any apparent fear; and I fancy that is a proof that they are not a very treacherous race themselves. He came to see me, and I took him to the Wimmera, and had him there for three or four years with me. There was not sufficient evidence to convict him, and I consulted the present chief justice upon the subject, and we thought it was the best way to remove him from that district, and I found him a very useful man after that.

273. *By Mr. Patterson.*—What do you suppose were the numbers that used to assemble about your place when you first went upon the Murray?—About fifty or sixty.

274. When you first went up there?—That depends upon what part of the country you take; there are tribes and families.

275. The tribe?—That is, all those that are friendly?

276. Yes?—Perhaps 150, those who were friendly and spoke the same dialect.

277. What number would you suppose there are now?—They have decreased less in that locality than in any place that I know.

278. Are you speaking of the Wimmera now?—No, I am speaking of the Murray. I am not so well acquainted with the blacks on the Wimmera; I have only been there recently.

279. What do you suppose they number now—what has been the decrease since then?—I should suppose there are perhaps 100 now.

280. *By Dr. Hope.*—Within what area—that does not comprehend all the blacks on the Murray?—No, for about twenty-five miles below me and fifty miles above me.

281. That is seventy-five miles of river frontage?—Yes, of friendly blacks.

282. You mentioned that it would probably be a good plan to make reserves: what proportion of land do you think should be made a reserve—would you reserve it for agricultural

6241
 A. M. Campbell,
 Esq.,
continued,
 17th Nov., 1853.

purposes, or would you reserve it as a hunting ground? Would it be with the view to keep up their hunting habits, or to embrace that with agricultural and grazing pursuits?—I would recommend that they should have land for agricultural and pastoral purposes. They would much more readily attend to a flock of sheep than go and labor in the field all day; they do not like hard work, generally speaking.

283. What supervision would you have over those stations—should each station be entrusted to a Government officer to go and superintend the station and live there, or would you leave it to their own direction?—It would be no use to leave it to their own direction; it would require some person to superintend it, but I am unable to say who that person should be. It should be some person who took an interest in the natives, and who would inspire them with confidence.

284. *By the Chairman.*—Have you seen the Lake Boga mission station?—Yes.

285. Do you think that was successful?—I think the missionaries had obtained the confidence of the natives. At the time they left they had acquired the language; I think it was so far successful. I was down there shortly before they left. I was there twice in a fortnight, shortly before they left. They had on one occasion twenty-eight blacks, and on the other occasion thirty blacks. I was told they had very few blacks with them; but this was what I noticed, and they seemed very sorry to hear that the missionaries were going. They not only said so, but felt it, for I have a good knowledge of the natives.

286. *By Mr. Urquhart.*—From your own knowledge what number of blacks have really fallen under your observation that you could really say were civilized?—That is very difficult to say. I do not know that you could say that any of them were civilized. I have known them to be so far civilized as to be several years with myself without joining the tribe, and to associate with the white people and dress like the white people, but they have since gone back to the tribes.

287. They have not followed the laws of civilization in any way?—Not at all times since. If they have gone back to the tribe, they have, for a time at least, adopted the habits of the natives.

288. Are you aware that the Murray tribe have a law of extermination among themselves; that if one man dies, it is supposed by the tribe that the death has been caused by another tribe, and they proceed immediately to shed blood or to revenge his death?—There is a superstition of that sort amongst them—that is their belief.

289. Do not you think that that law is a very exterminating law amongst themselves?—I think so, but I think they are very much afraid of being punished for killing one another on the Murray now, and they have given up that in a great measure.

290. After the trial, and after the experience which we had of setting apart certain grounds for hunting grounds, which, I believe, cost this country upwards of £70,000 for the management of the blacks, would you not think, if a bonus were given to the settlers to employ a certain number and protect them, it would answer the same purpose?—I think it might be beneficial; but if there was a person appointed specially to look after the blacks, I fancy they would be more likely to inform against the innkeepers who give those blacks intoxicating drinks. I have not known the settlers as yet take much interest in punishing the innkeepers or others who supply the aborigines with drink.

291. If there were an inducement held out to them, and some encouragement shown, for instance, the Government would entrust them with the protection of a certain district, to supervise and feed the blacks, and protect them—do not you think that would be desirable?—I have no doubt there are individuals amongst the settlers who are well adapted for that.

292. And who would feel an interest in the blacks?—I have no doubt of it.

293. *By Mr. Patterson.*—Do you think that the blacks get the drink from the public houses, or buy it from those parties who buy it from the public houses?—That may be; but any man is punishable for supplying drink to the blacks.

294. For selling the drink, not for giving it them?—Yes, for giving it to them. I have myself fined persons for giving the blacks drink.

295. There has been no very great mortality in the district that you have been in, if there are now 130 out of 150?—That is the Murray district; but near the head of the Wimmera, where I have been for the last four years, there has been a great mortality, and the natives are in a most deplorable state—most abject and drunken.

296. *By Dr. Hope.*—A good deal has been said about their getting drink and contracting disease from the whites. Do not you think their adopting partially civilised habits, and then reverting to their usual habits, has been the means of cutting them off, as being less able to endure the hardships of barbarian life?—No doubt. I have lived near Ararat and Pleasant Creek, and that neighborhood, for the last four years, and the state of the natives there is very deplorable.

297. *By Mr. Urquhart.*—Do not you think the blankets which are given to the natives, when they are allowed to have them for twelve months without being washed, are very destructive to life—that they have cutaneous disease, and that those blankets are most injurious to them?—I suppose that is injurious, but I fancy that they wash their blankets sometimes.

298. *By the Chairman.*—Are they accustomed to wash any of their clothes?—The natives who have been much with whites are. As to blacks, I would say that individuals have given them blankets, but they have not been supplied with blankets generally by the Government. I once applied to Mr. La Trobe for blankets for the old women and children, and obtained them.

299. *By Mr. Urquhart.*—But you generally find the natives with blankets?—Very often.

A. M. Campbell,
Esq.,
continued,
17th Nov., 1868.

300. *By Mr. Patterson.*—I suppose, when they sell their opossum skin rugs, they buy blankets?—Yes, they do very often.

301. What do you think of having small reserves for them—say 200 or 300 acres—in localities that they frequent, and fencing them in, and giving the natives all the advantages of them and having such reserves here and there in different parts of the country?—I would think they would be of very much service, but I certainly think 1000 acres each would not be too much. I would recommend larger reserves.

302. And forming a depôt and supplying them with rations and necessary clothing?—I would recommend that the old women and the children should be clothed without getting any money for it, but the able bodied men and women I would recommend being made to do something for what they received, in order to teach them habits of industry.

303. *By Dr. Hope.*—Have you seen many children amongst them?—Yes.

304. They are not guilty of infanticide?—Not in the neighborhood that I have been in.

305. *By Mr. Patterson.*—Do you think such establishments as you speak of could be made self supporting?—I think there is no doubt about it.

306. How many Europeans would you consider it necessary to have at one of those establishments to manage them?—One European would be better than more, I should say.

307. One would scarcely be sufficient; would it not be advisable to have a married couple?—Yes, a married couple. I think one person can obtain the confidence of the natives better than two or three.

308. Could you form any idea of what would be the expense of such an establishment?—In order to make the thing self supporting, I should think the reserve should be sufficiently large to run a flock of sheep in addition to the pursuit of agriculture.

309. Sheep and some cattle?—Sheep, or an equivalent of cattle.

310. Would you prefer sheep to cattle?—The natives are very well able to attend to either: they probably make better stock-keepers than shepherds, but I got them to do both very well indeed. The great matter is, if a person obtains their confidence. I think that white people at all times are too apt to jest with the blacks.

311. *By the Chairman.*—They form too low an estimate of them?—They form a low estimate of white men if they find them telling lies; they cannot distinguish between a wilful falsehood and what is a jest; and white people have been very often in the habit of telling them what is not true, partly in jest and partly with a worse motive.

312. *By Dr. Hope.*—Do you think there would be any difficulty in getting the tribes located at places of the kind you have mentioned? Would you have a distinct settlement for each tribe, or would one or two tribes associate together at the same settlement?—I think that it would not be well to associate two tribes at first; it might be done by degrees as they become more civilised, but the different families comprising one tribe might be associated very well.

313. *By Mr. Urquhart.*—Would it not be almost impracticable to form reserves for those families, and would it not be very expensive?—I think the families might meet with safety, without any danger of injuring each other, forming one tribe, and speaking the same language.

314. *By Mr. Patterson.*—Did you ever know any instance of the blacks cultivating land, and living in a civilised state in the country?—I have heard of it at Mr. Parker's; that is the only place.

315. That is at Mount Franklyn?—Yes.

316. You never saw it yourself?—No.

317. *By Dr. Hope.*—You never heard of any doing that of their own mere motion, settling down and cultivating a piece of land of their own?—Never.

318. *By Mr. Patterson.*—Do you think it would be possible to get them to locate on a small piece of land and cultivate it?—I think so; but, I think they must be allowed to move off occasionally, to make it their head quarters, and be allowed to move about and see their friends.

319. How could they do that without some person to take charge of the premises?—There would require to be some person. I do not think you could get them all at once to settle down in a particular place.

320. Do you think Mr. Parker could give any valuable information on this subject?—I think so.

321. *By the Chairman.*—Do not you think the printed questions supply a source for any person to give any information they may have to afford to the committee?—I think so.

322. Quite as good as giving evidence; in fact, better, because there is more time to write it down carefully?—I think he will be able to give a great deal of information; he is a very competent man to do so.

323. *By Mr. Patterson.*—Have you ever had any conversation with Mr. Parker, or any party with regard to these blacks, who are settled on small farms up at Mount Franklyn?—I do not recollect who I had my information from, but I have heard that there are blacks, or have been blacks, settled down there upon small farms.

324. Have they the direction of those farms themselves, and the whole management of them?—I presume, under the direction of Mr. Parker.

325. Would not that give you hope of being able to do the same with the tribes generally?—I have not doubted but what the blacks would cultivate, but I have doubted whether, by cultivation, they would make the establishment self-supporting; for that reason I have said that I think it would be well to have pasturage joined with it.

326. *By the Chairman.*—Is there anything further you wish to communicate to the committee?—I am not aware that there is anything else. I think the most material questions I have answered.

The witness withdrew.

WEDNESDAY, 24TH NOVEMBER, 1858.

Members present :

The Honorable T. McCOMBIE, in the chair ;
The Honorable Dr. Hope | The Honorable J. H. Patterson.

Edward Stone Parker, Esq., examined.

E. S. Parker, Esq.,
24th Nov., 1858.

327. *By the Chairman.*—I believe you have been assistant protector of aborigines?—I arrived in this colony in July, 1839, having the appointment of assistant protector of aborigines, and relinquished the appointment March the 1st, 1850.

328. Did you resign it?—The department was abolished.

329. You have never held any other position in reference to the aborigines?—I have, since the last-mentioned date, held the honorary appointment of visiting magistrate of the aboriginal school, and have virtually acted as guardian of the aborigines.

330. Do you think it possible to reclaim the remnant of aborigines?—I am quite of opinion that it is possible to reclaim the aborigines ; that their civilisation is practicable ; and that opinion is not founded upon theory, but practical experience.

331. What plan would you suggest for carrying out that?—The first point is to bring them under the influence, more or less, of Christianity, as alone supplying adequate motives to induce them to forego their erratic habits. I have found, in my own experience, that any improvement in civilisation was invariably the result of a more marked attention to Christian instruction, and the adoption of the principles of Christianity.

332. Before that can be done there must be some practical means adopted, such as settling them in reserves within their own hunting grounds (say that 1000 acres were set apart for them, and a missionary and storekeeper were appointed), what plan would you suggest for civilising and christianising them?—I think the establishment of homesteads for the benefit of the natives in various localities in the colony is of great consequence. I am not, however, of opinion that, in the present state of the colony, or of the aboriginal population, it is necessary to maintain hunting grounds for them. Their habits of life have undergone very material changes within the last fifteen years. It must be understood, however, that my replies will have particular reference to those tribes of natives with which I am most intimately acquainted ;—the natives occupying the country from the Campaspe to the Pyrenees, and from the coast ranges, northward towards the Murray. I need scarcely point out to the committee, that the aboriginal population of that district must have been materially affected by the gold workings during the last seven years. I may state, at once, that I see some practical difficulties in the establishment of these homesteads, if they are to be maintained exclusively as Government establishments. From past experience I should fear that they would be objects of suspicion, and possibly of obloquy, on the part of portions of the community ; and in the present social and commercial state of the community, I think it very difficult to meet with suitable agents to carry on such institutions. The only course which suggests itself to my mind to overcome these difficulties, would be to look for suitable agency to the different religious bodies in the community, the Government giving to each adequate support. The institution of schools for the young is a question of vital importance, and giving facilities to benevolently disposed persons in various parts of the colony to place aboriginal children in the different schools throughout the country where an aboriginal school may not be in existence. As another measure of great importance to the well being of the aborigines, I recommend strongly the appointment of honorary guardians of aborigines, who should have certain legal powers in reference to any property they may acquire, facilities for placing children out as apprentices with suitable persons, and, in general, lending any assistance in protecting them from injury, in their persons or interests. I may illustrate the necessity for such appointments from circumstances which have passed under my own observation within the last two or three years. It has been my practice to accede to the request of benevolent and religiously disposed persons, in whom I have had confidence, to adopt native children for the purpose of education, and bringing them up in civilization and Christianity. Within the last five years I have placed out three under such circumstances. In one case, a youth who had been educated by a well disposed farmer's wife at Kyneton, when he grew up to be useful and capable of taking employment, was decoyed away from his adopted mother by a carrier. My interference was called for ; but I found that I had no legal power to interfere, and the lad, instead of being brought up in a decent and Christian-like manner, has since been the associate of drunken bullock drivers.

333. *By Mr. Patterson.*—Could not those parties have been brought up under the Master and Servants Act?—No ; the lad went of his own accord, and he was old enough to form a decision for himself. They had persuaded him that he would be better off with them.

334. If you were looked upon as the guardian of the blacks, could not you interfere?—In my present situation I have no other power than any other magistrate, the office of protector having ceased ; and as it existed formerly, there was no legislative enactment which gave us power to interfere in such a case. Another illustrative instance I can give in reference to the children of a deceased native now in my charge, who had a small amount of property in cattle, which I wish to secure for their benefit. I found myself surrounded with legal disabilities in reference to the preservation and appropriation of this property. I have met with many worthy persons who were anxious to adopt either half-caste, or full blood native children.

for the purpose of bringing them up. There is no law at present available by which an official guardian could secure to these children the benefits proposed by apprenticing them to the persons I refer to. I may state to the committee that I brought this question under the notice of a member of the late Government, Mr. Michie, the attorney-general, when he had introduced in a former session—I think a Bill under the title of the “Orphans Bill;” (I forget the exact title of the Bill)—a bill for the protection of orphans. I received a reply from that gentleman stating that my suggestions should be embodied in the Bill; but that Bill was not proceeded with during that session, and at present there is an entire absence of legislation in reference to these points. Another important question in reference to the humane treatment of the natives is the necessity for adequate provision for their medical treatment. At present no such provision exists within my district. I have been in the habit, during the whole period of my acquaintance with the natives, of administering medicine to them in ordinary cases of sickness; but many cases of acute and occult disease occur, which I do not feel myself adequate to treat. I have had the pain of seeing, in two or three instances, life sacrificed for the want of this medical treatment, and in some instances, in apprehension of such a result, I have procured it at my own expense; and I would strongly recommend to the committee, whatever arrangements may be made for the benefit of the aborigines, that this point should not be overlooked. I now wish to make a statement as to my experience in civilizing the aborigines: There are at present settled, immediately in sight of my residence, two families who hold land under the authority of the Government; they have been farming on their own account since the year 1852: they are two married men with their families. They were the first youths that I induced to stay with me in the earliest periods of my experience as assistant protector of aborigines. From the period I have just indicated—the year 1852—they have lived in the full practice of civilized habits.

335. From what tribe were they?—One was of the Wornbulluk tribe, the other of the Galgalbulluk tribe. Their tribal connection, I may state, gave them no particular advantages over any other natives. They hold twenty-one acres of land conjointly, under the authority of a letter from the late Lieut.-Governor Mr. La Trobe. They have erected decent residences for themselves; have cultivated the soil; have taken several crops; and, in the entire habits and associations of their lives, are in no respect different from our ordinary peasants. Two other families have been located in like manner during the last four years; but the heads of these families are dead: one perishing by accident, through falling down a digger’s hole; the other, the most promising individual I ever had under my care among the aborigines, died from severe pulmonary disease last May. An allotment of land was authorised by Mr. Horne, when he held the office of Commissioner of Land and Works, for the benefit of the last-named individual, and I am anxious to secure the benefit arising from this land for the widow and infant child of the deceased. I would add to that statement, that the men who are thus civilised form a portion of the young men and boys who were especially the objects of my care and attention whilst I held the office of assistant protector of the aborigines. There were several others who had the same advantages, and the same opportunities of personal improvement; but habits of intemperance, mostly contracted on the diggings, have, for the present, destroyed any hope of permanent improvement in their case. I have always been of opinion that, if the natives are taken at an early period of life, before their habits become decisively formed, they are just as capable of improvement as our own population. The great obstacle to their civilization is to be traced to moral causes, and not to any physical disabilities. I may add, that the members of these families are receiving instruction, either in the aboriginal school, or, in the case of the young men themselves, by availing themselves of the opportunity of getting evening instruction at a denominational school in the neighborhood. They regularly attend Divine service every Sabbath; and are always seen in European clothing, the women making their own entirely.

336. *By the Chairman.*—In reference to that aboriginal school, is it a school kept up by voluntary subscription or by government aid?—It is solely a government establishment. I had perhaps better state the history of that school. Prior to the abolition of the protectorate establishment I instituted, under the authority of Mr. La Trobe, an aboriginal school, which is maintained to the present day, on the premises originally belonging to the protectorate, and entirely at the cost of the Government.

337. Is that school well attended?—I produce, for the information of the committee, a return drawn up yesterday of the number of children then in the school, the time they have been at school, and their present educational progress.—[*The witness delivered in the same. Vide Appendix B.*]

338. *By Mr. Patterson.*—Do you consider the results satisfactory?—To a certain extent they are satisfactory. I have not always been satisfied with the mode in which the children have been treated. The native mind is so constituted that it requires peculiar treatment to promote its educational progress. The system that would be most suited to the younger portion of the native children is that known as the infant school system; and in any system of scholastic instruction to which the natives are subjected, they should be made to feel as little under the influence of restraint as possible. The instruction should be given to them in the most attractive form. I have found it difficult, in practice, to meet with suitable persons to carry out these views. Any stiffness, any rigidity in the regulations of the establishment, any apparent severity in the teachers, is calculated to deter the children from continuing at school, and retard their progress. I would further state, for the information of the committee, as to this school, that its operations would have been of a much more extended character had there been any opportunity of collecting the children from the surrounding district; but the establishment consisting only of the teacher and his wife as matron, and the institution never having been

E.S. Parker, Esq., without children, there has been no opportunity for any suitable agent to travel through the district to collect the number of children that might otherwise have been brought together to that school.
continued.
 24th Nov., 1858.

339. *By the Chairman.*—Are they supplied with rations during the time they are there? —Yes, it is a boarding school, and a regular supply of provisions is given.

340. Is not that some inducement to them to come?—It is an inducement to the children; they are glad to attend the school. There would be no difficulty on the part of the children in increasing the number; the only difficulty would be in the habits of the parents.

341. It was found in the case of Mr. Peacock's school that, whenever the tribes came and camped near the school, the children went away?—I am aware of the history of the school, and I am aware also, that in every other institution for the benefit of the natives, where they were collected in any number, hostile proceedings have taken place at different periods, rendering the natives timid and unwilling to leave their children, from the anticipation of their being killed by their foes; but the simple circumstance that, in the entire history of the Loddon establishment, from its first institution in 1840, as a protectorate establishment, to the present day, when it exists as an aboriginal school, no life has ever been sacrificed, though at times as many as 250 natives have been congregated on the spot, has given to the natives of the district a feeling of security in reference to the protection of their children. That circumstance—*i. e.*, hostility by neighboring tribes—broke up the Bunting Dale mission in some respect; there was loss of life there.

342. Do you think it is a good motive that prevents the blacks allowing the children to go to these schools—that they are really afraid of their lives being sacrificed?—That is the alleged reason. I am quite aware that it is not the sole reason: that, more particularly with reference to the female children, worse motives prevail, as among the uncivilized natives they are the subjects of barter.

343. Have you read, or are you acquainted with, the particulars that have recently been published with reference to the Poonindie establishment in South Australia?—I have not read any late report from the institution, but I am aware that it has been successful.

344. Is there any tract of country near you now set apart for aborigines?—In addition to the twenty-one acres occupied by the native farmers I have referred to, there is a portion of the original aboriginal reserve, about 113 acres.

345. That is all that remains of it?—That is the sole remains of the aboriginal reserve at Mount Franklin.

346. Is there any unsold land adjoining it, by which it could be extended, if thought necessary?—The portion of land to which I refer is entirely surrounded by cultivated ground in private occupation. In the ranges forming part of the old aboriginal reserve, tracts may be found which are not likely to be required for agricultural purposes; but, inasmuch as the entire district is unquestionably auriferous, there could be no certainty in the preservation of a tract of land for the purpose of the aborigines in that locality. In fact, the great practical difficulty in my view in connection with the establishment of reserves for the benefit of the aborigines, is found in the increasing value of the land, both for agricultural requirements, and on account of the general diffusion of the auriferous deposits.

347. What means have the poor aborigines of procuring support, when the land is all getting occupied by farming, and squatting, and gold digging, and so on?—The remnants of the native tribes on the Loddon, those tribes with which I have been for a lengthened period in communication, pick up a scanty subsistence on the gold-fields, and occasionally among the settlers to the northward. Their present condition, however, is most disastrous, from the general prevalence of habits of intoxication, and the total absence of any restriction on giving ardent spirits to the natives.

348. That is, as against private parties, because there is a restriction as regards publicans?—There is a restriction as against publicans, and the same restriction can be applied to private individuals; but in practice it is wholly inoperative; no notice whatever appears to be taken of that law, and it is exceedingly difficult to enforce a conviction under it.

349. If the Government could be induced to provide reserves, with a sufficient amount of supplies for the aborigines, and a missionary to take charge of them, do you think they could be induced to settle down as agricultural laborers on those reserves, and help to support themselves?—I think many of the younger portion of the natives might be so.

350. If you allowed the older to go into their erratic habits occasionally, and come away as they liked, would they not be gradually weaned from those habits, and ultimately take a pleasure even in tilling the ground, or in looking after a flock of sheep, if country could be got to support a flock of sheep?—I think it very desirable that some portion of the territory should be preserved, on which the foot of the aborigine may rest, with a conviction that he has a right to be there; but, looking at the fact that the Moravian missionaries have been unable to obtain, for several months past, an allotment of land for the purpose of their benevolent project, I fear there will be great practical difficulties in carrying out this measure.

351. Are those difficulties on the part of the Government in giving the land, or other difficulties inherent in the proposal itself?—There could be no difficulty on the part of the Government, if the Government of the day were willing so to appropriate the land.

352. Is not the difficulty with regard to the Moravian mission a difficulty in the the Government actually giving them possession of the tract of land at Hindmarsh, that they claim?—The difficulty has always been in connection with aboriginal reserves, that they interfered with the claims of private individuals.

353. That is, that the land was under squatting tenure?—Either the land being held under a squatting tenure or being required for sale.

354. *By Dr. Hope.*—Have you any idea as to the number of aborigines now in the country?—My estimate is that there may be at present about 2000 left.

E.S. Parker, Esq.,
continued,
24th Nov., 1858.

355. And how are they dispersed, do you think—are they pretty equally dispersed over the colony?—I do not think they are equally dispersed; I think the aboriginal population of the western district is very small, life having been sacrificed there in former years to a great extent. I think the largest population will be found along the line of the Murray. I may state, for the information of the committee, that I have this morning referred to a document attached to a report of mine in the year 1843, which was in fact an aboriginal census of the district which was under my charge, and I have examined the returns of ten tribes. At the time that return was made, in January, 1843, those tribes numbered 179 individuals, whose names and families are given in detail in the New South Wales Legislative Council papers of 1843. Examining these details, I find of that number eighty-eight have died since that period, and there have been about twenty-five births in that interval of time. I estimate the number in those tribes now at 116. I may state in reference to these tribes that it is my belief there has been less mortality in proportion among them than among any other tribes in the colony, from the circumstance that they have lived peaceably with the European settlers, and that there have been few deaths by violence.

356. Has not one of the causes of the great mortality of the natives been attributed to their partially adopting civilised habits, and going away and residing in the bush at times; so that if, in their connection with the whites they have adopted those habits more than any others, that cause would have operated to a greater extent?—Unquestionably, where there has only been the occasional adoption of the habits of civilised life, alternating with a recurrence to their own wild habits, disease has been engendered, more especially of a pulmonary character; and I have invariably found that natives of a half civilised character have been more delicate and susceptible to disease than others.

357. *By the Chairman.*—Is pulmonary disease the principal cause of death amongst them?—It is one of the most frequent causes of death. Diseases of the respiratory organs, or rather, if I were to make the statement more definite, I should say diseases of the chest and respiratory organs; and the liver is an organ very frequently attacked amongst them. A case occurred yesterday necessitating medical assistance.—[This case, one of internal abscess, terminated fatally soon after this evidence was given.]

358. Are they subject to complaints in the stomach?—Not much.

359. *By Mr. Patterson.*—Do you find drunkenness very prevalent amongst the tribes you allude to?—It is very prevalent amongst those natives wandering about the country; those who are settled about my place are mostly free from that vice.

360. You have alluded to the case of one of the blacks who killed himself by falling down a digger's hole. How did that occur?—He was out late at night, and had been selling his farm produce at the neighboring diggings. I have reason to fear that he was induced to take some liquor to which he was not usually accustomed.

361. Then it really was caused by drunkenness?—Yes. I was not informed that he was actually drunk, but that he had been induced to take liquor: and I may state that there are many persons on the diggings who seem to take a pleasure in compelling even those who are disposed to be sober to take liquor, in spite of their reluctance.

362. *By the Chairman.*—There was no suspicion of foul play?—None whatever. An inquest was held on the body.

363. Is there any disposition on the part of the whites to annoy the natives, or treat them unfairly?—No, there is no hostility between the races within my knowledge at all.

364. Nor ever has been?—Not within the last twelve or fourteen years.

365. *By Mr. Patterson.*—With reference to these establishments that you propose for the aborigines, do you think those establishments could be made self-supporting?—I am perfectly satisfied they could be made self-supporting, if liberally endowed in the first instance, and in the hands of competent persons. By the aid of native labor, they should raise sufficient provisions for the support of the natives congregated about the place, and there are many ways of making money through aboriginal agency, which, in the hands of a prudent and well disposed person, might be made available in the way of making such institutions self-supporting.

366. Would you recommend that cattle, or sheep, or both, should be placed on those establishments?—Yes. I recommend that, if a suitable tract of country can be obtained; but my doubt of success arises from the difficulty of obtaining pastoral land, or even agricultural land, for the benefit of the natives.

367. Was not this system partly adopted at Jim Crow?—It was adopted some time after the commencement of the protectorate establishment there, and most thoroughly carried out under my own superintendence at the Loddon establishment, and at the Goulburn.

368. Was it found to be self-supporting?—Not entirely, but most of the animal food, and all the flour required at the aboriginal establishment on the Loddon was raised on the ground.

369. How many years was that system in existence?—I went up on the Loddon to form the establishment in the month of November, 1840. The locality was changed the following June to the vicinity of my present residence, and the protectorate establishment was maintained there until the abolition of the department in March, 1850. At that time there were on the Loddon establishment, and on the Goulburn establishment, between 3000 and 4000 sheep, which were subsequently sold, and the proceeds applied to the general revenue. The original stock consisted of 500 breeding ewes, purchased in 1844 at five shillings per head.

370. How did you find the natives act as shepherds?—I never had any difficulty in

H. S. Parker, Esq.,
continued,
24th Nov., 1858.

getting shepherds, they generally made very good shepherds. And it is a fact I should like to state, well known to me, that, at the time when the country was in a state of universal excitement on the outbreak of the gold mining, there were several stations where no shepherds were left but aboriginal shepherds.

371. Would the aborigines manage the whole establishment, both as to agriculture and stock?—Under suitable superintendence.

372. Did they do so at Mount Franklin?—There was a certain number of white persons employed, but the labor was furnished by aborigines.

373. Do you know why that establishment was broken up?—It is a well known fact that the protectorate establishment was always the object of great obloquy and opposition from the period of its first institution, and that its dissolution as a department was the act of the Sydney Government. At the same time I am not prepared to say that it was necessary for it to have been continued in the form in which it then existed.

374. *By Dr. Hope.*—With regard to those establishments of homesteads, you say that, in those tribes you have enumerated, there were eight or nine tribes with 160 inhabitants?—If members of the committee would refer to the document, they will find that the tribes are given in detail, even where there are only two individuals, as in the case of one called the Beal-bulluk tribe, where there were only a father and son, but it is stated in my return that they were the remains of a numerous tribe.

375. What number of aborigines would you erect homesteads for? what would be the number that you would set apart for each location? how many homesteads would you recommend to be formed, and what proportion of inhabitants for each location?—I think the question of the number of the locations should not be made dependent upon the number of inhabitants, but upon their previous associations and alliances. If natives who have been in the habit of living in friendly relations could be collected together in a certain district, such a homestead might be conducted with benefit; but great mistakes have been made in former years, in placing such institutions in situations where the natives, who might be disposed to settle down on them, were exposed to the hostile incursions of neighboring tribes; that remark especially applies to the Wesleyan mission at Bunting Dale. I have always thought that it was prematurely given up. I, as a Wesleyan, had that opinion, and still entertain it. I have considered the question of suitable localities for such reserves, and it has occurred to me that the following localities might be adopted: the vicinity of Melbourne, or Western Port, Gipps Land, the Loddon, the junction of the Goulburn with the Murray, the Upper Murray, the junction of the Darling and the Murray where there is at present a Church Mission establishment, the Wimmera, and some well selected spot in the western district.

376. On an average, what quantity of land do you think would be necessary to set apart for each of those?—If the institution was to be wholly agricultural, a single section for each would be adequate; but if it was proposed to endow them with a portion of stock it would be necessary to extend the quantity, but in no case is it desirable that it should be larger than the actual necessities of the case demanded. The dependence of the natives upon food acquired by hunting has now nearly ceased, excepting in the remote interior, and on the Murray, where they live chiefly on fish.

377. Does the dread of interference from other tribes still exist amongst them to any extent?—Those hostilities amongst themselves have in a great measure ceased of late years; in fact the tribes or petty nations are so broken up, and so subdivided amongst the whites, that they are losing all their national distinctions.

378. *By Mr. Patterson.*—You stated some time ago that the protectorate was abolished by the Legislature in Sydney?—Yes.

379. Was not Mr. John Leslie Fitzgerald Foster, the member for this district, the chairman of the committee who recommended its abolition?—I do not recollect whether that committee recommended the abolition of the protectorate establishment. There were some very angry debates in the Council at the time, and statements were made by members of the Sydney Legislature hostile to the protectorate establishment which had no sound basis, inasmuch as they had reference to scenes and incidents which had taken place on the New South Wales side, where the protectorate establishment had no existence. I may further state that it was a matter of deep regret to me, in reference to the proceedings of that committee, and of serious complaint, that, in the circular inquiries that were made in reference to the state of the aborigines, and their prospects and treatment, at the time, no documents of that kind were sent to the officers of the protectorate establishment; they were thus precluded by the committee from giving any evidence on the subject.

380. *By the Chairman.*—Did not Dr. Thomson make some motion in reference to the abolition of the protectorate?—That was some time prior.

381. But that did not succeed?—It was announced in October, 1843, by Dr. Thomson himself, returning hastily from Sydney, that the protectorate was to be abolished.

382. And it turned out not to be true?—The Executive Government in Sydney appeared to have recalled its decision, and maintained the establishment for six years longer.

383. *By Mr. Patterson.*—Do you know whether Mr. Foster was chairman of that committee or not?—I do not recollect. I had at the time some conversation with Mr. Foster on the subject; of course we differed in opinion, and I did complain to him that no inquiries had been made of the officers of the protectorate. His reply was, that he understood that those documents had been sent to them, and that they had nothing to answer.

384. *By the Chairman.*—He was then at any rate a member of the committee?—He certainly was a member of the committee.

385. Then it is your opinion that, instead of having been abolished, it ought to have been modified?—Yes.

386. *By Mr. Patterson.*—Do you recollect what year it was in which that committee sat?—The decision of the Executive Government in Sydney to abolish the protectorate was announced in the month of July, 1849. The events that I have referred to took place in June, 1849.

E.S. Parker, Esq.,
continued.
24th Nov., 1858.

387. Are you aware whether there was not some complaint made by the Sydney Government that the correspondence connected with the aborigines was of such a voluminous nature, that they could not go into it at all: and was it not the fact that the bulk of the letters from the officers of the department here were found to be unopened?—That has reference to a period anterior to 1849: that took place in 1843. I heard the circumstance from Dr. Thomson himself. I may state to the committee plainly that the conduct of the protectorate department was not generally approved by the Executive Government, and that it was always my opinion there was too much formality, too much of what has been termed “red tapeism,” and too little regard to practical measures for the benefit of the natives. In reference to my individual experience as an assistant protector of the aborigines, I always found, when in direct communication with His Honor the Superintendent, that the Executive Government was prepared to sustain and carry out any suitable measures for the benefit of the natives; but, when the execution of those measures depended upon a circuitous and often long-delayed correspondence, I found almost insuperable obstacles in the conduct of my portion of the department. I may state also, in reference to the course I pursued as assistant protector of aborigines, that I took a certain course at the outset, on my own responsibility, and had no benefit whatever from any instructions from the head of my department, or any code of instructions from the Executive Government. I have had the satisfaction of knowing that the measures I adopted, and my mode of conducting the establishment in former days, met with the approbation of the Executive Government, and generally with the approbation of the settlers.

388. Will you furnish to the committee a statement in detail of the expenditure which you think would be involved in the establishment of each homestead?—I will furnish the committee with all the practical information that I think it possible to give. There was another return which I should submit to the committee in connection with the school, of children who have been lately in the school and have been away from it. The object of that return is to show that there are other children in the district who have had the benefit of instruction at that school.—[*The witness delivered in the same. Vide Appendix C.*]

The witness withdrew.

REPLIES TO A CIRCULAR LETTER, WITH LIST OF QUERIES.

To obviate the inconvenience of the attendance of persons as witnesses from various parts of the colony, the Committee ordered the following circular, enclosing a list of queries, to be extensively circulated amongst such persons as were believed to be in a position to afford information upon the subject under inquiry:—

“ [CIRCULAR.]

“ Committee Rooms, Legislative Council,
“ 27th October, 1858.

“ SIR,

“ The Select Committee of the Legislative Council of Victoria, appointed to enquire into the present condition of the aborigines, solicit your attention to the accompanying queries, and will be much obliged by your replying to the same at your earliest convenience.

“ They are put forward with the view of endeavoring to ameliorate their present condition, and of obtaining as much information as possible in reference to their past history and present condition.

“ The questions which have reference to the second portion of the inquiry have been taken from queries which were, some time ago, forwarded to the Chairman of the Committee by the British Association for the Promotion of Science, and may not all be deemed applicable to a race deemed so low in the scale of civilization as the aborigines of this colony.

“ A great similarity exists between these queries and a list of questions on the same subject which have been drawn up by the Ethnographical Society of Paris, thus showing that men of learning in Europe are most anxious about information regarding races likely to become extinct. At the meeting of the British Association, at Birmingham, Dr. Pritchard, well known as the author of a work on the various races of men, pointed out instances in which this extinction had already taken place to a great extent, and showed that many races now existing are likely at no distant period to be annihilated. He pointed out the irretrievable loss which science must sustain if so large a portion of the human race, counting by tribes instead of individuals, is suffered to perish before many interesting questions of a psychological, physiological, and philological character, as well as many historical facts in relation to them, have been investigated; whence he argued that science, as well as humanity, is interested in the efforts which are made to rescue them, and to preserve from oblivion many important details connected with them.

“ If you are in a position to afford the Members of the Committee any information on the subject, they will be obliged by an answer to this circular at your earliest convenience.*

“ By order of the Committee,

“ THOMAS McCOMBIE,

“ Chairman.”

“* NOTE.—The questions are numbered in order to afford every facility for replying without unnecessary trouble. You will be pleased to be particular in stating the number of the question to which you are replying.”

Appended are the queries and replies; and, for the convenience of having the information supplied in a connected form, they have been classified, and the replies to each query are grouped under the same.

DIVISION I.

GENERAL QUESTIONS.

1. Can you give the committee any information of the number of aborigines in your district, the names of the tribes, numbers belonging to each tribe?

William Thomas, Esq., Guardian of Aborigines.—In the counties of Bourke, Mornington, and Evelyn there are only thirty-six aborigines left; these are divided, as in their primitive state on the foundation of the colony, into two tribes, commonly termed the Yarra and the Coast Tribe, viz—

			Males.	Females.	Children.
Wawoorong or Yarra Tribe	...	...	13	8	0
Boonorong or Coast Tribe	...	...	9	5	1 girl 5 years old.
			22	13	1 = 36

John Orr, Esq.—I cannot give the number of the aboriginals, but can state they are very much reduced since the diggings commenced.

Henry B. Lane, Esq., Police Magistrate, Yachandandah.—There are two tribes in this district, one on the Murray river (inhabiting both banks), and they appear to occupy the country from Howlong, twenty miles below Albury, to Doroda, thirty or forty miles above it. Their native name is “Werogery.” A few years ago they numbered about 100, but are probably much reduced now. The name of the tribe is “Thar-a-mirtong;” they live on the banks of the “Kiewa” or Little river, distant from fifteen to fifty miles. They do not now number more than twelve or fourteen, but a few years ago there were at least fifty. There must be some aborigines however, inhabiting the almost unsettled country on the Upper Hume, Mitta Mitta, and Inomurgee (or Snowy) rivers, as I have seen their traces when on an expedition to Omeo.

George Harrison, R.N., Police Magistrate, Castlemaine.—There exists no regular tribe in the Castlemaine district. Some few natives hang about the diggings and are employed by dairymen and slaughtermen, and occasionally a straggler comes in from beyond the Loddon.

William Templeton, Esq., Resident Warden, Avoca.—I think there are not at present more than 100 of these people remaining in this (the mining district of Maryborough) district. They are, properly speaking, divided into three tribes:—the Loddon, Avoca, and Richardson; but they frequently join together when it suits their convenience.

G. W. Rusden, Esq., J.P.—Questions 1 to 4 will be answered by the guardian of the aborigines in whose district I reside at Brighton.

C. W. Sherard, Esq., Resident Warden, Ballaarat.—Between Creswick, Burrumbeet, and Clunes, about forty; say ten men, fifteen women, and fifteen children.

Charles Shuter, Esq., Police Magistrate, Bacchus Marsh.—About twenty-nine adults, and perhaps twelve children.

Hugh Murray, Esq., Colac.—I will confine myself to the tribe in the Colac district, with which I am well acquainted:—Name "The Colac Tribe"; number of tribe, nineteen.

Albert Synnot, Esq., Cope Cope, Wimmera.—Without having any certain data, I would say that there may be 150 aborigines, young and old, living in this part of the Wimmera district, who wander over a tract from the Pyrenees north about 100 miles, and from forty to fifty miles in width. I do not think the tribes originally inhabiting this tract are still distinct from each other, but that they live now rather in families, without other distinctive appellation than that of the creek, mountain, &c., near which they generally live.

James Wilson, Esq., St. Kilda.—There are very few aborigines in the Mitta Mitta district, probably not more than twelve (12). The Talangatta creek was the hunting ground of the Ginning-matong tribe. There are only three of this tribe now alive.

A. Fishen, Esq., Lal Lal.—Number, fifteen. Names of the tribes:—Lal Lal, Ballan, Merimu, Baronighurk.

J. N. McLeod, Esq., J.P., Castle Maddie, Portland.—I never could make out any distinct tribe, but the usual number about my station on Darlott's creek is, I think, about fifty in all.

F. Ormond, jun., Esq., Bowiyallock.—There are about forty aborigines in this neighborhood:—The Mount Emu tribe, seventeen; Friendly Creek tribe, ten; Wardy Yallock tribe, thirteen.

A. French, Esq., J.P. Moonvea, Hamilton.—Questions 1 to 3.—The number of aborigines must have very much diminished since my arrival in this part of the country, eighteen years ago, as I seldom see any now, though I used constantly to employ them formerly.

Edward Crooke, Esq., Holey Plain, Gipps Land.—No.

John C. Aithen, Esq., Thornton, Upper Goulburn.—So far as I can ascertain, the number of the aborigines in the Upper Goulburn tribe is about fifty. There is another small tribe on the Delatite or Devil's river, numbering about thirty, with which there is constant communication.

William Shene, Esq., Warrumbreech, Hamilton.—I have taken the numbers of four different tribes, as told over by one of themselves, viz.:—Wannon tribe, near Cavendish, nine; Lake Condon, fifty; Elerick or Portland, twenty-five; Lower Wannon, about Merino Downs, thirty-four.

Peter Beveridge, Esq., Swan Hill.—There are seven tribes of aborigines in this district, commencing at Swan Hill and ending at the Moorpal Lakes, inclusive. Beginning at Swan Hill and going on in consecutive order, the tribes are named as follows:—Boora Boora, Watty Watty, Mutty Mutty, Waiky Waiky, Sitchy Sitchy, Yarry Yarry, and Darchy Darchy. Each name is the negative of the language spoken by the respective tribes. These tribes will average about fifty-five, old and young. Of course some of them exceed that number, and others again do not number nearly so many.

William O. Allan, Esq., J.P., Allandale.—(per *Lewis Gilles, Esq., P.M., Warrnambool*).—There are only nine aborigines in the two parishes of Mepunga and Talangatta.

J. H. Craig, Esq., J.P., Warrnambool.—(per *L. Gilles, Esq., P.M.*)—Lady Bay tribe, or "Pertobe." The present number of this tribe will not probably exceed forty.

Police Serjeant Archibald, Warrnambool.—(per *L. Gilles, Esq., P.M.*)—About thirty-four (34).

Charles E. Strutt, Esq., P.M., Echuca.—The aborigines in this district belong to the Echuca tribe; Echuca being the native name for this part of the Murray. The number of aborigines is difficult to ascertain with exactness, as they are always wandering about; but it is considered that about 500 may be at present living in or near Lake Moira, the Murray, and its lakes and tributaries on this side of a line drawn half way between Echuca and Swan Hill.

J. M. Allan, Esq., J.P., Looram, Warrnambool.—The Villiers tribe contains forty-four males and twenty-eight females. The Heytesbury tribe, nine men, three women, and six children, including both sexes.

Henry Godfrey, Esq., Brighton.—About forty blacks are all that remain of the tribe known as the "Lower Loddon."

Henry Gottreux, Esq., the Gums, Caramut.—In the district or county of Villiers, from 150 to 200, divided into five or six tribes; viz., Port Fairy, Spring creek, Maston's creek, Hopkin's river, and Mount Rouse, numbering from thirty to forty each.

John L. Currie, Esq., Wardy Yallock.—I do not think there are more than from twelve to twenty, and principally the remnants of the Emu creek and Wardy Yallock tribes.

C. J. P. Lydiard, Esq., Superintendent of Police, Belfast.—Somewhere about 300 in the county of Villiers, all of the same tribe, although divided into parties, each party claiming a separate portion of the county as their country.

George Stewart, Esq., P.M., Belfast.—So far as I can ascertain, the Belfast tribe now consists of ten men, four women, and three children (two boys and one girl).

Patrick Mitchell, Esq., Kangatong.—The number of aborigines in this district may be computed at from 120 to 150. They consist of the Mount Rouse tribe, together with a few others, whose former tribal distinctions are now obliterated.

Daniel Bunce, Esq., Botanical Gardens, Geelong.—I was informed yesterday by one of the tribe (Billy Gore) that there are nine males and five females.

Cecil Pybus Cooke, Esq.—There are several tribes near me, but none are known here by their native names; the three principal ones are the Darlot creek, Lake Condah, and Eumerella. I should consider that they numbered no more than forty in each.

William Huon, Esq., Woodonga.—About thirty-five. Names of tribes—Tharamattay and Wooradgery. This is an approximation as to number, but I think I may safely state that both tribes do not exceed forty.

Alfred Currie Wills, Esq., P.M. and Warden, Omeo.—Name of tribe—Gundanora. Numbers—In May, 1835, there were about 500 or 600 men, women, and children, resident during a few months of each year, at their head quarters on the elevated plain of Omeo. In 1842 they frequently assembled there in large numbers, and often killed many cattle belonging to squatters, whose stockmen, it is said, retaliated by firing on them. Their hunting and fishing grounds extended northward to the Cobboras hills, southward and eastward to the river Tambo, and westward to the Bogong mountain range, *via* the Gibbo and Mitta Mitta rivers. In 1843 a great diminution in their numbers was first observed, and at this present date there are only two men and three women of the tribe living. These are distributed between Mancroo (N.S.W.), Snowy creek, and the River Murray.

Cuthbert Fetherstonhaugh, Esq., P.M., Hamilton.—Between eighty and one hundred, named Mount Rouse and Wannon tribes, nearly equal in number.

William Piper, Esq., P.M., Benalla.—Probable number of Aborigines in the Murray district, 146. Their arrangements into tribes no longer distinguishable.

Henry L. Lewis, Esq., Moira, River Murray.—The tribe belonging to this immediate neighborhood is called the Panggarang tribe. It numbers about forty. The next tribe on the north (Edward river) is called the Arramouro tribe, and numbers about thirty. The tribe on the opposite bank of the Murray and Lower Goulburn is called Owanguttha tribe, numbering perhaps eighty. There is a small tribe on the Murray, at and below Moama, "Woollathara," perhaps not more than twenty or twenty-four in number.

2. Will you state the ages and the proportion of the sexes of the aborigines in your district, as nearly as you can; their general condition, bodily health, and any other particulars you have it in your power to communicate?

Mr. Thomas.—The Wawoorong or Yarra tribe have more middle-aged and old than young men in proportion; in fact, generally speaking, it is not the aged who die, but the young, male and female, since the last ten or twelve years that they have taken to ardent spirits. In the Wawoorong or Yarra tribe are four aged, I should say of the age of sixty and seventy; the youngest is about nineteen.

The Boonoorong or Coast tribe.—The oldest among them cannot be more than forty; the rest are young, say from twenty-two years to thirty years. There is one fine girl, about five years of age, the offspring of a connection between a Coast black with a Gipps Land black lubra.

Their general condition, as far as the necessaries of life are concerned (if I understand the question right), they want for nothing, or need not want. They are fond of their reserve, and when inclined, return to it, where are always tea, sugar, flour, tobacco, and soap, and have had from 1852 an annual distribution of a pair of good ordinance blankets. Their health, when they keep in the bush and are working with respectable farmers, their bodily health is as good as regular living Europeans. It is only when they stop for a week or two near a public inn, or with low characters, that their enervated constitutions are materially affected, which I have known so rapid that a few days have ended their career. Pulmonary disorders are what they are most liable to, and when drinking to excess, and not able to reach the encampment, down they lay, perhaps on a cold wet night, and throw themselves literally into the arms of death.

Mr. Orr.—General condition, same as in 1839, bad. Bodily health bad from ardent spirits and diseases, such as influenza and venereal.

Mr. Lane.—I have no means of learning the relative proportions of age or sex. The natives of this part (Murray) appear to me to be physically superior to those I have seen in the western districts.

Captain Harrison.—No information.

Mr. Templeton.—I cannot give any idea.

Mr. Sherard.—General health good.

Mr. Shuter.—I cannot speak as to their age. The proportion of sexes appears to be about equal. Their health seems to be good, with a few exceptions.

Mr. Murray.—There are twelve men, six women, and one boy six years old, a half-caste; their ages are from twenty-four to fifty; their bodily health and general condition is good. The men are generally employed by the settlers. The tribe (Colac) was originally a powerful one, but in consequence of their possessing a rich hunting country, they were subjected to constant warfare with the surrounding tribes, which, at the time of the settlement of their country by Europeans (1837) had reduced them to about thirty in number.

Mr. Synnot.—They are chiefly adults, and generally healthy.

Mr. Wilson.—The Ginning-matong tribe comprehends two males and one half-caste female, viz.: Frank, about twenty-seven years of age, a very intelligent, quiet, and obliging creature. His home is at the station of Mr. Chas. Moore, Wagra, Mitta Mitta. He is generally employed breaking in young horses. Habits of intemperance begin to tell on his system,—formerly robust, he is now sickly and delicate in appearance. Neddy, aged twenty-one, a stout, muscular, young man, rambling and unsettled in his habits; generally resides with white people, and is employed droving and horsebreaking. Mary Ann, a half-caste uneducated girl of fifteen, was lately living near Yackandandah.

Mr. Fishen.—Nine males, five females, one half-caste child (male) aged five years.

Mr. McLeod.—There are only nine children under ten years of age. Not many women; some of them very old, also five of the men. There are four boys about fourteen years of age, and the rest are men from twenty to forty.

Mr. Ormond.—The sexes are about equal, perhaps more males than females; their ages from twenty to about fifty years. In the Mount Emu tribe there are two children, a girl and boy; the girl about thirteen years of age, the boy eleven—half-castes.

R. W. Shadforth, Esq., P.M., Wangaratta.—I cannot.

Mr. Aithen.—The proportion of the sexes would appear to be nearly equal. Their bodily health generally good.

Mr. Shene.—There is a very large proportion of males. These seem to be, most of them, about from twenty to forty years of age. There are very few children, almost none. They do not look healthy.

Mr. Beveridge.—The males preponderate very considerably. The only reason I can assign for this excess is, because of the number of women that die yearly from their ill-treatment, or from diseases contracted by their own profligacy. There are very few under the age of fifteen, and the preponderance of those under that age are half-breeds.

Mr. Allan.—Eight men and one woman, age from about sixteen to twenty-four years. All in good bodily health at the present time.

Mr. Craig.—Ages from about fifteen to thirty-five years. The females appear to be slightly under the proportion of males; they certainly show decrepitude earlier than the males.

Sergeant Archibald (Warrnambool).—Eighteen men, ten women, and six children.

Mr. Strutt.—The aborigines seen in this district (Echuca) are mostly middle-aged, or in the prime of life; few youths, and scarcely any children. The proportions of the sexes appear to be about equal.

Mr. J. M. Allan.—Ages from two to thirty years. Generally unhealthy, caused by the use of ardent spirits, the want, when sick, of medical attendance, medical and other comforts, as blankets, clothing, &c.

Mr. Godfrey.—The lubras, or women, constitute a rather larger proportion of the sexes; their condition is filthy and miserable. Bodily health indifferent.

Mr. Gottreux.—From twenty to forty years of age. Sexes about equal. Health tolerably good.

Mr. Currie.—Ages from twenty to forty. About equal proportions male and female. Condition—depraved and degraded.

Mr. Lydiard.—There are very few children, and these are, for the most part, half-caste.

Mr. Stewart.—2 and 6.—They are generally healthy, but much given to indulging in ardent spirits, which is supplied to them by the publicans, who infringe the Publicans Act in this respect, although it is seldom possible to procure a conviction.

Mr. Mitchell.—Only an approximation to their ages can be arrived at. The majority appear to be of twenty to thirty-five or forty years of age. Some few are apparently much older than these limits, and there is also a fair proportion younger. There are, however, few of unmixed parentage under ten years of age. Many are of both sexes are very robust in appearance, and are capable of considerable exertion; but, generally, they are of enfeebled constitutions, and easily succumb to attacks of those disorders incident to their exposed, unsettled, and improvident way of life.

Mr. Bunce.—Nine males, five females, apparently healthy; but much abused, through an over indulgence in strong drinks.

Mr. Cooke.—In the Lake ... years of age ; fifteen males ... the Kondah tribe there are about ten females, and as many males, above thirty from one year to ... and females from fifteen years of age to twenty-five ; and the remainder, children from ... have years old. These last are all, I think, half-castes.

Mr. ...—Ages, from sixteen to forty years. Sexes, nearly equal. Bodily health, good. The tribes in the last few years have been in the habit of frequenting the various diggings and other townships ; and intemperance has carried off any members of the tribe that were sickly, or suffering from any disease. I may here state that one of their principal characteristics is indolence, and a total disregard for the future, so that their immediate wants are supplied.

Mr. Wills.—The proportion was about two males to one female. The remnant of the Gundanora tribe is now two men and three women.

Mr. Fetherstonhaugh.—Varying from five years to old age ; exact age cannot be ascertained, as they have no correct idea of time. Condition, very miserable. Bodily health amongst the younger portion generally good. The aged appear very infirm.

Mr. Piper, Murray district.—Their condition seems to be contented and happy, their bodily health good.

Mr. Lewis.—The ages are from infancy to perhaps sixty years. The proportion of the sexes, equal, or nearly so. Physical powers, not great. Their health varies frequently, and is often affected by low fever, resulting from the low marshy grounds upon which they from preference usually encamp. They are very subject to rheumatism.

3. Has the mortality during the last ten years been very remarkable, and what are the diseases to which they have mostly fallen victims? Does any particular disease which is likely to be propagated amongst the white population exist to any extent amongst them?

Mr. Thomas.—During the last ten years the mortality has been fifty-six out of a population in 1848 of ninety-two ; viz.—

	Males.	Females.
In the Wawoorong or Yarra Tribe	21	15
In the Boonoorong or Coast Tribe	14	6

N.B.—There has been but one birth preserved during these ten years, the girl noticed in the first question. "Diseases fallen victims to."—Diseases of the lungs, accelerated through the effect of ardent spirituous liquors, which operate more powerfully upon them than upon European constitutions. The venereal disease, under which they formerly grievously suffered, introduced by the white population, does not now exist to any material extent. If they contract it, they apply to me for bluestone, and quickly cure themselves ; but for the last three years I do not think it has been among them.

Mr. Orr.—Very great mortality from being clad at times, and same causes as No. 2. Venereal is greatly propagated from them amongst the whites.

Mr. Lane.—The mortality must have been very great of late years. A settler near this place (Yackandandah), assures me that twenty years ago the natives were very formidable and troublesome. I understand scorbutic diseases are most common.

Captain Harrison.—No information.

Mr. Templeton.—The mortality during the last seven years must have been very remarkable, as I am told there is not now one of these people for ten formerly. Diseases induced by intemperance and venereal disorders improperly treated are, I think, those to which the greatest number have fallen victims.

Mr. Sherard.—The mortality has been very great during the last ten years, more especially since the discovery of gold. Intemperance, and exposure to the weather consequent thereon, seems to be the principal cause.

Mr. Shuter.—Not very. The cause of death in most instances is consumption or decline. No.

Mr. Murray.—The mortality during the last ten years has not been great, there is no disease among them.

Mr. Synnot.—There has been a great decrease in their numbers during the last ten years. I do not believe that they have any disease peculiar to themselves, or which does not also prevail among the white population.

Mr. Wilson.—Yes. Intemperance and exposure to cold damp air, sleeping at the camp without clothes after having been accustomed to live in the huts and wear the clothing of white people. A feud exists between this tribe and another tribe on the Murrumbidgee, and a good many lives were thus sacrificed.

Mr. Fishen.—Mortality remarkable. Bronchitis, rheumatic pericarditis, psoriasis, intemperance. Particular disease.—No.

Mr. McLeod.—All their diseases, I may say, are brought on from colds caught in the miserable and careless way they live. There is no disease among them likely to be propagated among the whites.

Mr. Ormond.—The mortality, on the whole, does not strike me as being very remarkable. In the years 1853-54 and 1855 there were a good many deaths from venereal disease, and accidents by fire whilst in a state of intoxication. Within the last three years several have died from pulmonary consumption.

Mr. Crooke.—Mortality has been very remarkable. Syphilis exists.

Mr. Aithen.—The mortality during the last ten years has been remarkable. Rheumatism, liver complaint, and intemperance are the principal causes. I am not aware that any disease exists amongst the aborigines likely to be propagated amongst the white population.

Mr. Shene.—There have been a good many deaths from rheumatism, consumption, syphilis, and killing one another.

Mr. Beveridge.—The mortality during the last ten years has been very great. The diseases to which they have chiefly fallen victims have been of a pulmonary or venereal nature, or a combination of both. I do not think any of the aboriginal diseases can be contracted or propagated amongst the European population, unless by inoculation.

Mr. Allan.—It has. Ten years ago this tribe (Mepunga and Talangatta) mustered full fifty, and seventeen years ago they amounted to full 100. Some have died from old age, others killed by neighboring tribes, and a number have died from influenza. I am not aware of any disease which is likely to be propagated amongst the white population.

Mr. Craig.—Eleven years ago, I am of opinion, this tribe would number nearly 200, and very many have died from influenza and consumptive affections. The then continual warfare with other tribes, and injuries sustained amongst themselves, old age accelerated by intemperance (wherever spirits were obtainable), and the few children now reared, may account for their decrease.

Lewis Gilles, Esq., P.M., Warrnambool.—I consider the answers of Sergeant Archibald to be very correct, and I require only to supply answers to some queries omitted by him. The mortality has been considerable within the last few years, and, I fear, chiefly arising from habits of intemperance, which, notwithstanding the exertions of the police and care of the bench, it has been found next to impossible to check ; so difficult is it to procure evidence on which to convict the parties who supply the aborigines with spirits.

Mr. Strutt.—Yes. Great numbers have died from disorders arising from cold during the winter months. A considerable number have perished through violence ; and latterly many have died through intemperance.

Mr. J. M. Allan.—Have been reduced to one-fourth their number since the period specified. Influenza and inflammation of the lungs. Many also from venereal disease. No.

Mr. Godfrey.—Mortality during the last five years (or since the gold discoveries) has been far greater than in the previous five years. Victims of drunkenness and debauchery. A sort of consumption also has lately thinned their numbers. The venereal diseases are much propagated amongst the whites.

Mr. Gottreux.—Mortality not very remarkable, although, perhaps, above the average of that of the white population. Bronchitis and affections of the chest, resulting from exposure at all seasons and scanty clothing. No contagious disease.

Mr. Currie.—The mortality in proportion to the numbers has been very great, principally from pulmonary complaints, venereal, and the effects of intemperance. No disease amongst them likely to be propagated amongst the whites, as far as I am aware.

Mr. Lydiard.—Several have died during the last two years from rheumatic fever, caused by lying exposed, while drunk, to wet and cold. Fearful ravages have also been made among them from syphilis contracted from the whites.

Mr. Stewart.—Ten years since the tribe is said to have been eighty in number. The cause of death appears principally to arise from consumption, accelerated by intemperate habits, and adoption of the vices of the Europeans.

Mr. Mitchell.—During the last ten years, the mortality among them has been very great, chiefly caused by pulmonary, and also by venereal complaints. They do not seem to be subject to any particular disease which seems likely to be propagated among the white population.

Mr. Bunce.—3, 4, and 5 would be better answered by the police magistrate.

Mr. Cooke.—Mortality during the last eight years, not very great ; they die principally from old age and consumption.

Mr. Huon.—Very much so, and I believe in a few more years they will be nearly, if not totally, extinct. Influenza ; but I should say that intemperance, and the diseases resulting therefrom, is the principal cause of death. There is no disease I am aware of likely to be propagated amongst the white population ; but every epidemic from which the white people may be suffering attacks them, and the deaths are now numerous, in proportion to their number.

Mr. Wills, Omeo.—The mortality has been very remarkable, caused by intoxicating drinks and the worst form of venereal disease, and last though not least, by gunshot wounds inflicted by stockmen.

Mr. Fetherstonhaugh.—Mortality has been remarkable within the last ten years (from the statements of the early settlers). Pulmonary and venereal.

Mr. Piper, Murray District.—Their disappearance during the past ten years has been remarkable, but I do not think any civilized inhabitant of the district can say how, when, where, or from what diseases the aborigines have died.

Mr. Lewes.—I have not observed the rate of mortality greater during the last ten years than before. The diseases which appear most fatal to the natives in this district are influenza and atrophy, which is frequently a consequence of the former. They are not at present afflicted by any disease likely to be propagated amongst the whites ; although such has formerly been the case.

4. Has assistance in the form of clothing, food, or medical attendance, been bestowed on the aborigines of your district by the Government? What means have they of living? Are there any aboriginal reserves near you, or places well fitted for being granted as such?

Mr. Thomas.—Liberal assistance in blankets, food, and medicines has been bestowed upon the aborigines in my district, and that by Government from the year 1852 ; but from 1843 to that period, none, save a blanket occasionally. They have ample means of living, as farm laborers : as such they are apt and ready, and welcomed at all times at the farms on the River Plenty, and wherever they go. When straightened, they fall back on the depôt (which is seldom), where there is always on hand flour, tea, sugar, tobacco, and soap, and they have had since 1852 a pair of blankets each annually. They have two aboriginal reserves. viz. :—one in the county of South Bourke and Mornington, for the Boonoorong or Coast tribe, containing 832 acres. Another in the county of Evelyn and parish of Warrandyte, for the Wawoorong or Yarra tribe, containing on both banks of the Yarra, viz. :—on the south bank, 1103 acres ; on the north bank, 805 acres—1908 acres.

Mr. Orr.—No assistance has been given by the Government ; and when it was given by the Government it did no good, from the erratic propensities of the tribes. They get plenty to eat by killing animals and digging for grubs, roots, &c., &c., and working a little for the whites. There are no reserves, neither are they wanted ; for no power or inducement can locate them in one spot for any length of time.

Mr. Lane.—No assistance of any kind has been given them by the Government. They live by hunting opossums, &c. There are no reserves, but there are plenty of places well calculated for such.

Captain Harrison.—No information.

Mr. Templeton.—I am not aware of any ; I have not heard of any. Principally on charity and prostitution. I am not aware of any (reserves), but think "Kerang," on the Loddon, as being entirely removed from the gold fields, might be selected.

Mr. Sherard.—Not lately. Their original food, with the addition of clothing and food from the settlers. No. No.

Mr. Shuter.—A small supply of blankets, rugs, flour, tea, sugar, and tobacco was obtained from the Government last year at the request of Mrs. McLeod, an inhabitant of Bacchus Marsh, and distributed by the clerk of the bench. They appear to obtain their means of living principally by begging from place to place. Occasionally they will do a day's work, for which they generally require to be paid in cash. They also obtain opossums easily, which is much used by them as an article of food. There are no aboriginal reserves in this district, but there are some places very well adapted for the purpose.

Mr. Murray.—No assistance has been afforded them by Government. They (the Colac tribe) buy food with their earnings, and hunt. There are no aboriginal reserves here. There are places fit for such reserves.

Mr. Synnot.—They have had no assistance from Government, to my knowledge. They live by catching opossums and other game, and from what they get at the different stations. There are no reserves for them in this part of the country (Wimmera). Almost any place would answer for that purpose where there was plenty of wood and water.

Mr. Wilson.—No clothing, food, nor medical attendance, so far as I am aware, has ever been bestowed by the Victorian Government. Prior to separation from New South Wales, a few blankets were once or twice distributed by the late Mr. Bingham, Commissioner of Crown Lands, Tumut district. They generally live with and are supported by the white people. Both game and fish are abundant. There are no reserves, and none required.

Mr. Fishen.—Government assistance—yes. No aboriginal reserves.

Mr. McLeod.—Nothing has been done for them by the Government. I always employ them when I can, but they are very unsatisfactory and expensive workpeople; for if you employ one you have to feed ten. I have been obliged, this last winter, to feed, clothe, and nurse many invalids. One man died last week at the station of consumption, and there are three there still very ill. There is abundance of fish and kangaroo there, but they will sooner beg about the stations for flour than catch them. There is no reserve for them, nor do I think they would settle on one, if there was.

Mr. Ormond.—No assistance has been afforded by the Government to the aborigines in this district. They live mostly on the charity of settlers. They catch fish and shoot wild fowl; they seldom, however make use of the fowl or fish, but dispose of them for money to buy rum. There are no aboriginal reserves in this district; there are places well fitted for such.

Mr. French.—No assistance, that I am aware of, has been rendered them by the Government in this district (Hamilton) since the abolition of the Mount Rouse aboriginal reserve. There is no reserve here at present, nor, to judge from my experience of former reserves, would the establishment of one be attended with any beneficial results. The aborigines have much greater facilities for living now than when we took possession of the country first. Their game does not appear to me to have diminished relatively with themselves, and by a little labor they can always procure flour, sugar, tobacco, clothing, at the township and stores in the interior.

Mr. Crooke.—As to assistance in the form of clothing—yes. As to food—no, nor medical attendance. Their means of living are hunting and fishing. There are no aboriginal reserves near me, but plenty of places fitted for being granted as such. With reference to this and the following question, I would remark that helping the aborigines makes them mendicants and idle. The bush is overrun with opossums, &c., in consequence. They will lie about a township and starve sooner than hunt for food as formerly. They look miserable then compared to what they do when they come in from the mountains, where they have lived by the chase. Medical aid is all that can really be of service to them, and it is really a pity not to afford it to them.

Mr. Shadforth.—None whatever. There are no aboriginal reserves near here.

Mr. Aitken.—No assistance in any form has been bestowed on the aborigines in this district (Upper Goulburn).

Mr. Shene.—There has been no assistance rendered by Government for a number of years. They live amongst the settlers throughout the country; get a meal occasionally as they travel through the country. There are no reserves here; plenty of places fit for them, but I fear they would be a failure as in former attempts.

Mr. Beveridge.—The Government have not supplied the aborigines with clothing of any kind, unless upon the occasion of the retirement of the Moravian missionaries from their station at Lake Boga, when Mr. Superintendent Cobham distributed (I believe by order of the Government) some few blankets left at that station by the reverend gentlemen. The food of those not employed by the settlers consists of fish chiefly, but they have many other kinds of food in the shape of kangaroo, opossums, and wild fowl of the aquatic species, myriads of which inhabit the lakes and lagoons about the Murray. They have also a farinaceous root which grows abundantly on the Murray marshes. There is a large aboriginal reserve at Lake Boga, but reserves for the use of the aborigines are utterly useless, in consequence of their itinerating habits.

Mr. Allan.—The Government have never given the slightest assistance to the aborigines of this district; they live in every respect the same as the other servants on the farm.

Mr. Craig.—Occasional labor from the farmers and settlers, with cleemosynary aid from the inhabitants generally. I have not heard of any assistance being given by Government to this tribe, nor are there any reserves or unsold land suited for such purpose in the immediate neighborhood.

Sergeant Archibald.—Means of living—begging and performing occasional labor for the settlers.

Mr. Strutt.—Not as a general rule; the only assistance, as far as I am aware, has been in clothing and blankets to a few. Several of the aborigines hang about the different stations, townships, and public-houses, and thus pick up a living, given chiefly as a charity. The native articles of food are not so easily procured as formerly; the fish have been disturbed by the steamers, and the snag-boat in particular has removed many old logs which were favorite spots, both with the fish and the fishermen. Wild fowl are more shy since guns have been used. Snakes and all reptiles are much scarcer, fortunately. Neither kangaroo nor emu is to be seen within many miles.

Mr. J. M. Allan.—None whatever. For the past eighteen years medical attendance and comforts, when required, and clothing and bedding, have been almost altogether supplied to the blacks of this neighborhood (Villiers and Heytesbury) from my own private resources, having applied to the Government in vain for assistance. The aborigines support themselves alternately by working for the settlers and by hunting and fishing. No aboriginal reserves near. Many places well suited for such.

Mr. Godfrey.—None. Their means of living are, occasionally working, but more generally begging for their food (as a rule, they are too lazy to work continuously) and have become too inactive to hunt for game, as was their wont. There is no reserve near my station, nor any place fit for such, owing to the unfitness of the soil and climate for agriculture, and unpermanency of water.

Mr. Gotbreux.—No assistance from Government since the abolition of the aboriginal reserve at Mount Rouse, in 1850. No means, save at the expense of the settlers. No reserves in the district.

Mr. Currie.—No assistance has been rendered by Government. They depend upon a precarious charity, hanging about stations and public houses. No aboriginal reserves.

Mr. Lydiard.—None, or very few work regularly for wages; others only for a week or two, when they club their earnings to buy grog. There are many places in the district adapted for reserves, but they would be useless, as it would be impossible to keep the aboriginals from roving.

Mr. Stewart.—4 and 5.—No aid of any sort is bestowed upon the aborigines by the Government. The police magistrate would undertake the distribution of any supplies to them.

Mr. Mitchell.—Since the abolition of the aboriginal protectorate no assistance whatever has, within my knowledge, been bestowed upon them by the Government. At the present time they are maintained chiefly by settlers and others. Their former means of support—hunting, fishing, &c.—are still open to them, but they have almost quite abandoned them. There is no aboriginal reserve in the district, and I am not aware of any place especially suitable for one.

Mr. Cooke.—No assistance from Government in food, clothing, or medical assistance. Many live by working at different people's places; otherwise they live on opossums, bandicoots, and kangaroos. No reserves; but I allow them to remain on a certain part of my purchased land.

Mr. Huon.—They have never received any assistance from the Government, medical or otherwise, that I am aware of. Generally speaking, they obtain their food and clothing from the settlers and the residents in the various townships. There are no aboriginal reserves near here.

Mr. Wills.—No clothing, food, nor medical attendance has ever been bestowed at Omeo on the aborigines by the Government.

Mr. Fetherstonhaugh.—Not within the last four years.

Mr. Piper.—None since my entrance into office here in 1853. They are bountifully fed and clothed by the settlers. There are no aboriginal reserves near me, nor places adapted to the purpose.

Mr. Lewis.—No clothing nor food has been supplied by the Government to the natives in this vicinity. They can obtain an abundance of food by fishing and occasional hunting. I am not aware of any aboriginal reserve in this district. The natives have the unconstrained use of any part of it they may choose to frequent.

The Hon. G. Harker, M.L.A.—The annexed Return was furnished to the Committee by direction of the Honorable the Treasurer. It gives the amount of expenditure incurred by the Government of Victoria on behalf of the aborigines since 1851.

EXPENDITURE for the ABORIGINES of the COLONY of VICTORIA during the following PERIODS.

SERVICE.	1st July to 31st Dec., 1851.	1852.	1853.	1854.	1855.	1856.	1857.	1858.
	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.
Salary of Protector	107 0 0	424 1 8	625 0 0	687 10 0	649 3 4	600 0 0	600 0 0	600 0 0
Salaries of Teachers and Overseers	66 13 4	461 14 0	178 15 3	161 12 10	169 11 11	150 0 0	150 0 0	150 0 0
Salary of Medical Officer	51 13 4		334 2 11
Wages of Laborers, Shepherds, Hutkeepers, and others	139 18 1	..	763 11 6	45 16 8	21 10 6	..	..	..
Provisions and Forage	300 19 8	447 2 0	157 13 3	..	291 10 10	117 5 6	427 12 9	115 16 6
Clothing and Bedding	14 18 0	75 8 6	..	..	44 9 9	56 7 3	307 11 6	90 1 6
Medicines and Medical Attendance .. ..	..	..	2 3 7	..	7 7 0	1 19 6	..	..
Utensils, Tomahawks, Tobacco, Pipes, Stationery, and other Stores	17 13 1	70 12 4	14 7 11	..	39 10 4	1 16 3	11 13 10	0 7 0
Repairing and Furnishing Buildings	98 16 2	..	2 18 4	..	..	..	..	..
Materials for Fencing	32 16 0	..	..	..	..	..	..	..
Carriage of Stores from Melbourne	3 1 3	41 9 9	168 14 1	..	157 17 3	..	..	..
Expense of Shearing and Carriage of the Wool to Melbourne	40 18 6	89 9 10	30 14 6	..	..	..	..	..
Education and Maintenance of two Aboriginal Orphans	20 3 4	35 17 6	62 8 0	46 16 0	77 19 11	31 4 0	31 4 0	..
Shoing and Saddlery	4 7 0	10 17 0	24 3 0	..	..	..	..	..
Funerals and other Incidentals	12 15 4	35 5 8	13 15 0	10 0 0	2 0 0	15 16 0	..	..
Grant to the Moravian Mission to the Aborigines .. ..	..	..	..	..	500 0 0	..	..	..
TOTALS	911 13 1	1,691 18 3	2,378 7 4	951 15 6	1,931 0 10	974 8 6	1,528 2 1	956 5 0

5. In the event of the Government being disposed to assist them with supplies, is there any police bench, stipendiary or other magistrate or settler, who would be willing to take charge of such supplies and see to their distribution amongst the aborigines?

Wm. Hull Esq., Melbourne.—No doubt.

Mr. Thomas.—There is every facility in the counties of Bourke, Mornington, and Evelyn—viz.: Mr. Castello, J.P., at the Yarra Ranges; Mrs. McDonald, on the Reserve, Moody Yallock; and Mr. David Johnson, at the foot of Mount Disappointment. The two last mentioned have for years gratuitously performed this humane office.

Mr. Orr.—There is no great use in giving supplies; neither do I know of any one to take charge of such. A doctor to cure their diseases is most wanted.

Mr. Lane.—There is a police bench at Belvoir (near Albury); but there is no nearer bench than this to all those natives who may be roaming east of Yackandandah.

Captain Harrison.—If assistance became requisite, the police magistrate would willingly act.

Mr. Templeton.—The police Magistrate, "Kerang."

Mr. Rusden.—I think it would be well that, as the miseries to which the occupation of their country by the whites subjects the blacks are caused by a public and common act, so any alleviations which can be resorted to should be managed under public control, and that petty sessions courts should be the medium of distribution of such gifts as can be received with advantage by the blacks in each district. Where no court of petty sessions exists, some benevolent person in whom the aborigines confide (there are many such) might be appropriately applied to, to assist in the distribution.

Mr. Shuter.—The clerk of the bench (Mr. Cooper) has expressed his willingness to take charge of and distribute any supplies that may be provided by the Government.

Mr. Murray.—Either the bench, or magistrates individually, and many settlers, would gladly take charge of supplies from Government and distribute them amongst the aborigines, and I would strongly recommend such a course.

Mr. Symot.—Settlers might perhaps be found willing to undertake the duty of dispensing Government supplies; but to employ a regular officer of the Government would prove, I think, a better plan. Stores might be sent, from time to time, for distribution in each locality, from the Government establishment, at such places as Avoca, Maryborough, Korong, St. Arnaud, or the police stations at Swan Hill or Crowlands.

Mr. Wilson.—Not necessary.

Mr. Fishen.—Yes.

Mr. McLeod.—I shall be happy to receive supplies for them, of flour, tea, sugar, and tobacco, also of blankets and clothes, which I would advise to be of some uncommon kind, and well marked over, say with the broad arrow, and have any white punished, if any are ever found in his possession, as they will sell anything for spirits; and, I am sorry to say, they easily find purchasers. If a depôt is made at my station, I will have the names, ages, &c., taken in a book, of all aborigines, who come for clothes or supplies, with the dates of receiving.

Mr. Ormond.—If Government was disposed to assist them with supplies, there are magistrates and settlers who would be most willing to see as to their distribution.

Mr. French.—In my neighborhood is the township of Hamilton, with police bench, stipendiary magistrate, stores, and every appliance for distributing supplies to the aborigines, if the Government thought it expedient to do so.

Mr. Shadforth.—The stipendiary magistrate would be willing to take charge of supplies.

Mr. Aithen.—There is no police bench or stipendiary magistrate in the district (Upper Goulburn), but I believe a magistrate or settler could be found willing to take charge of and distribute supplies to the natives.

Mr. Shene.—Yes.

Mr. Beveridge.—There are both a stipendiary magistrate and staff of police in the district, but whether they would undertake the distribution of any supplies the Government may be pleased to furnish for the use of the aborigines, or the contrary, I cannot say.

Mr. Allan.—There is a police bench and a stipendiary magistrate in the district.

Mr. Craig.—There is a police bench and stipendiary magistrate here.

Mr. Gilles.—The stipendiary magistrate and local bench would afford every assistance.

Mr. Strutt.—Yes; the police magistrate.

Mr. J. M. Allan.—I would gladly take charge of, and see to the proper distribution of, such supplies; and from my intimate acquaintance with the blacks, with their language, habits, and customs, would possess peculiar facilities for so doing.

Mr. Godfrey.—Such could doubtless be found, if the Government supplied the means.

Mr. Gottreux.—There are several police benches and magistrates. Supplies could be distributed.

Mr. Currie.—The clerk of the district bench at Camperdown would, I think, be the proper officer to entrust with the distribution of supplies; and I may state, that it is highly desirable that there was some depôt where they could obtain lodging and the common necessaries of life; as I believe they frequently suffer from hunger, and in winter from cold, having lost the energy and the habits that enabled them to supply themselves.

Mr. Lydiard.—Where there is no stipendiary magistrate, the clerk of petty sessions could act as curator for any supplies granted them.

Mr. Mitchell.—There is no stipendiary magistrate in the district; but there can be no doubt that the other magistrates would see to the distribution of supplies to the aborigines, if Government should so assist them.

Mr. Cooke.—If clothing were given to them, I fear they would pawn them for drink. I would recommend blankets for the winter season; and flour, tea, and sugar, for food.

Mr. Huon.—There is a police bench here; but I do not think, if the Government assisted them with supplies, it would benefit them much, as they would be more likely to indulge in the use of ardent spirits, being more about the town, and of course the temptation would be greater.

Mr. Wills, Onso.—The tribe being extinct, no reply is necessary.

Mr. Fetherstonhaugh.—The police magistrate at Hamilton.

Mr. Piper.—It would be my duty to obey the orders of the Government in this respect.

Mr. Lewis.—Any Government supplies would be readily distributed in this district by either the stipendiary or any other magistrate, or by persons of known respectability. Blankets, at the commencement of winter, would be more useful to the natives than any other article of clothing.

6. *Are the aborigines addicted to intemperance, and do the publicans of your district generally infringe the law which prohibits them from selling ardent spirits, &c., to the natives?*

Mr. Hull.—The aborigines give money to white people, who get the liquor, and drink it with them.

Mr. Thomas.—The aborigines are not only addicted to intemperance, but slaves to it when they can obtain it, which I am sorry to state they readily do when they come within the precincts of a public inn. I do not believe that the publicans willingly infringe the law, but the aborigines are too crafty for the publicans. I have it from various authorities, that they will give an idle lounging fellow a sixpence to purchase them a bottle of rum. They have been known at Brighton to give a boy or girl playing about a few pence to procure rum for them.

Mr. Orr.—Very much addicted to drunkenness, which is supplied to them by publicans and others.

Mr. Lane.—The aborigines, on their occasional visits here (Yackandandah), are frequently intoxicated. I have seen them throwing the boomerang for the amusement of the miners, &c., and this, no doubt, caused them to be treated.

Capt. Harrison.—Eight cases of drunkenness against aborigines have been heard at this bench (Castlemaine) in the past three years. In each case I tried to obtain information as to where the spirits had been obtained, but without effect. I have warned the publicans of the district that the penalty would be exacted in each case, and cautioned the police to be on the alert; but no proof of sale has ever been established before the bench. I have little doubt in my mind that, the money being forthcoming, the sale would follow.

Mr. Templeton.—They are addicted to intemperance, but I cannot say whether they buy the liquor or not.

Mr. Usden.—The aborigines soon become addicted to intemperance after contact with the whites. How could it be otherwise? Their hunting grounds are taken up by the whites; they themselves become interlopers in their native places; their presence in large bodies is incompatible with the occupation of their country by the whites; they have usually only the lowest classes (in point of morality) of the whites to associate with. They have no intellectual pursuits, no room for manly exercise in providing themselves with game, as was their wont; and they speedily adopt the vicious habits with which they are made acquainted by their invaders. They have no moral checks to appeal to, and the craving for the excitement of drink becomes a physical disease, controlling their wills as it does in many cases the civilized man, who has had better advantages, less excuse for yielding, and less temptation.

Mr. Sherard.—They are very much addicted to intemperance, and appear to have no difficulty in procuring spirits at either public houses or refreshment tents.

Mr. Shuter.—The aborigines are much addicted to intemperance, and frequently obtain liquor through means of the Europeans, who purchase it from the publicans. I do not think that many publicans would knowingly infringe the law by selling to them in the first instance.

Mr. Murray.—They are addicted to intemperance. The publicans in the district are not conspicuous as infringing the law prohibiting them from selling spirits to the aborigines.

Mr. Synnot.—The aborigines are addicted to drunkenness, and the publicans and others do supply them with ardent spirits.

Mr. Wilson.—They are much addicted to intemperance. It was always difficult (at least for some years past) to prohibit the publicans from supplying ardent spirits, and in many cases it was supplied by the frequenters of the tap-room.

Mr. Fishen.—Yes.

Mr. McLeod.—The publicans do supply them with spirits when they have money, as the fine of £5 is not sufficient to prevent them running the risk, the proof being uncertain, there only being the testimony of the blacks themselves, and they are unwilling to inform, although on examination they will speak the truth. Publicans are allowed to give them beer, which is wrong, and they ought not to be allowed to employ them about their premises.

Mr. Omond.—The aborigines are very much addicted to intemperance. I believe the publicans of this district do sell spirits to the natives.

Mr. French.—They are doubtless addicted to intemperance, but I cannot say whether the means of gratifying it are derived from the publicans themselves, or from those who frequent public houses. Most probably both.

Mr. Crooke.—Yes.

Mr. Shadforth.—I do not think the publicans generally infringe the law by selling spirits to the natives.

Mr. Aitken.—Most aborigines are intemperate, if the temptation is thrown in their way. I believe publicans infringe the law which prohibits them from selling ardent spirits to the aborigines.

Mr. Shene.—Yes.

Mr. Beveridge.—They are not addicted to intemperance in this (Murray) district.

Mr. Allan.—Every man and woman of the aborigines is addicted to intemperance. The publicans cannot well prevent them from obtaining spirits; because, if he refuses to give it them, they hand their money over to some white man, who obtains the spirits from the publican, and then gets his share from the blacks for doing so.

Mr. Craig.—With very few exceptions the whole are addicted to intemperance. As a body the publicans do not generally infringe upon the law prohibiting the supply of spirits to the natives; but this is evaded by third parties (the whites) purchasing for, then handing to, the aborigines.

Sergeant Archibald.—They are addicted to intemperance. The publicans do not generally infringe the law by selling spirits to the natives.

Mr. Strutt.—The aborigines are very intemperate; and the law prohibiting spirits is very frequently infringed.

Mr. J. M. Allan.—They are intemperate in the use of ardent spirits, which the publicans never refuse to sell to them, though they do it in such a way that the law cannot touch them. We (the bench of magistrates) do all in our power to check this, but hitherto without effect.

Mr. Godfrey.—Very much. The publicans almost universally are guilty on this head.

Mr. Gottreux.—Yes; and although much is done to prevent the publicans from supplying drink, the law is easily and continually evaded.

Mr. Currie.—Greatly addicted to intemperance. They find means of being supplied with spirits without being so directly by the publicans. A stricter surveillance by the police might be enjoined.

Mr. Lydiard.—They are very prone to inebriety; and until there is some stringent law in force to punish publicans for allowing the aborigines to frequent their premises, it is utterly impossible to prevent their surreptitiously obtaining grog.

Mr. Mitchell.—Generally speaking, the aborigines are given to intemperance, whenever they have an opportunity of indulgence. Although but few instances are within my own knowledge, I am satisfied that the publicans habitually violate the law which prohibits them from selling spirits to the natives.

Mr. Bunce.—They are all addicted to drink; and from their ready manner of obtaining it, leaves but little doubt that they are supplied by the publicans.

Mr. Cooke.—The aborigines are much addicted to drink, and have frequent quarrels from the effects of it.

Mr. Huon.—They are very much addicted to intemperance, and manage to get spirits in some way; although the publicans profess not to sell it them, but they can easily evade the law.

Mr. Wills.—Both sexes are very much addicted to intemperance. There were no licensed publicans at the time the Gundanora tribe were resident here (Omeo).

Mr. Fetherstonhaugh.—They are; but are not supplied, to the knowledge of the authorities, by the licensed publicans with liquor.

Mr. Piper.—The aborigines emulate their civilized brethren in this. I am not aware that publicans infringe the law; the natives can always procure liquor indirectly.

Mr. Lewis.—Only the natives near or about public houses, in this district, are addicted to intemperance. I do not know how they obtain intoxicating liquors, but few having the means of purchasing them.

7. *Would it be beneficial to prevent the aborigines from coming within a certain radius of the towns of the colony, and could the police force be intrusted to see such a law (if enacted) carried into operation?*

Mr. Hull.—I think not.

Mr. Thomas.—It would be beneficial to prevent the aborigines from coming within the precincts of a town. If the aborigines are supplied at the depôts with provisions and other necessaries (although a guardian of them), I should have no hesitation of advocating the vagrant laws in operation against them, on attempting to enter a town, and this should be strenuously enforced; having experienced the dire effects of drunkenness when visiting Melbourne—deaths and murders resulting therefrom—that I recommend this step for their good.

Mr. Orr.—They are better away from towns; but no police force could prevent them, unless such as would entail an immense expenditure.

Mr. Lane.—It might, certainly, be beneficial to the aborigines, to prevent them from coming within a certain radius of towns; but it would require an addition to the police force to carry a law of this nature into effect.

Capt. Harrison.—I do not consider such a step would be of use in Castlemaine.

Mr. Templeton.—I do not think such a law could be carried out.

Mr. Rusden.—It is a melancholy fact, that the number of the aborigines remaining in all the populous districts of Australia has dwindled down in such a manner, that to supply them with drink can be no longer lucrative. It was commonly believed, and was I think the fact, that many publicans unscrupulously supplied drink to the blacks who could take grist in quantities to their mills. Drink and disease have now done their work so effectually, that *gain* cannot be the object in supplying drink to the unfortunate remnant. Yet, mistaken kindness in some instances, and the idle brutality which, in others, supplies the means of intoxication in order to obtain amusement, too frequently contribute to the repulsive scenes to which pecuniary profit is no longer the temptation.

Mr. Sherard.—It would be beneficial to them to be kept from the different diggings, if it was possible.

Mr. Shuter.—I think it would be most beneficial both to the natives and Europeans if such a law could be introduced, and I think the police, as they are at present constituted, might be entrusted with the duty of carrying it into effect. I would, however, prefer seeing large aboriginal reserves established, presided over by competent persons, who, entering into their duties with spirit, would endeavor to reclaim them from their savage state. I am inclined to believe that, although the moral state of the aboriginal in this colony is low, he might with proper treatment be improved.

Mr. Murray.—I do not think it would be beneficial to prevent the aborigines from going within a certain radius of towns, but I think it would be well to restrict their remaining in towns to a very limited period, and I consider the police force could be intrusted to carry out such a law.

Mr. Symot.—I think they would derive the greatest benefit from being excluded from the towns, more especially those on the gold fields; and if such a law was enacted, the police are, or ought to be quite competent to carry it into effect.

Mr. Wilson.—It would be better to prohibit the aborigines from living in any of the towns or near a public-house. The police might be entrusted to enforce a law to this effect.

Mr. Fiske.—No.

Mr. McLeod.—I do not think they would be benefited by keeping them out of the towns.

Mr. Ormond.—It would be beneficial to prevent the aborigines from coming to within a certain radius of the towns of the colony. The police could be entrusted to see such a law carried into operation.

Mr. French.—If they were prevented frequenting the towns, whence they derive their principal support, they would resort to the country public-houses, if they wished to gratify their love of drink.

Mr. Crooke.—It would be beneficial to prevent the aborigines from coming within a certain radius of the towns of the colony, but the police could not be entrusted to see such a law (if enacted) carried into operation.

Mr. Shadforth.—I certainly think it would be beneficial.

Mr. Aitken.—I cannot see any advantage in preventing the aborigines from coming within a certain radius of the towns of the colony, there being now so many villages and public-houses scattered in the interior. The difficulty of obtaining their usual food is so great within a certain distance of the towns, from the amount of enclosed and cultivated land, that it has the effect of keeping them back in the less populous districts.

Mr. Skene.—No.

Mr. Beveridge.—Preventing the aborigines from coming within a certain radius of the towns in this district would not benefit them in any one way.

ABORIGINES.—i.

Mr. Allan.—I think not; in fact it would amount to cruelty to do so.

Mr. Craig.—But little advantage would accrue to the natives by such prevention, the facilities for obtaining spirits being equally available at the bush inns; and the clothes, broken victuals, &c., occasionally obtained by chopping fire-wood, &c., would be lost to them.

Sergeant Archibald.—The amount of benefit to be derived from any such enactment is questionable, as far as Warrnambool is concerned. The police could be entrusted to see such a law carried into operation.

Mr. Strutt.—In some respects it would be beneficial, in other respects it would be a hardship, as the aborigines have acquired a taste for tobacco, sugar, tea, flour, and other articles used by Europeans, and which can only be procured in the townships or at the stations. The police might be entrusted to apprehend every aboriginal found within a certain distance of the towns.

Mr. J. M. Allan.—No. It would be unjust.

Mr. Godfrey.—Most desirable. The police could enforce it, if such became law.

Mr. Gottreux.—Not in my opinion, in this district.

Mr. Currie.—Enforcing the law might, and I think would, be attended with a hardship, that would defeat the object sought.

Mr. Lydiard.—It would be very desirable to keep them from the townships, with the exception of those who might be induced to work regularly as servants.

Mr. Stewart.—If power was given to the police to prevent the aborigines coming within a certain distance of town, it could be accomplished, but the condition of the aborigines would not be ameliorated, as they could procure drink at the bush inns.

Mr. Mitchell.—In this (Mount Rouse) district, such an enactment would not produce any great benefit.

Mr. Bunce.—I believe that much might be done by settling them in a locality congenial to their former habits, allowing them to strip bark, dig for myrning, burrow for porcupines and wombats, and other occupations which may be considered as a part of their nature, without the fear of legal enactments or coercion of any kind. The overseer or commandant of the community should be conversant with their habits and customs, and thoroughly understand their language. The latter qualification is of the highest importance.

Mr. Cooke.—No benefit would be derived from excluding the natives from the towns, as public houses are so numerous in the country that they think nothing of going from twelve to fourteen miles to get grog.

Mr. Huon.—If a law was enacted to prevent them from coming within a certain radius of the town, I think it would be very difficult to carry it into effect.

Mr. Wills.—I am decidedly of opinion, now, that it would, as habits of intemperance and mischievous intercourse between aboriginal women and the lower orders of white men are so prevalent. (See *passim* report of recent murder of a European man at Sale, at Gipp's Land, by Tarra Bobby.) As to the general principle, I am not in favor of locating aborigines in blocks of land entirely apart from European settlers, having, during a seven years' residence in New Zealand, witnessed with much pleasure the general success of the plan originated by the New Zealand company of intermingling the "native reserves" with the lands of settlers, and of encouraging the natives to mix freely, and to combine in executing farming, road, and other work with European settlers. It must, however, be admitted, that the New Zealanders (Malay origin) are intellectually a far superior race to the Australians. The old American system of locating aborigines in blocks by themselves seems to me likely to retard their moral, intellectual, and social position. Certainly the police force could be entrusted.

Mr. Fetherstonhaugh.—I think not.

Mr. Piper.—No.

Mr. Lewis.—It would be impossible to prevent the natives from visiting the towns, unless through threats of personal violence or actual restraint.

8. *Is there any paid medical officer in your district, and could the services of such be procured for the aborigines by providing a proper compensation for the performance of the duties of medical attendant on them?*

Mr. Thomas.—There is no paid medical officer for the aborigines; but Dr. McCrea has ever attended to aboriginal cases when I have brought them under his notice when near the town. I may add here, that the Melbourne Hospital has kindly occasionally given advice and medicines. The services of a medical officer would be useless. The only way in which the aborigines could receive medical attendance (they being so erratic) would be in cases of emergency; the medical gentleman in the neighborhood where they are encamped attend them, and upon my certificate, or a magistrate near the place, to be paid for his attendance.

Mr. Orr.—Very desirable to have medical officers all through the colony to attend them.

Mr. Lane.—There is no paid medical officer in the district, but there would be no difficulty in procuring professional attendance for them, if properly remunerated.

Captain Harrison.—The only paid medical officer in this district is the surgeon of the gaol, the salary £100 per annum, including the supply of medicines. The office is open to public competition by tender, and could readily be enlarged to include attendance on the aborigines.

Mr. Templeton.—No. No doubt a medical man would attend them if paid.

Mr. Rusden.—I should think medical advice would be given in most instances by members of the profession; but a gentleman who may be most willing to give advice may be quite unable to provide hospital accommodation for a sick or wounded black. I think a fund should be placed at the disposal of every Petty Sessions, out of which payment might be made for the cost of medical treatment (in the district) of any of the aborigines. While retaining any of their natural independence of bearing and habits of livelihood, the aborigines will not submit to amputation, nor will the tribe to which a man belongs permit any limb to be amputated if they can prevent it by any means; therefore, if possible, a medical man should be chosen in whom they have confidence.

Mr. Shuter.—There is no paid medical officer in the district (Bacchus Marsh).

Mr. Murray.—There is no paid medical officer in this (Colac) district. The services of one of the resident medical men could be procured for the aborigines by payment.

Mr. Synnot.—There is no medical man in this (Wimmera) district, paid or otherwise, who attends in the least to the blacks, nor do I think it could be much use to appoint one, unless to travel constantly through the country.

Mr. Wilson.—None, and none are required.

Mr. Fishen.—No.

Mr. McLeod.—It would be well to give a magistrate power to call in a medical man when required, to be paid as in the case of a white man.

Mr. Ormond.—There is no paid medical officer in this district, but medical attendance could easily be procured, if there were a fund for that purpose.

Mr. French.—Not that I am aware of.

Mr. Crooke.—There is a paid medical officer in my district. With regard to the remainder of the queries, I do not know, but I think a travelling one alone would be of use.

Mr. Aithen.—There is no paid medical officer in the district, but I think medical attendance could be procured.

Mr. Shene.—No paid officer. I believe that medical men could easily be got to take the duties of medical attendants on them.

Mr. Beveridge.—There is not and never has been any paid medical officer in this district. I believe the coroner would gladly give them advice and medicine if he was properly compensated.

Mr. Allan.—I do not know.

Mr. Craig.—I am not aware of any paid officer in this district whose services could be so procured, though there are many medical men here who would do so for a consideration.

Mr. Gilles.—Yes; the medical officer who attends the prisoners and police force.

Mr. Strutt.—There is no paid medical officer, but medical attendance could be procured on providing a proper compensation.

Mr. J. M. Allan.—The coroner, Dr. Clarke.

Mr. Godfrey.—None that I am aware of. I think so.

Mr. Gottreux.—There is a coroner for the district; no other paid medical officer.

Mr. Currie.—The medical services of the coroner of the district residing at Camperdown might be made available.

Mr. Lydiard.—None.

Mr. Stewart.—There is a medical officer attending the gaols, and doubtless his services could be procured if required.

Mr. Mitchell.—Excepting the coroner, there is no public medical officer in the district. I do not doubt that the services of the coroner or any other medical practitioner could be procured for them, on the terms expressed in the question.

Mr. Cooke.—There is no medical officer nearer than thirty miles of this place. The natives here (Darlot Creek) are generally healthy.

Mr. Huon.—There is no paid medical officer in the district, but I have no doubt one could be procured, by being properly compensated.

Mr. Wills.—Tribe (Gundanora) extinct. No reply necessary.

Mr. Featherstonhaugh.—No; but there are two medical gentlemen who would undertake the duty, if remunerated.

Mr. Piper.—No. The medical gentlemen in the district are ever ready to display their benevolence.

Mr. Lewis.—There is no paid medical officer in this district. Medicines are often supplied by the settlers with good effect. It would prevent much sickness and suffering amongst the natives, were there a place in each district to which they could apply for medical assistance, which they would do most readily.

9. *Are the aborigines in your district quiet: have they ever committed any depredations against life and property? Are the services of the blacks made available by the settlers, farmers, and others—the payment or equivalent as wages for such services?*

Mr. Hull.—In some cases.

Mr. Thomas.—Perfectly harmless; they have never committed any depredation upon property worth naming; and none against life. I have the satisfaction to state that they have never shed white man's blood, nor has white man shed theirs.

Mr. Orr.—Always were quiet during my twenty years' residence here. They work very little now, and are paid in wages as the whites. They demand cash, and then drink spirits with the proceeds, mostly.

Mr. Lane.—The aborigines here are perfectly quiet and inoffensive. I have never heard of any depredations. I believe the settlers are generally kind to them, and when they are willing to work give them some equivalent.

Captain Harrison.—No offence, save drunkenness, has come before this bench (Castlemaine) since 3rd October, 1855.

Mr. Templeton.—They are. I have not heard of any. They are, for stripping bark occasionally.

Mr. Rusden.—Will be answered by the Guardian of Aborigines.

Mr. Sheard.—Yes; in the early days of the colony, against both. At one time their services were made available to some extent by the settlers; the payment consisting of food, tobacco, clothing, and money.

Mr. Shuter.—The aborigines are very quiet. They visit this place about once a year; and some of them are occasionally employed by the settlers, and in return receive cash or stores. I have been in this district three years, and the only instance of stealing I remember was by a very intelligent aboriginal, who spoke English fluently; he was convicted and imprisoned for petty larceny twice within the year. I think that he learned this habit from the Europeans. I do not think it was in his nature to steal.

Mr. Murray.—They (Colac) are perfectly quiet; they have not for fifteen years committed any depredations against property; never against life. Most of the men are employed by settlers and farmers at a rate of wages about half the current wages of Englishmen.

Mr. Synnot.—The aborigines here (Wimmera) are perfectly quiet. They have committed depredations, but not for several years back. They are employed occasionally by the settlers, and paid in clothing, rations, and sometimes in cash at the rate of 7s. to 10s. per week.

Mr. Wilson.—During the time I resided on the Mitta Mitta, viz., from 1840 till 1854, the aborigines were peaceable and well-disposed. Prior to 1840, they murdered two men—servants of Mr. Tooth, who held the squatting licence for Talangatta. A good many cattle have from time to time been speared, or otherwise destroyed; but these depredations were generally committed by strangers, especially when on hostile excursions. The settlers have always been desirous of availing themselves of the services of the aborigines, paying them in rations, tobacco, money, and clothes.

Mr. Fishen.—Yes. There have been no depredations.

Mr. McLeod.—They are perfectly harmless. They are often employed, but are unsatisfactory and expensive work-people, even for their food and clothing.

Mr. Ormond.—The aborigines in this district (Mount Emu, &c.) are quiet and have never committed any depredations against life or property. They are employed for sheep-washing, harvesting, and cutting wood; and are paid in money for such services.

Mr. French.—They are at present quiet; though in former years they often committed depredations both against life and property, as I can testify when police magistrate at the Grange, in the early days of the colony.

Mr. Crooke.—The aborigines of my district are now quiet; but they have committed depredations against life and property. Their services are made available by the settlers, farmers, and others; their wages are various, by week and lump.

Mr. Shadforth.—As far as I can learn, within the last few years, no depredations have been committed by the aborigines; and in some instances their services are made available by the settlers, for food and clothing.

Mr. Aithen.—They are perfectly quiet; and I am not aware of any depredations having been committed against life or property for many years back. The services of the aborigines are made available partially. In this (Upper Goulburn) tribe there are two or three stockkeepers; five or six can shear, and nearly all can reap and assist in harvest and other work on a station. Those employed as shearers and reapers are paid, in most instances, at the same rate as the white man; but it is seldom that they do as much work.

Mr. T. Shene.—They are now quiet; but in the early days of the colony they were very outrageous, and killed many white people. The services of the blacks are made available by settlers, farmers, and others, when they will work, but they are very indolent. Wages are generally paid in food and clothing, and they will see that they are well paid for their work.

Mr. Beveridge.—The aborigines have been perfectly quiet for the last eight years. Prior to the commencement of that period they committed many depredations against both life and property. Their services are made available as stockmen and shepherds by the settlers. They receive as payment, clothes, blankets tobacco, and money; the latter they convert into flour at the nearest store.

Mr. Allan.—They are quiet, and have never committed any depredations for a number of years. They are very useful as stockriders, and also are good reapers. We paid them in clothing, and give them money when they ask for it; but there is no such thing as a set wage, because they cannot understand it.

Mr. Craig.—Of late years they have been very quiet, nor have they latterly been known to commit depredations, either in the town or the neighborhood. Their services are generally valued as stockriders. Some farmers find the young men very useful as reapers, planting and gathering potatoes, and other farm work—some being tolerably good bullock drivers.

Sergeant Archibald.—The aborigines of this district (Warrnambool) are very quiet, and have not, to the knowledge of the police, committed any depredations against the life or property of the inhabitants. There have been one or two cases of trials for attempted murder within the last five years—but amongst themselves. The services of the blacks are frequently made available, particularly in the outskirts of Warrnambool, the equivalent being generally food and clothing, with occasionally a trifling sum of money.

Mr. Strutt.—They are quiet at present. Formerly constant feuds existed between the aborigines and the whites, with much violence on either side. The services of the aborigines are made available occasionally, at busy seasons, the payment for which is in rations, clothes, tobacco, and too frequently, in spirits. Sometimes a little money is added, which is also generally spent in procuring liquor.

Mr. J. M. Allan.—Yes, at present. Formerly, especially amongst each other, murders have sometimes been committed by them.

Mr. Godfrey.—Yes. Not in their own beat; but they are believed to have committed depredations in the adjoining districts. Their services are made available whenever they are disposed to work—payment in money, or clothes and food, for labor done. I have generally preferred to give the latter, as the money is sure to reach the publican. In my experience, the condition of these blacks has much deteriorated since their frequent visits to the nearest diggings; and the farther from such townships and public houses, the better the condition of the blacks generally, and the more willing are they to engage in any work—in some places, even, hiring for a term of labor. Not so, however, in this tribe (Lower Loddon).

Mr. Gottreux.—Quiet. No depredations committed for many years. Almost all the settlers employ the blacks, from time to time; the men being generally good riders and useful; the women are also employed in various ways. Wages to men are paid, in many instances, as high as 10s. weekly, besides food.

Mr. Currie.—They are quiet. No depredations against life or property, since they became acquainted with and had intercourse with the whites. Their services are partially made available as stockkeepers, assisting in sheep washing, and other services connected with sheep shearing, for which they are paid in money.

Mr. Lydiard.—Several are nominally engaged in the district, at wages averaging from 5s. to 10s. per week.

Mr. Stewart.—They are quiet, so far as the whites are concerned; but are dangerous to each other. A few of them are made available by the settlers and farmers.

Mr. Mitchell.—They have been perfectly quiet for many years, and within my knowledge have committed no depredations on the white population. They are employed by settlers and farmers to as great an extent as their habits will permit. The scale of remuneration for their services ranges from £25 per annum for the few useful and domestic lads amongst them, to merely nominal wages, or occasional reward.

Mr. Cooke.—No disturbance is ever committed by them in any way except when in drink. They are frequently employed by myself and others, and are generally repaid in food, clothing, or money, say 5s. to 6s. per week.

Mr. Huon.—They are perfectly quiet, and have not committed any depredations against life or property for some years past. Their services are made available by the settlers in some instances, but only for short periods, as they have no idea of settling to anything. They are generally given an equivalent in the shape of money and clothes for their services.

Mr. Wills (Omeo).—The aborigines were not quiet. They frequently endeavored to kill stockmen and cattle; and the former (being well armed) in their turn retaliated with fatal effect. Their services were occasionally made available by the few squatters, and "amongst stock" were valuable. Generally speaking they were paid with clothing and tobacco; but some squatters, much to their credit, made a point of paying them equally well as white men employed on the station.

Mr. Fetherstonhaugh.—Perfectly so; and have never been amenable to the law for such offences during the last seven years. A few are employed by the settlers, and remunerated as other servants, but at a lesser rate of wages.

Mr. Piper.—The aborigines are perfectly harmless. Young men are employed on several stations as stockmen or shepherds. Their wages are seldom in money; generally in food and clothes.

Mr. Lewis.—The natives in the district have long been quiet and harmless. They were, at first, very hostile and dangerous to the whites. The youths are frequently employed by the settlers to assist as stockkeepers. They are sometimes paid for their services in money, but generally in clothing, tobacco, powder and shot, fowling pieces, &c. The native men and women casually employed are usually paid in food, tea, sugar, tobacco, or clothes.

10. *Have they been impelled by their necessities to steal from the settlers, or have they been actuated by a desire to perpetrate mischief wantonly or revengefully, without any benefit to themselves.*

Mr. Hull.—The former, except from revenge of injuries, with them a duty.

Mr. Thomas.—They have never been impelled to steal from the settlers. In their wild state I ever travelled with them through the bush, watching their movements, and settling as I went many differences that might arise between them and the settlers, invariably to the satisfaction of the squatter, so that they and the settlers have ever been on friendly terms.

Mr. Orr.—They have never been compelled to steal, neither are they inclined to do so.

Mr. Lane.—I have never heard any complaints from settlers during the two and a half years I have been in this district.

Captain Harrison.—Answered by reply to No. 9.

Mr. Templeton.—I do not think they do steal from the settlers.

Mr. Rusden.—The primary causes of disagreement between the races are forced upon the blacks. They could scarcely avoid giving offence, if even they could know what conduct on their part would give offence.

Their presence on a cattle run scares the cattle; the stock-keepers (who are only two or three in number even on a large station) are well aware that they can only maintain a superiority in conflict by means of fire-arms. Fire-arms are (I speak of the first occupation of a country) constantly carried, and often resorted to without provocation, and thus a deadly feud is created before either party knows a word of the language of the other.

Common sense shows that such a feud must be disastrous. No explanation can be given, although the first shot may have been fired merely as a demonstration (and shots are frequently fired thus by explorers and others) and a war of extermination ensues, which can have but one result.

The few whites possessed of fire-arms are placed far beyond the scrutiny of law, and have no moral compunctions which outweigh their idea that they have a right to secure their position as they best can. The most warlike of the aborigines are soon shot down. Occasionally it has happened that a hut has been attacked, and the white inmates have been slaughtered; but these instances have not arrested the general course of events, and have usually led immediately to a combined raid by associated stock-keepers and residents, in which speedy revenge has been taken.

Eleven men were convicted in Sydney on evidence, which was (at a second trial) held sufficient to prove one of these raids in which women and children were indiscriminately slaughtered. Seven of the men were hung.

After a tribe is reduced in numbers by the above causes, and the remnant is rendered abject by their means, quarrels have been numerous between the whites and blacks in individual cases, on account of the black women, whom their husbands, or those to whom they are affianced, in accordance with the native customs, do not like to see permanently estranged from a tribe, and whom some white man induces to remain with him by persuasion alone, or by persuasion accompanied by threats.

Theft was utterly unknown amongst the aborigines before their country was taken from them; but thieving and telling lies were vices which they soon became acquainted with, and learnt from their conquerors.

That they would kill a beast in the bush, when they could, I do not deny, and it can scarcely be said that, in doing so, they committed a theft, when they were at open war with the whites, and could not comprehend that cattle were absolutely the property of the whites, as they afterwards found them to be. Long before they learned the relations of property in the stock roving on the grass, they learnt the vice of thieving.

Mr. Sherard.—In the early days of the colony they used to steal sheep and other things from the settlers, but more from a spirit of revenge than from being compelled by their necessities.

Mr. Synnot.—From my general knowledge of the natives and their habits, I do not think their depredations have at any time been the effect of necessity, but rather of their ignorance, and the natural antipathy they must have felt towards the first intruders.

Mr. Wilson.—Theft is of rare occurrence; they are never impelled to it by necessity. I have known few instances of wanton mischief. Cattle may have been speared in revenge for some wrong, real or imaginary.

Mr. Fishen.—No.

Mr. McLeod.—They do not steal to my knowledge.

Mr. Ormond.—I have seen a good deal of the blacks for the last thirteen years, and I never knew them to be guilty of stealing. They are very cunning. I have known them to go to out station huts (particularly where new chums lived) and be so importunate in their demands, as to frighten the hut keeper into giving them tea, sugar, and flour.

Mr. Crooke.—They have not been impelled by their necessities to steal. Yes, as to the remainder of the question. Killing cattle is unaccountable, as they will do it for no apparent cause, at times when they have plenty of food. I have seen nineteen head of cattle lying dead, killed by them, and only one eaten or removed.

Mr. Aitken.—I know of no instance of a theft having been committed; neither do I know of mischief done wantonly or negligently.

Mr. Shene.—They can have no need to steal from settlers, were they to live on the food they lived on before the settlement of the colony. Kangaroos and opossums have increased a thousand fold; I therefore conclude that their depredations must have been of a wanton and mischievous character.

Mr. Beveridge.—They have been induced by covetousness and by a savage love of mischief to perpetrate their many wicked acts.

Mr. Allan.—Not that I am aware of.

Mr. Craig.—I have heard of but few cases of theft, or wanton or revengeful injury, sustained by the farmers or others here, for many years.

Sergeant Archibald.—No instances of outrages of these kinds have been reported to the police. Any instance to the contrary has been to procure drink.

Mr. Strutt.—Not since hostilities have ceased.

Mr. J. M. Allan.—No; theft by them is unknown. They will steal from *each other*, however—stealing even the wives and daughters of their enemies, which frequently led to bloodshed. At first the desire to possess the peculiar property of the settlers was the cause of much thieving.

Mr. Godfrey.—I do not consider them thieves, either from necessity, mischief, or other cause.

Mr. Gottreux.—Neither.

Mr. Currie.—If they have committed a theft of late years, it has been from necessity. I am not aware of a single instance, where mischief has been committed wantonly, or through a spirit of revenge.

Mr. Lydiard.—Generally speaking, they are honest; and although revengeful towards each other, are never so towards the white population, even in cases of aggression, such as poisoning and shooting their dogs.

Mr. Stewart.—No.

Mr. Mitchell.—It cannot be said, that they have ever been driven to theft by their necessities; nor have they been guilty of any depredations or wanton mischief for very many years—in fact, since the first few years of the occupation of the country by the settlers.

Mr. Cooke.—I find them generally honest.

Mr. Huon.—I have not heard any instance of their stealing from the settlers.

Mr. Wills.—Not impelled by their necessities. Game was formerly so abundant in this district, that by half a day's hunting, a native could support himself for four days together. The natives perpetrated mischief, perhaps, wantonly; but, I fear, too frequently, in retaliation for injuries done to them by remorseless stockmen. Many of them were very revengeful, never forgiving an injury, and biding their time till a favorable opportunity for revenge should present itself.

Mr. Fetherstonhangh.—No cases of this nature reported.

Mr. Lewis.—The natives in this district have never been compelled by necessity to steal from the settlers. They have frequently killed live stock out of mere wantonness, and far beyond the quantity they could by any means consume as food.

11. *Have any efforts been made in your neighbourhood to educate the aborigines, or to impart to them religious instruction?*

Mr. Thomas.—There have been three attempts in my district to educate the aborigines, viz.:—The first was established by Sir Richard Bourke, in the year 1836, on the south bank of the Yarra, where the Botanic Gardens are now, under the superintendence of Mr. George Langhorne, now a clergyman in the Sydney colony. This school was broken up in the year 1839. The greatest number of scholars was twenty-eight and the lowest number was two. The second school established was at the Aboriginal Reserve, Nerree Nerree

Warreen, on the east and west banks of Dandenong Creek, near Dandenong, in the year 1841, and broken up in the year 1843; the greatest number of scholars was twenty-three, and the lowest, none. The third school established was by the banks of the Yarra, at the junction of the Merri Merri Creek. This was established principally by the Baptists, open to all tribes, in December, 1845, and, after a considerable degree of success, was totally deserted in 1850. Two young children were left deserted by their unnatural mother, but were taken care of by Government, and by me placed under training at the National School, Moonie Moonie Ponds. Mr. Thomas Hinkins, master. The greatest number of scholars at the Merri Creek School was thirty-two, and the lowest number the two orphans.

Mr. Orr.—Mr. Parker, of Mount Franklin, taught them a little, but I believe he never could keep them long in one place.

Mr. Lane.—I am not aware that any efforts have been made for their instruction, religious or otherwise.

Captain Harrison.—Not that I am aware of. The numbers are too few and too scattered.

Mr. Templeton.—I think not.

Mr. Rusden (11, 12).—Numerous efforts have been made in Victoria, as in New South Wales, to educate the natives, and to impart religious education to them, but they have been uniformly made in such a manner as, in the opinion of those most acquainted with the habits of the aborigines, have ensured failure in the large majority of the experiments.

I have been cognizant of many cases in various parts of the colony of New South Wales, showing that with proper care the native mind may be trained in such a manner as to exhibit a by no means unfavorable contrast with that of the European. But the *sine qua non* in any attempt to influence the aborigines is to separate them from the control of the tribe to which the native sought to be influenced belongs.

The instances in which any natives have been permanently civilized, without separation from their tribes, are so rare and peculiar as to make unreasonable, to the extent of folly, to aim at civilizing the aborigines, without first bringing about their separation (during infancy if possible) from their native haunts.

The aborigines are affectionate and simple-minded, and a close attention to their wants by an intelligent person, who will treat them almost as he would his own children, may prove effectual in weaning them, in special cases, from their habits, and in imbuing them with the feelings of civilized Christians. There are but one or two such instances recorded, however, and they have been subsequent to the almost complete annihilation of the tribe to which the reclaimed savage has belonged; so that, in fact, the isolation which I speak of has been, in effect, produced, though in a manner which one must shudder to contemplate. Such individuals have been isolated from their countrymen, because their countrymen have been destroyed around them. They have sympathized with the kindness they have met, and instead of lounging from public-house to public-house, until the powers of nature have given way to debauchery and disease, as is the rule in most cases, they have clung to the protection afforded. They have been, how few soever in number, living rebukes to the brutality or apathy which would cheaply escape from the duty of civilizing their race, by pronouncing them to be irreclaimable.

In reply to the 73rd question put by the committee, I propose to show, in continuation of this subject, that the missions which have existed in Australia have failed to civilize and convert the aborigines, not because the aborigines were irreclaimable, but because the missions were established on erroneous principles.

Mr. Sherard.—No.

Mr. Shuter.—Not within my knowledge.

Mr. Murray.—No efforts have been made to educate them (Colac tribe), or to impart religious instruction, for the last ten years. Previously a Wesleyan mission made the attempt, but not in such a way as to secure success—but little good was done.

Mr. Synnot.—I am not aware that any effort has ever been made to educate the aborigines of this district (Wimmera). In 1853 or 1854 some of the young boys were taken to a protectorate station (or something of the kind) at Jim Crow, who of course took the first opportunity of getting back to their own country.

Mr. Wilson.—None.

Mr. Fiske.—Yes.

Mr. McLeod.—None.

Mr. Ormond.—No efforts have been made (in this neighborhood) to educate the aborigines, or to impart religious instruction.

Mr. French.—I cannot say.

Mr. Crooke.—No.

Mr. Shadforth.—None whatever.

Mr. Aitken.—No effort has been made in my neighborhood to educate or impart religious instruction to the aborigines.

Mr. Skene.—Not of late years. There were many attempts made in the early years of the colony, but in every case it was almost a failure.

Mr. Beveridge.—The only attempt at education and religious instruction made in this district was by the Moravian missionaries, and I am sorry to say the attempt was abortive.

Mr. Allan.—No.

Mr. Craig.—No systematic effort has been made here to test their capacity to receive literary or moral instruction. I have little doubt the young are capable of attaining a much higher standard of morals. With reference to literary instruction, I have found some aboriginals whose English would bear comparison with eight-tenths of the laboring whites. These have been more isolated from their tribes. Their aptitude in acquiring outdoor avocations is generally admitted, though they want the perseverance and endurance of their white fellow-workmen.

Sergeant Archibald.—I believe none.

Mr. Strutt.—None whatever.

Mr. J. M. Allan.—On one occasion three boys were sent from Warrnambool to the Melbourne blacks school, but after a few weeks they returned to their tribe.

Mr. Godfrey.—Individual efforts have repeatedly been made to ameliorate their condition, but in vain.

Mr. Gottreux.—Yes; but in all cases that have come to my knowledge they have failed.

Mr. Currie.—None; so far as I am aware.

Mr. Lydiard.—None.

Mr. Mitchell.—No effort has been made to educate them generally, nor to impart to them religious instruction.

Mr. Cooke.—No efforts made to educate or impart religious knowledge.

Mr. Huon.—There have not been any efforts made in this neighborhood to educate or impart religious instruction to them.

Mr. Wills.—None.

Mr. Fetherstonhaugh.—None that I am aware of.

Mr. Piper.—No; in former times religious instruction was attempted at the protectorate's, and I once heard the Lord's Prayer treated by a party of scholars in a way which would deter me from ever attempting religious instruction.

Mr. Lewis.—No systematic effort has been made near to this station (upon this side of the Murray) to educate the aborigines, or to impart to them religious instruction.

12. What is your opinion of their general intelligence, and of their capacity to receive literary or moral instruction?

Mr. Hull.—Utterly low. A few instances of superior intellect occasionally.

Mr. Thomas.—As to their "general intelligence"—they are not without a degree of intelligence when carefully watched; but there is such a degree of listlessness in their character, that it is truly trying to those who have to teach them; more so, as they will not suffer any coercion. The female children are not so quick as the male children in learning; both sexes can learn to read and write, but make no figure in arithmetic. They soon learn to sing and get by heart poetry, and repeat pieces; but in arithmetic, as before stated, they are very far behind European children. They like oral instruction, and in geography by mapping are very quick. An aboriginal boy at the Normal school, Sydney, got the prize for geography two succeeding years, but his master told me "he was stupidly dull in arithmetic." The females are soon taught needlework and other domestic work; the males as shepherds, sheep washing, farming operations, reaping, splitting, and even fencing. When the gold was discovered, almost all blacks, males and females, were engaged, and rendered valuable assistance to the farmers at the Plenty River. By Mount Eliza, the blacks, with the assistance of the master, got safely in the whole of the crop.

Mr. Orr.—I think them capable of receiving religious and moral instructions, as they have a good deal of intelligence.

Mr. Lane.—They are not wanting in intelligence, and might perhaps, if trained from early youth, acquire civilized habits and modes of thought; but it has always appeared to me that in mental capacity they are far inferior to the North American Indians.

Captain Harrison.—I have had no opportunity of judging.

Mr. Templeton.—I think as children their intelligence is equal to that of Europeans; but they are very deficient in application to any kind of learning. There are, however, scarcely any children in the tribes I am referring to, and any attempt to teach the adults would, I fear, be quite hopeless.

Mr. Sherard.—General capacity and intelligence good.

Mr. Shuter.—I think it low; but to say, as is generally said, that they are incapable of receiving instruction, I consider is too sweeping. I do not consider that the aboriginal population has received the attention it is entitled to at our hands. I am convinced that much good might yet be done at a very moderate cost.

Mr. Murray.—I consider their general intelligence very limited, but their capacity to receive literary and moral instruction is by no means deficient.

Mr. Synnot.—Their natural intelligence and capacity I believe to be good, but without an entire change in their mode of life it would be hardly possible to communicate to them much literary or religious instruction.

Mr. Wilson.—Of quick and lively parts, learning readily any description of farm work and rough carpentry; good mimics, with a keen perception of the ludicrous. In one or two instances I have known boys anxious to be taught to read; in one a natural taste for drawing and caricature; and one boy learned nearly all the letters of the alphabet from an old newspaper. I think they were capable of receiving moral instruction.

Mr. Fiske.—Very mediocre.

Mr. McLeod.—I consider them capable of receiving moral instruction.

Mr. Ormond.—The natives are very shrewd, quick, and clever at imitating, but their excessive laziness would be a bar to their receiving religious instruction.

Mr. French.—The general intelligence of the adults seems little, if at all inferior to that of the average of white men. I cannot say as to their capacity to receive literary instruction; and as to their capacity to receive moral instruction or having a moral sense, I cannot take upon myself to answer so difficult a subject, and about which so many philosophers have differed. Hobbes taught that the laws which the civil magistrate enjoins are the ultimate standards of morality. Cudworth endeavored to show that the origin of our notions of right and wrong is to be found in a particular faculty of the mind, which distinguishes truth from falsehood. Mandeville declares that the moral virtues are mere sacrifices of self-interest, made for the sake of public approbation; and calls virtue the "political offspring which flattery begot upon pride." Dr. Clarke supposes virtue to consist in acting according to the fitnesses of things. Mr. Hume endeavored to prove that "utility is the constituent or measure of virtue." Dr. Hutcheson maintains that it originates in the dictates of a moral sense. Dr. Paley does not admit such a faculty, but declares virtue to consist "in doing good to mankind, in obedience to the will of God and for the sake of everlasting happiness." Dr. Adam Smith endeavors to show that sympathy is the source of moral approbation. Dr. Reid, Mr. Stewart, and Dr. T. Brown maintain the existence of a moral faculty. Sir James Mackintosh describes conscience to be compounded and made up of associations. Dr. Ralph Wardlaw can see nothing in conscience, except judgment. How then, amidst all this conflict of opinion, as to the foundation and possibility of the existence of moral science, is any approach to certainty to be obtained in answer to this portion of the queries.

Mr. Crooke.—Moderate, but their immutable laws compel the members of tribes to join at certain times; hence the futility of it.

Mr. Aitken.—I think them intelligent and quick, but I cannot judge of their capacity to receive literary or moral instruction.

Mr. Skene.—Very inferior.

Mr. Beveridge.—They do not lack general intelligence, but they have not the remotest capacity for literary or moral instruction.

Mr. Allan.—Their capacity does not, in my opinion, extend past the present moment. I have known them taught to read, but after being awhile with their tribe, they have forgotten it all again.

Sergeant Archibald.—The general intelligence of the pure natives appears low, but there seems no doubt of their capacity to receive moral instruction if commenced in early years.

Mr. Strutt.—In many respects as intelligent as the white race. If their education commenced at a proper age, a fair share of instruction, both literary and moral, might be imparted to them.

Mr. J. M. Allan.—They have an excellent memory, can copy and mimic well. They have little or no feelings of emulation. I believe them capable of receiving moral and religious instruction, but I think all such attempts should be preceded by teaching them to depend on the regular and systematic labor of their hands for sustenance, and placing them in such a situation that they would have no alternative but ask regular labor, or want.

Mr. Godfrey.—A very moderate standard of intelligence, except when the faculties are brought to bear on any method for pursuing game, sports, &c. On these subjects they are quick; but their capacity to receive literary or moral instruction is small. They seem to possess a strong prejudice against any attempt at improving them, and fancy it very stupid to try and do so. Our best chance is with the children, the half-castes more especially.

Mr. Goltreux.—Very low, incapable of mental instruction.

Mr. Currie.—Their general intelligence is good, and their natural capacity, if cultivated before their wandering and wild habits had been confirmed, is, or was, sufficient to enable them to receive literary or moral instruction.

Mr. Lydiard.—Although an intelligent race, they repel any attempt to teach them either reading or writing. I only know of three aboriginal natives who can read and write.

Mr. Mitchell.—On the whole they are of limited capacity. Amongst those educated by the settlers are a few who have exhibited some quickness of apprehension, which, however, is usually marred by their constitutional apathy, and a dislike of a continued effort. It is difficult to impress them with a due regard for any system of morals.

Mr. Bunce.—Their reasoning powers are of no mean order ; they have great capacity for learning ; but the teacher should be able to speak their language.

Mr. Cooke.—The old people are generally very stupid in understanding what is said to them, but the younger ones are much more apt and quick in picking up any suggestion you may make to them.

Mr. Luon.—Many of them possess a good deal of shrewdness and intelligence ; but as indolence is their principal characteristic, it would be necessary to commence whilst they are very young to impart any literary instructions, and I think the same may be said with regard to moral culture.

Mr. Wills.—I have myself seen so few of them, that it is not in my power to give an opinion. Old stockmen here say, that many were very quiet in doing different kinds of manual work ; but almost invariably, after submitting to the restraints of a life among Europeans for a few months, it appeared to be a relief to them to return to the " opossum rug," and to a nomadic life.

Mr. Felherstonhaugh.—I consider them generally intelligent, and very capable of receiving literary and moral instruction.

Mr. Piper.—Their instinct is remarkable ; general intelligence and literary or moral instruction are merely terms unknown in relation to the aborigines.

Mr. Lewis.—The natives are, in many instances, very intelligent and are capable of receiving instruction. Their dispositions are naturally good, though soft and indolent. They evince a strong affection for their own kindred and their immediate friends. They are treacherous, cruel, and vindictive towards natives of distant tribes, whom it appears to be the custom to kill, whenever within their power.

13. *Can you suggest any plan to the Committee by which they could be saved from ultimate extinction ?*

Mr. Thomas.—My firm conviction is, that in the settled districts the aborigines will, in a very few years, become extinct ; in the intermediate district they may hold out a few years longer ; but my impression is, that they also will become extinct. Extinction must be the sequel of this hapless race. In the settled and intermediate districts few, if any, births to fill up the ranks of the dead, coupled with their drunken propensities, points too unerringly their speedy exit.

(2.) To preserve the race from ultimate extinction, a commencement must be made in the far distant tribes, where they have not much diminished in number through intemperance, or deteriorated through bad connexions—tribes who have offspring, and in some tribes numerous, who have suffered no diminution from contact with the whites. A block of one hundred square miles, sacredly reserved for the aborigines, and on no pretence whatever a squatting station within its limits or beyond it, nor any squatter to employ or harbor any of the tribes within the limits of their country under pain of fine or forfeiture of licence.

(3.) In suitable localities in this aboriginal country agricultural operations, on an extensive scale, should be carried on, schools established, with religious instructors. In these schools the English language only taught, and their native tongue discouraged to its utter extinction.

(4.) I would suggest a school upon a larger scale, in or near Melbourne, for each sex, the children at the district schools, as early as practicable, removed to the large establishment. This school receiving children from various tribes will amalgamate the tribes unconsciously ; being young, they cannot have the prejudices. This head school, if conducted upon the plan of the philanthropic schools in London, where simple trades are taught, would infuse industry with education.

(5.) My suggestion to remove the children early from their tribe and parents may, at first glance, appear relentless, and emanating from a breast void of feeling ; but whoever will take the trouble to reflect seriously upon the result of the many previous efforts in this Colony, and our sister Colonies throughout New Holland, to retain the aboriginal rising generation, after they have been educated, from returning and mingling with their race and off to the wilderness, must be convinced that nothing short of removing them a considerable distance from their tribe can permanently improve their condition and avert (which it is a national duty to do, if possible) the extinction of the aboriginal race.

(6.) However harsh it may appear, the separation of the children from their parents and their native haunts. Yet when we reflect upon the wretched way these children are brought up, the obstinate degradation of the parents, humanity for the offspring should guide the philanthropist. Removing the children early cannot be materially felt by the children, who will still be among their race ; and to remove them from the lap of their degraded parents would be a deed of mercy, keeping in view their future destiny.

(7.) We have, on unquestionable evidence, instances of aborigines being taken young and educated ; even trades—blacksmith, tailor, shoemaker, ignorant of a syllable of their native tongue, amalgamating with the civilized ; but these have always been to me objects of commiseration rather than congratulation. Isolate beings, one or two hundred miles apart, in fact know not where their next of civilized race are. I ask, can ever any good result to the mass of aborigines from these solitary ones ? and further, it is quite out of the question increasing, or even keeping up their number. The result is, they drop down to the vices and dissipation of the dregs of society, and find an early tomb.

(8.) But by a simultaneous move by the authorities in all the distant tribes, to endeavor by purchase, persuasion, and preparatory kind treatment, to get the permission of the tribe to take care of their children ; and a few years will show the result—that the educated aborigines are not isolated beings, but have their own race as their companions, and in progress of time a regular aboriginal community. My impression is, if the parents and chiefs of the aborigines were more studiously considered, the difficulty of obtaining the children would not be so great.

(9.) In each tribe of this aboriginal country should be a school and a depôt for provisions, blankets, and other necessaries. None of the aborigines should be turned empty away, on the plea that they have not worked—if so, a failure will be the result : convince them that their bread and water is sure unto them, and labor will gradually follow. A black cannot be incessantly idle no more than the white, and knowing for a certainty that his wants are supplied, he will diverge less and less from where his wants are supplied, till we may anticipate he or his offspring may become stationary.

(10.) As near central as possible in this aboriginal country should be the principal depôt and head quarters where the chief guardian (or what term may be given him) should reside ; this depôt or head quarters, should be of that extent as to be able to supply the whole of the depôts throughout the country, which after the first or second year might become self-providing.

(11.) The officers in the aboriginal country, as suggested, should consist of a chief or head guardian, who should be a gentleman of trust and irreproachable character, at a liberal salary, and sub-guardians under him, who would be stationed at the branch depôts. Their salaries should be fixed, so as to avoid changes ; these sub-guardians also should be of good moral character. Each establishment should have a medical dispenser, who might (as his duties would not be great) keep an account of the stores as storekeeper.

(12.) The chief guardian should at least once in six months visit each of the aboriginal establishments throughout the country, make his report to the Honorable the President of the Board of Land and Works, and for the information of the colony, annually be laid before the Parliament. The chief guardian's report will be a succinct account of all the establishments, and should, as an appendix, contain a schedule with a wide margin for remarks of rations issued, work done, diseases, deaths, births, &c., &c. The sub-guardians should report monthly to the chief guardian in detail, the working of the establishment, keeping a regular daily journal, and in the strictest sense of the word, be under the sole direction of the chief guardian.

(13.) Unlimited discretionary power in supplying provisions, &c., should be vested in each of the sub-guardians on their establishments. I urge this from experience. The Sydney government issued an official that the protectors of Port Phillip were not, on any consideration whatever, to give away the least ration for a black who had not worked. This was further backed by Lord Stanley, the Colonial Secretary. On this hinge the protectorate broke down, and all other attempts by benevolent societies and individuals to ameliorate the condition of the aborigines, being totally ignorant of their daily avocation in a wild state, and their general character. Suffice it to state (to urge this discretionary power to the sub-protectors or guardians) that the aborigines in their native state do not work daily; a portion of their number go out by direction of their chief, and by prying, searching, and intuitive habit procure what a kind providence has meted out to them, which (before the squatters located on their soil) was in abundance; so that those (to bring it to our calendar) who go out on the Monday lay basking about on the Tuesday. I would press this affecting subject still further, but trust that what I have stated will be a guide to your honorable committee upon this head. The aborigines must be kindly treated, and decoyed feelingly into European labor—secure their children, and the Government has, to their credit, preserved the aboriginal race from extinction, which is their unbounden duty. I have dwelt much upon this brief question, for which I would apologise to your honorable committee, unless I had found it the main outlet for a plan I suggested to the chief protector in the early part of 1839.

Mr. Orr.—Get the youths away from their parents into some seminary.

Mr. Lane.—The only plan I can think of, by which their total extinction might be prevented, would be to form settlements which they might be gradually taught to cultivate, and where they might be tempted to live during the winter months. There are villages of this description in Canada, formed on the Indian reserves on the Grand River, Manitoulin Islands, Lake Huron, &c., and it is the custom of the Government to distribute presents of blankets, &c., periodically, which has the effect of collecting the scattered and distant tribes.

Captain Harrison.—None.

Mr. Templeton.—As mentioned above, there are scarcely any aboriginal children growing up to supply the places of those who are now dying, and their extinction, therefore, ere long, must be inevitable.

Mr. Beveridge.—I cannot.

Mr. Rusden.—I was chairman of a committee appointed by an assembly of the Church of England in Victoria, in 1856, to consider the condition of the aborigines, and I beg to append, as my answer to this question, the report recommended by that committee, and adopted by the Church of England Assembly, together with a petition to both Houses of Parliament, based on the recommendations of the report. I may mention that the Church of England Assembly comprises nearly a hundred persons, viz., the clergymen in the diocese, and lay representatives elected in each parish or district throughout the Colony. The petition was entrusted to a member of each House of Parliament for presentation.—

“REPORT

“Of the Committee appointed at the first Meeting of the Assembly of the United Church of England and Ireland in Victoria, to report to the Assembly on the Condition of the Aborigines, and to recommend such measures to be taken by the Church of England as they may deem best suited to enable the Church to perform its duty to the Aborigines.

“Your Committee have the honor to bring up the following Report:—

“They have called for no *vivâ voce* evidence, but they have resorted to published documents relative to the history of the efforts which have hitherto been made to civilize and evangelize the Australian aborigines.

“Those documents seem to warrant the following conclusions:

“That all missionary enterprise is admitted to have failed to produce the desired effect, viz., when undertaken by means of the settlement of missionaries amongst the tribes in their own localities.

“That the condition of the aborigines amidst the white population may be described as one in which their natural wild and simple habits are in general supplanted by the most grovelling debauchery, the results of which are destructive alike to their physical and mental powers.

“That Lord Stanley’s Despatch, 20th December, 1842, (Votes and Proceedings, New South Wales Legislative Council, 1843), enumerating many failures, under the protectorate in Port Phillip, at Wellington Valley, at Moreton Bay, at Lake Macquarie, and at the Wesleyan Mission on the Barwon River, gives a fair picture of the failures themselves, and of the lamentable results then extant.

“That, as contrasted with missionary enterprise conducted as above mentioned, the history of the Poonindie Training Establishment in South Australia, organised by the Venerable Archdeacon Hale (the most gratifying experiment yet made on the Australian continent), seems to show that the establishment of schools for gathering together the young, where they may become estranged from their own customs, affords the greatest likelihood of success, and is the system most worthy of approval, and most desirable to be pressed upon the consideration of the Church and of the Legislature.

“That the diminution of the numbers in each tribe exposed to contact with Europeans, and the decadence of dialects one by one, depriving missionaries of opportunities of obtaining converts, and destroying the value of their acquisitions in the native language, combine to show how hopeless is the endeavor to convert the numerous remnants of tribes by an establishment at any one place, unless members of different tribes can be congregated at it, and trained to the use of one common language.

“That, on the contrary, a central establishment, gathering individuals from every tribe, and affording facilities for instruction in the English tongue, would give the teachers the use of a more efficient instrument in teaching (namely, a superior language) would elevate the mental condition of the pupils, and would be as applicable to an individual of any one tribe as to an individual of any other.

“That the separation of the aborigines from their native haunts was urged or suggested by the following colonists, all magistrates in different parts of the Colony in 1849, as the only efficacious means of arresting the downward progress of the race. (Some persons, who admit the fact, express doubts whether it would be just to resort to the means.)—A. Goldsmith, Esq., Pyrenees; R. Hamilton, Esq., Polkimon; A. Irvine, Esq., Pyrenees; H. C. Jeffreys, Esq., Mount Macedon; J. F. Palmer, Esq., Melbourne; G. Russell, Esq., River Leigh; W. Rutledge, Esq., Fort Fairy; A. T. Thomson, Esq., Fiery Creek; J. Wilson, Esq., Hume River; H. Murray, Esq., Colac; G. S. Airey, Esq., Goulburn River; E. Grimes, Esq., Broken River; J. Webster, Esq., Mount Shadwell; J. C. Riddell, Esq., Mount Macedon; D. S. Stodart, Esq., Colac; C. Macknight, Esq., Port Fairy; R. Burke, Esq., Mount Shadwell. Separation from the whites was urged by the Superintendent of the Wesleyan Mission (at the Barwon River) as absolutely essential to the success of any efforts to ameliorate the moral condition of the blacks.

“That the guardian of the aborigines in Victoria urged in 1852 that the only chance left was the formation of an establishment in which to educate the children apart from the influence of their unreclaimed parents and of the corruptions of civilization.

“That the success which has attended the efforts of Archdeacon Hale, at Adelaide, is a favorable guarantee for the results of such isolation, and that well authenticated instances (some of which are recorded in the *Church of England Messenger*), in which, under favorable circumstances individual natives have been weaned from their habits by kindly disposed persons who have had ample means at command, prove that the aboriginal mind, if properly attracted and directed, is capable of appreciating civilization and embracing Christianity.

"That the present number of the aborigines, supposed in 1845 to have amounted to about 6000, and now to be diminished to less than 1000 (irrespective of those who frequent both banks of the Murray River, and consequently belong to New South Wales as much as to Victoria) is a solemn warning of the rapid progress towards annihilation which the native tribes are undergoing, and of the futility of the attempts hitherto made to avert their destruction.

"Your Committee would therefore recommend that, in order that the aborigines may receive Christian instruction, a central establishment for the reception of the native children from all tribes in the colony should be formed. That the ordinary expenditure should be defrayed out of the public revenue; that the Church should provide the expenditure requisite for teaching the truths of the Gospel; that for this purpose a missionary or missionaries unsalaried by the Government (but provided on the spot with accommodation and sustenance) should be appointed by the Church to exercise control. That in order to give a guarantee to the public for the proper outlay of funds secularly devoted, the accounts of the establishment should be audited as the Government may direct.

"That the use of the aboriginal language be discouraged in the establishment, and that industrial and mechanical occupations be taught there.

"That all aboriginal children, whose parents may be willing, for any consideration, to yield them up, be taken into the establishment.

"That half-caste male children, hitherto almost invariably destroyed by the aborigines, be in all cases taken charge of in the establishment.

"That to provide for and supplement the usefulness of the central station, there be sought out in every district a person of high social position amongst the whites, and affectionately regarded by the aborigines, who will undertake to keep an accurate record of the numbers of the aborigines, to win from them inmates for the institution, and to distribute such gifts as the Legislature may be willing to appropriate for the benefit of the adults.

"That such agents or trustees should be empowered to place, at the public cost, in any public school in the district, children whose parents might refuse to permit them to be taken to the central station for instruction, and the premiums be given to successful teachers in such cases.

"That each such agent or trustee on behalf of the aborigines should correspond with the missionary in charge at the institution.

"That the Legislature be urged to consider whether, as all evidence of persons conversant with the habits of the aborigines points to the inefficacy of the means hitherto adopted in New South Wales or Victoria to reclaim the aborigines, and to the necessity to isolate from their native habits those whom we would civilize, it would not be less cruel, and more just, to bring about that isolation, even by compulsion, in the case of infants, rather than suffer the unrestrained operation of causes which now destroy the old and young alike, and which must, if not speedily arrested, end in the utter destruction of the race.

"Your Committee recommend that a petition from the Church Assembly to the Houses of Legislature, embodying the foregoing proposition, be prepared, and be presented without delay, praying that such proposition may be carried into effect.

"Your Committee would by no means recommend the discontinuance of Missionary efforts, although hitherto the results have been unsatisfactory. They suggest fresh means, but not with the view to discourage the spirit which has prompted the means hitherto found ineffectual, and they look forward to the efforts of the district guardians or trustees as likely, under the blessing of Divine Providence, to win to a knowledge of the truths of Christianity those who are now perishing in ignorance; or at the least, if this result be denied, to alleviate the sufferings of our fellow-creatures, and to bring to their aid in hours of affliction and distress a trifling pittance of that material wealth which has been so largely extracted from the land whose original inhabitants have been displaced with such startling rapidity by European colonization.

"G. W. RUSDEN, Chairman."

"To the Honorable the President and Members of the Legislative Council, the Speaker and Members of the Legislative Assembly of the Colony of Victoria."

"The Memorial of the Assembly of the United Church of England and Ireland humbly sheweth,—

"That your memorialists have taken under their earnest consideration the present condition of the aborigines of the Colony, with the desire to communicate to them the blessings of the Gospel.

"That your memorialists, on a calm review of the circumstances, are unable to perceive that the efforts of missionaries can produce any beneficial effect upon the aborigines in general, and are of opinion that the fostering care of the State is needed to concentrate together the scattered remnants of the tribes in Victoria.

"That your memorialists are impelled to put forward this memorial by reflecting that, if something be not soon done on behalf of the aborigines, they will in a few years be blotted out from the face of the country of their fathers; and if they be so blotted out, your memorialists will not be justified if they have shrunk from any effort for which success could be hoped in ameliorating the moral condition of the aborigines.

"That an experiment, such as your memorialists would press upon your honorable Council, has been of late years proved in South Australia with marked success, and that the signal success of that experiment, as compared with all previous efforts on the Australian continent, urges upon your memorialists the duty of their present appeal to those constituted authorities by whose aid alone, humanly speaking, success may be hoped for in Victoria.

"That the principle upon which the successful establishment in South Australia has been conducted, has been the isolation of the aborigines from their native haunts, and kind treatment and tuition of them in a central station, where they have gradually acquired a knowledge of European arts, simultaneously with instruction in Christianity, considerable expenditure having been borne by the State, while the control of the mission station has been left to the Rev. gentleman whose well-directed zeal originated the experiment.

"That your memorialists are of opinion that similar provision, control, and supervision are essential to the success of any attempts to civilize and convert the aborigines, and while they would deprecate the lodgment of monies in the hands of the missionary in charge, they think it manifest that, unless he is placed in a position of apparent control, he would not be able to command that unqualified respect which is essential in guiding the minds of those whom he would convert.

"That the foregoing proposition is borne out by reference to all instances of success in evangelizing the aborigines, inasmuch as though moving from station to station and town to town, they in all cases acquire considerable knowledge of European employments, there is no recorded instance of permanent civilization or conversion, except where, in private families or in a public establishment, they have been weaned from their wild pursuits by the kindness of those whom, as masters or managers, they have learned to respect and love.

"That your memorialists would humbly recommend that the following steps be immediately taken with a view to teach the aborigines.

"That a central establishment be formed for the reception of all aboriginal children or adults who can be induced to enter it.

"That all due safeguards be taken to prevent the possibility of any diversion to other ends than for the benefit of the aborigines, of the materials in use at the central establishment.

"That accommodation and sustenance be provided for any resident missionary or missionaries.

"That secular instruction and agricultural and mechanical tuition be provided by the State.

"That the use of the aboriginal dialects be discouraged in the establishment.

"That in every large district of the colony there be sought some person and affectionately regarded by the aborigines, who shall be designated to keep records of the condition of the aborigines, and to win from them inmates for the central station by such gifts as the Legislature may think fit to place at his disposal, and that such district guardians or agents be authorized to place, at the expense of the state, in public district schools, such children as may be yielded up for the purpose by parents who may refuse to let their children depart from their native place to the central station.

"That correspondence be kept up periodically, between the resident missionary and each district guardian.

"That, in support of the foregoing recommendation, your memorialists would point out that the guardian of the aborigines urged upon the Government of the Colony in 1852 the necessity of forming some central establishment, such as has been suggested above, and that the rapidly diminishing number of aborigines in the colony shows, that whatever steps can be taken ought to be taken quickly, to prevent the complete destruction of the native race.

"That your memorialists would place before your honorable house one important fact which demands serious consideration, namely, that half-caste male children, borne by aboriginal women, are usually destroyed; and that your memorialists would urge that, in order to prevent their destruction, the removal of half-caste children to the central establishment might be specially encouraged.

"That your memorialists would point out that the foregoing fact alone shows that missionary enterprise, under the circumstances of the Colony, cannot cope with the causes which are operating to remove the race from their native soil.

"That your memorialists would further suggest, as a reason why the central mission establishment should be formed, the fact that the native tribes are disappearing so rapidly that, in the course of little more than twenty years whole tribes have died away, making it plain that, even had missionaries obtained a perfect knowledge of a dialect, their labors would have to be renewed in another sphere, which would eventually prove equally unfavorable.

"Finally, your memorialists would represent, that, upon an enquiry instituted by the late Legislature of New South Wales and Port Phillip, many leading persons settled in Port Phillip pointed out that, only by some such means as those now recommended, could any success be achieved in civilizing or instructing the aborigines, as will be seen in the votes and proceedings of the New South Wales Legislative Council.

"Your memorialists are emboldened to make their present appeal by reflecting, that previous Legislatures have made grants for the benefit of the aborigines when claims, reasonably supported, have been put forward in their behalf.

"Your memorialists would therefore entreat your honorable house to take the premises into consideration, and to take such steps to ameliorate the moral condition of the aborigines as may, to your honorable house seem meet.

"And your memorialists, as in duty bound, will ever pray, &c."

Mr. Shuter.—The establishment of reserves seems to me the only practicable method.

Mr. Murray.—I consider it too late to attempt any plan for preventing their total extinction, as in all the populated districts there are few or no births; and I consider that it is only with the young that any such attempt would be successful.

Mr. Synnot.—I can suggest no plan of saving them from extinction, which seems more likely to succeed than that of keeping them out of the gold fields and other townships, where they are drunk from morning till night.

Mr. Wilson.—It is too late now in the Mitta Mitta, as the race is nearly extinct. Imbuing the minds of the young with sound moral and religious instruction, so as to unfetter them from the thrall of superstition. This could best be accomplished by isolating them when young for a time from their parents and others. Native teachers might thus be trained up.

Mr. Fiske.—No.

Mr. McLeod.—I cannot.

Mr. Ormond.—I cannot.

Mr. French.—Notwithstanding what I have said as to their general intelligence, as a race they are inferior to what is termed the Caucasian, or white race; and as the tendency of nature appears to be a progression from the inferior to the superior, it is more than possible, almost certain, that, notwithstanding all well meant efforts to the contrary, the aboriginal must disappear, and give place to the superior race.

Mr. Crooke.—None. They appear to die off from sheer idleness when introduced into towns. If they could be driven into the mountains they would thrive, if they did not destroy one another, which they would then do by territorial quarrels.

Mr. Aitken.—I can suggest no plan by which they could be saved from ultimate extinction.

Mr. Skene.—By keeping them outside the circle of civilization.

Mr. Beveridge.—I cannot.

Mr. Craig (13 and 14).—Were a reserve, containing some good land, established, a few might be induced to attempt farming (the seeds, implements, &c., being found them); but it is very questionable if the older natives could be brought to settled habits.

Mr. Gilles.—Possibly by forming district schools and carrying out the 14th question.

Mr. Strutt.—I do not consider that any plan will prove successful, unless some arrangement is made to restrain them from wandering about. So long as they are left in full liberty to do exactly as they choose, they will perhaps stay a few days in one place, and then on the slightest whim or disagreement "pull away," as they call it, to another place many miles distant; and not return for several months. Whatever measures may be taken are likely to be useful with the young only; the middle-aged aborigines appear to be altogether irreclaimable.

Mr. J. M. Allan.—Money will do wonders. If sufficient funds were placed in the hands of proper men, under a wise and economical Government, it can be done. My plan is too voluminous to insert here. Should your honorable committee really entertain the idea, I will be happy to enter more fully into my views.

Mr. Godfrey.—None. I think that, while their final extinction seems the inevitable law of nature, many of the young might be civilized and reclaimed, but not without removal pretty far from their former haunts. Then arises the difficulty—how are we to get the children? The parents will scarcely, even under the most liberal offers, be induced to part with them. They say, invariably, "When jump up, you man him,"—when the child is grown up, you may then have him. This is too late; he is then rooted to his wild life, and I am sure it is a hopeless task to attempt any real reform of adults. Although many enthusiastic people will be found to differ with me in this opinion, I still hold it from strong conviction,—manifold attempts with the most shrewd and apparently thinking blacks having failed. They are too confirmed in, and by natural capacity adapted for, their wild, roving life of freedom.

Mr. Gottreux.—There is no rising generation, and, of course, their extinction is inevitable.

Mr. Currie.—The habits they have acquired from the first whites with whom they came in contact—these being, generally, of the most depraved class, the indiscriminate intercourse of the females with this class, led to unfaithfulness; and the now total absence of children amongst them—surely points to their ultimate and speedy extinction.

Mr. Mitchell.—I can suggest no plan likely to be successful.

Mr. Bunce.—13 and 14. See reply to No. 7.

Mr. Cooke.—None, unless they are kept from drink.

Mr. Huon.—I cannot.

Mr. Wills.—No ; I fear it is too late. A proper commencement should have been made twenty-five years ago. Systematic training, agricultural, mechanical, religious, and moral, should, in my humble opinion, have been commenced immediately, or soon after the arrival of Europeans amongst them (as in the case of the New Zealanders).

Mr. Fetherstonhaugh.—I can conceive none.

Mr. Piper.—None whatever. I have witnessed their gradual extinction during the last twenty years, and I am convinced no interference of our's can prevent it. I do not think they have died by our diseases, but by the change in their mode of life, brought about by our occupation of the country, and their dependence upon us for food and clothing. Unless the world can be turned backwards, the normal condition of the aborigines can never be restored. The favorite project of many of their well-wishers is, the establishment of a vast reserve, and their compulsory restriction within its limits. Years of beef, mutton, and tobacco have totally incapacitated these poor creatures for a return to kangaroo, opossums, and a state of nature ; whilst their imprisonment within a reserve, however extensive, would speedily break their hearts. The aborigines throughout the length and breadth of this land are most kindly treated. I fear any attempt to improve their present condition will hasten the final catastrophe.

Mr. Lewis.—I feel confident that the aborigines of this district will, in the course of a very few years, become extinct. That must be the inevitable result of their intercourse with the whites. No attempt to preserve the aborigines from extinction can possibly succeed, where that intercourse exists.

14. *Do you think, if a grant of land sufficient for their support were reserved for them, that they would be induced to settle upon it? Would they be likely to be reclaimed by such means to more civilised and fixed habits?*

Mr. Hull.—My opinion is, they are doomed to utter extinction. Our duty is to provide blankets, sugar, tea, flour, and medicals, to be given out on application, and to punish those who illtreat them most severely.

Mr. Thomas.—Small grants of land for a single tribe would, as previous grants, be a failure. Extensive grants, with an agricultural station at the nearest creek or river to the centre, with depôt for provisions, &c., and settlers prohibited, as recommended in question 13, aborigines having no encouragement at the neighboring settlers, would gradually find the reserves the only certain spots for support, which must eventually tend to their partial civilization.

Mr. Orr.—The attempts that have been made so badly carried out, it is difficult to say—if properly carried out, establishments would not be useful. The chief difficulty is from their migratory habits. As far as I see, the attempt would be futile as a general rule, but there are many of the aborigines who would be civilized. A few are to be seen now at Mr. Parker's, of Mount Franklin. Mr. Parker ought to be able to give a good opinion on the subject.

Mr. Lane.—I consider the only chance of ameliorating their present condition is by the adoption of some such plan as that proposed. It must be borne in mind, however, that great hostility exists between the different tribes.

Captain Harrison.—Same reply as to No. 12.

Mr. Templeton.—I do not think they could be induced to settle any where; but if such a grant were made, there is no doubt they would visit the locality frequently, and avail themselves of the support offered to them. Their condition would thus be ameliorated ; but my experience of these people in New South Wales, and on the Murray (before the period I have before referred to) leads me to think they will never learn anything but the vices of civilization.

Mr. Rusden.—I think reserves of land quite useless as a means of supporting the blacks, and preserving them from the evil influences with which our civilization overwhelms them. Grants of land to all aborigines who may be reclaimed would be righteous appropriations, not entitled to the designation of being "liberal." It is only the civilized man who can benefit by the use of land in small quantities ; and no reserve, however large in Victoria, would now preserve the blacks from further deterioration as a race, inasmuch as every tribe in the colony has been long thoroughly tainted by the vices which the whites have taught. Even if the whites were expelled from any given district of (say) twenty miles square, the blacks would not remain in it, but would hover round the nearest white settlements ; and as no blacks, except those in the immediate neighborhood, could resort to such a reserve, many similar reserves would be required, if even the blacks would make them their homes, which they would not.

Mr. Shuter.—A certain amount of compulsion, which I would consider justifiable, would be required to carry the plan of a settlement into effect. If left to their own devices, their wandering nature would prompt them to take to the bush, however comfortable they might be.

Mr. Murray.—Their entire habits are I think too confirmed ; they could not change them for a settled life. I think, as a matter of course, that they would be reclaimed to more civilized habits, if they could be induced to settle upon land of their own.

Mr. Synnot.—I do not think they could be induced to remain at any fixed place—it is their habit, and I believe their nature, to roam about ; and that the sense of confinement, if they were forced to remain, would prove more speedily fatal to them than even the injurious influences to which they are at present subject.

Mr. Wilson.—I do not think they could be induced to give up their wandering habits and settle on a grant of land, or be reclaimed by this means. Even half-caste children, on attaining the age of puberty, leave the homes where they have been brought up.

Mr. Fiske.—No.

Mr. McLeod.—I fear not ; but I do feel that the Government ought to try something of the kind, and if so I should use my endeavors to induce those near me to settle on a farm.

Mr. Ormond.—No.

Mr. French.—Certainly not.

Mr. Crooke.—No. Perhaps the last remnant might.

Mr. Shadforth.—I do not think they would be induced to settle down.

Mr. Aitken.—I do not think they would be induced to settle on a grant of land sufficient for their support. I think it impossible that such means would reclaim them to more civilized and fixed habits.

Mr. Skene.—I do not think that a grant of land would be of any service to them, unless it were cultivated for them. There has been no inducement held out to any of them that would make them leave off their roaming life.

Mr. Beveridge.—No ; they could not be induced to settle down to fixed and civilized habits.

Sergeant Archibald.—I think they would not be induced to settle upon land under any circumstances, and that they would not be likely to be reclaimed to fixed habits.

Mr. Strutt.—No, but they might be compelled ; the younger aborigines would thus acquire more civilized and fixed habits. Under the firm rule of a kindly disposed family, they might gradually be taught every ordinary description of labor. The hours of work should, however, be short ; and due regard should be paid to their fondness for amusement, by permitting music, dancing, and corroborees in the evenings. But I believe that no system will answer, without a certain amount of compulsion at first. The aborigines would freely remain a long time in any place where they had nothing to do, were well fed, and supplied with tobacco and drink ; but such treatment could not be deemed conducive to their improvement.

Mr. J. M. Allan.—I think that by kindness and judicious treatment, they could. They would certainly ; for I do not believe that God, in creating man, intended them to live and die like brutes.

Mr. Godfrey.—I think no grant of land, or any other inducement, would so reverse their nature as to compel them to adopt any fixed abode. When tired of being at a station, under the most favorable circumstances, no offer, however golden, will tempt them to delay their departure to some new spot; they must be ever on the move.

Mr. Gottreux.—No; it has been tried, and failed. I believe no inducement would be likely to fix them to one spot.

Mr. Currie.—The small remnant left makes an answer to this almost unnecessary. I do not think, however, that any means short of compulsion would have induced them to settle and confine themselves to any particular locality, unless they had been removed when young beyond the influence of those whose habits had become so confirmed, as to be a part of their nature.

Mr. Lydiard.—I do not think so.
Mr. Fetherstonhaugh.—I do not.

Mr. Mitchell.—I am of opinion that they will not, for very many years, be reclaimed from their wandering habits. It is impossible to prevent the elders of the tribe, to whom these habits are natural, and who know or appreciate no other mode of life, from encouraging or enforcing them on the young men employed by the settlers, who are thus, at the instance of the tribe, compelled to leave their employers for many months in each year. Thus, a passion for rambling grows up in these young men, and, in many instances, quite unfits them for steady employment; while the good effects we might expect from their partial civilization is entirely lost.

I would beg leave, however, to represent to the committee the present condition and prospects of the half-breed children who are now to be found with every tribe. It is very distressing to contemplate the inevitable fate of the female portion of these unfortunates, and which can only be averted by a separation from the tribes. They are held in more than common esteem by the tribes, and by their mothers they are cherished with a more than common affection. A voluntary resignation of them cannot be expected from a people of darkened and untutored minds and undisciplined passions. In one or two instances, I have found them violently opposed to giving up their children to the whites. Under your authority, however, some means of attaining that end might be adopted, and thus of averting the ruin to which these young girls are otherwise surely doomed.

Mr. Cooke.—I doubt, if they got any land for their support, that they would be induced to work for any length of time; for they are mostly very lazy, and like a wandering life.

Mr. Huon.—I think not; as from their wandering disposition and dislike to any settled occupation, they could not be induced to remain long in one place, although they might be perfectly aware they were consulting their own interest by so doing.

Mr. Wills.—Those best acquainted with the present habits of the remnants of Australian aboriginal tribes are of opinion that they would not "settle down." If they would do so, and commence farming, gardening, and any simple mechanical work, their reclamation would be tolerably certain. The New Zealanders afford sufficient proof of the correctness of this hypothesis.

Mr. Lewis.—I do not think that anything in the power of the Government to provide for the natives would induce them to settle upon any one portion of the lands they handed over. The love of change appears engrained into their very nature, and I have never known an instance of its successful eradication.

DIVISION II.

PHYSICAL CHARACTERS.

1. State the general stature of the people, and confirm this by some actual measurements. Measurement may be applied to absolute height, and also to proportions, to be referred to in subsequent queries. The weight of individuals when ascertainable, and in extreme cases, as well as the average, will be interesting. What may be the relative differences in stature and dimensions, between males and females?

Mr. Rusden.—Questions 1 to 12 will be answered by those who have some scientific acquaintance with anatomy.

Speaking generally, I may say that the aboriginal race, though smaller than the British, is muscular and well made. The tribes which frequent the coast and large rivers where fish is abundant are of larger stature than those which inhabit mountainous and barren districts.

Mr. Murray.—The stature of the men (Colac tribe), is from 5 feet 5 inches to 5 feet 8 inches; that of the women about 5 feet 3 inches.

Mr. Wilson.—Average height about 5 feet 5 inches, males. I have no actual measurements. The females were considerably under the stature of the men; slender and well formed—hands and feet small.

Mr. Fiske.—Average stature, 5 feet 6 inches.

Mr. Skene.—I give you the measurement of three Portland blacks. I think they are rather under the sizes of some tribes. *Jemmy*: round shoulders, 44 inches; from shoulder to palm of hand, 33 inches; leg, 32 inches; girth of thigh, above trousers, 19 inches; girth of waist, 32 inches; height, 5 feet 7½ inches; age, about 25 to 30. *Tommy*: round shoulders, 41 inches; from shoulder to palm of hand, 31 inches; leg, 28½ inches; girth of thigh, 19 inches; waist, 30½ inches; height 5 feet 6 inches; age, about 50 years. *Billy*: round shoulders; from shoulder to palm of hand, 29½ inches; leg, 29 inches; girth of thigh, 20 inches; waist, 33½ inches; height, 5 feet 3 inches; age, about 25 years.

Mr. Beveridge.—The first twelve questions in this division are of an "anatomical" character, and can therefore only be replied to by an anatomist.

Mr. Strutt (Echuca).—

Name.	Weight.		Height.		Measures round the Chest.
	stone.	lbs.	feet.	inches.	
Daniel	10	0	5	7½	2 10
Johnny Johnny	10	0	5	5	2 10
Billy	8	0	5	4½	2 8
Jack	9	4	5	4	2 8½
Larry	10	10	5	8½	3 0½
Billy Toole	10	0	5	4½	2 11½
Murray	10	0	5	6½	3 1
King John	11	12	5	9¾	3 2
Flora	9	0	4	10½	

No other woman could be persuaded to be weighed or measured.

Mr. J. M. Allan. (Villiers and Heytesbury tribes).—Men, 5 feet 3 inches; women, 4 feet 11 inches. On the whole, they are a pretty fairly proportioned race.

Mr. Gottreux. (Villiers).—Average, 5 feet 8 inches.

Mr. Currie—I can only state in general terms, in reference to the questions contained in this division, that physically they (Emu Creek and Wardy Yallock) are generally well formed, particularly about the chest and upper part of the body. The lower extremities are frequently, but not invariably, imperfectly developed. When walking, they turn the toes in; and so marked is this, and so generally amongst the grown and aged, that it must have been brought about by artificial means.

Mr. Bunce.—A perusal of the accompanying works—"Language of the Aborigines," and "Australasiatic Reminiscences," will give information in respect to the second as well as the first division. The first work was written from a practical knowledge of many years with the natives, and one of whom (Jemmy) has accompanied me in many a long expedition from the years 1841 to 1850, and who may be occasionally seen in the streets of Melbourne, but unhappily in a state of drunken intoxication. The second work, or "Travels," will meet many of the queries, more particularly from page 64 to 79. I shall be at all times happy to assist the committee in carrying out an object so worthy; and from my long acquaintance and intercourse with these people, my efforts may be of some avail in ameliorating their condition. I cannot help remarking, that all previous attempts have failed, owing to the parties engaged in the mission being destitute of the qualifications I have already alluded to. [Some extracts from Mr. Bunce's "Reminiscences" will be found printed as Appendix F.]

2. *Is there any prevailing disproportion between different parts of the body? as for example, in the size of the head, the deficient or excessive development of upper or lower extremities.*

Mr. Wilson.—None.

Mr. Fisker.—Deficient muscular development of the lower extremities.

Mr. Strutt.—No. They are a well proportioned race.

Mr. Gottreux.—No.

3. *What is the prevailing complexion? This should be accurately defined, if possible, by illustrative and intelligent example, such as by comparison with those whose color is well known. The color of the hair should be stated, and its character, whether fine or coarse, straight, curled, or woolly. The color and character of the eyes should likewise be described. Is there, independently of want of cleanliness, any perceptible peculiarity of odor?*

Mr. Sherard.—Sun-burnt, black; hair, black, rather coarse and wavy; eyes, black, or dark brown (Ballaarat).

Mr. Murray.—The complexion (Colac tribe) is nearly black; hair, jet black, fine, and straight; eyes, dark hazel. They have, independently of a want of cleanliness, a peculiar odor.

Mr. Wilson.—Hair, black, fine, and curled; eyes, black. No remarkable odor when clean (Mitta Mitta tribe).

Mr. Fisker (Lal Lal).—Dark chocolate; hair, coarse, black, and straight; eyes, dark. No peculiarity of odor.

Mr. Skene (Portland).—Black; straight black hair, rather coarse. Very strong odor from grease and filth.

Mr. Strutt (Echuca).—A dark chocolate brown, approaching to black; hair black, rather coarse and curling, not woolly; black eyes; thick nose, rather rounded; lips rather thick, but not projecting. Several of the natives have no peculiar odor, when well washed and clean; others, however, in hot weather, have a very perceptible odor.

Mr. J. M. Allan (Villiers and Heytesbury).—Tawny black; hair jet black, coarse and curly, and very luxuriant; eyes black, deep sunk in the head, glance very penetrating. There is a strong natural odor.

Mr. Gottreux (Villiers).—Very dark olive brown; hair black, glossy, coarse, and inclined to curl; eyes dark. There is a perceptible odor.

4. *The head is so important as distinctive of race, that particular attention must be paid to it. Is it round or elongated in either direction, and what is the shape of the face—broad, oval, lozenge-shaped, or of any other marked form? It will contribute to facilitate the understanding of other descriptions, to have sketches of several typical specimens. A profile, and also a front view should be given. In the profile particularly notice the height and angle of the forehead, the situation of the meatus auditorius, and the form of the posterior part of the head. It will also be desirable to depict the external ear, so as to convey the form and proportion of its several parts. The form of the head may be minutely and accurately described by employing the divisions and terms introduced by craniologists, and the corresponding development of moral and intellectual character should, in conjunction, be faithfully stated. So much of the neck should be given with the profile as to show the setting on of the head. The advance or recession of the chin, and the character of the lips and nose may likewise be given in profile. The front view should exhibit the width of forehead, temples, and cheek bones, the direction of the eyes, and the width between them: the dimensions of the mouth. When skulls can be collected or examined, it would be desirable to give a view in another direction, which may even be done, though with less accuracy, from the living subject. It should be taken by looking down upon the head from above, so as to give an idea of the counter of the forehead, and the width of the skull across from one parietal protuberance to the other.*

Mr. Fisker.—Head round; face broad.

Mr. Skene.—The head is round; face, high cheek bones and broad nose.

Mr. Strutt.—Some of the natives' heads are as well formed as the Europeans. The usual shape is rather rounded. The face is generally round, rather broad, chin round and well formed, mouth large, teeth sound and good. The old people have lost one or two teeth in the front of the upper jaw, apparently removed on purpose. The younger people do not observe this custom; they have the usual raised scars on different parts of their bodies, chiefly on the shoulders, chest, and back, generally in parallel lines from two to three inches long.

Mr. J. M. Allan.—Head long from back to front, set well on the shoulders; broad faced, with high cheek bones.

Mr. P. Sohler (Bourke-street, Melbourne. Answers to 4 and 5.)—

Temperament, * bilious lymphatic; size of head, 2; instincts, 6; sympathies, 4 to 5 and 6; morals, 2; perceptives, 7; reflectives, 2 to 1; greatest horizontal circumference, 20 inches; circumference over the head to hole of each ear, 11½ inches; circumference over the perceptives to hole of each ear, 11¼.

Definitions.—1, or very small, means almost wholly wanting; 2, or small, feeble and inactive; 3, or moderate, signifies rather below mediocrity; active only in a subordinate degree, and having only a limited influence upon the mind and character; 4, or average, means fair or between moderate and full, and includes

* *Temperaments*.—There are four temperaments, or constitutional states of the body, accompanied with different degrees of activity of the brain. The *Lymphatic* or phlegmatic temperament produces dullness and laziness. The *Sanguine* or arterial, love of physical action with powerful passions and brilliancy. The *Bilious* or fibrous gives great strength and endurance. The *Nervous*, intense feelings, delicate sensibilities and intellectuality. These temperaments are always combined, each existing in a greater or less degree in every individual.

the general analysis of the faculties ; 5, or full, signifies respectable, though not marked or controlling ; 6, or large, applied to an organ, shows, that its corresponding faculty has a powerful and energetic influence upon the capabilities and feelings, if not conduct ; 7, or very large, means predominant, especially over the less energetic faculties—constituting and giving tone and direction to the character and talents—easily excited, and powerful in action, and quite liable to perversion and abuse.

The sign + (plus or more), placed before or after a figure, shows that it is larger than it is marked, yet not enough so to require the next larger figure ; the — (minus or less), that is, not quite as much as it is marked. These signs add and diminish nearly one-half of a degree.

Observations.—The Temperament is low. The bones of the skull generally thick and spongy. The brain small. The perceptive and observing intellect (residing in the lobes of brain immediately between and above the eyes) is the only region of the head which is largely developed. As they reflect and reason very little indeed, kind nature thus endowed them with a quick and accurate perception, which, in some measure, compensates them for their utter want of the power of learning from experience and providing for the future. The great bar to their ever being permanently improved, lies not only in their inferior temperament, and the small size of their brain, but chiefly in the peculiar combination of—

- Very large—"Veneration"
- Large—"Secretiveness" and "Cautiousness"
- Small—"Firmness"
- Small—"Hope"
- Small—"Acquisitiveness" and "Constructiveness" and—
- No "Ideality" or love for or idea of beauty and improvement, or comparative perfection.

This general combination renders them extremely superstitious for and tenacious to old traditions and habits, with no idea of, or rather an instinctive horror of, change and improvement—(in this feature they represent the extreme type of the thorough conservative). It also renders them rather deceitful, suspicious, slippery, and time-servers, or dissemblers. They are comparatively quiet and inoffensive as long as their own traditions or habits are not attacked ; then they are cruel, as moral and intellectual weakness ever will be. The sides of the forehead offer the greatest possible contrast with the Grecian or artistic skull. Arts, manufactures, constructive emulation, hopeful and striving, looking to a better future, and so forth, hardly exist in their mind. Judging from the number of these skulls in my possession, and others, I should say that permanent improvement with grown individuals, if not an impossible, is a very difficult achievement. The only possible way of doing them good is to catch hold of the few strong points in their character, such as "veneration," "love of approbation," and the large perceptive faculties, and through these combined, act upon the defective faculties. Thus, in skilful hands, they might be taught some dexterous and mechanical accomplishment, in which they might take pride, and therefore pleasure. If the young children could be entirely separated from their parents, they might, of course, be more readily and permanently acted upon ; for, I repeat, in those men, habit is a supreme law which they blindly obey. These interesting experiments, I feel assured, could be fairly made only by phrenological (or craniological, I care not for names,) philosophers, and the great inferiority of the race, combined with the small brain, will cause the whole race to be extinct before learned men, as a body, have the moral courage, or honest common sense of taking the subject of practical phrenology in their always august but not often unprejudiced consideration.

AFFECTIVE FACULTIES OR FEELINGS.

DOMESTIC PROPENSITIES.

- 4. *Amativeness* 1—Reciprocal attachment and love of the sexes.
- 6. *Philoprogenitiveness* 2—Love of offspring, of children generally—pets, &c.
- 6 to 5. *Adhesiveness* 4—Affection, friendship, attachment.
- 5 to 6. *Inhabitativeness* 3—Love of place, of home, of country ; tendency to dwell in one place.
- 5 to 4. *Concentrativeness* 3A—Attention, concentration, continuity ; tendency to dwell on one thought or feeling.

SELFISH PROPENSITIES.

- 5 to 6. *Combativeness* 5—Opposiveness, courage, contradiction. *Abuse*—Love of fighting, of quarreling.
- 5 to + 6. *Destructiveness* 6—Impulse to destroy, by word or deed, energy. *Abuse*—Sarcasm, swearing, passion, murder. The *meatus auditorius* is low ; thus giving a certain degree of cool cruelty.
- 5. *Alimentativeness* + —Desire for aliment. *Abuse*—Gluttony—Deficiency, dyspepsia.
- 3. *Acquisitiveness* 8—Desire for property of any description. *Abuse*—Greediness, theft.
- 6. *Secretiveness* 7—Tendency to conceal, prudence, caution, reserve. *Abuse*—Slyness, lying, cunning.

SELFISH SENTIMENTS.

- 6. *Fear or Cautiousness* 12—From timidity to terror, improperly named prudence, but may produce it—fear—anxiety.
- 6 to 7. *Love of Approbation* 11—Of praise, of distinction. *Abuse*—Bashfulness, vanity, conceit.
- 4. *Self-esteem* 10—Self-respect, self-confidence, independence, self-complacency. *Abuse*—Pride, dogmatism, arrogance, reserve, selfishness, obstinacy, sulkiness.
- 2. *Firmness* 15—Moral courage, fortitude, decision, fixedness of character. *Abuse*—Obstinacy.

HUMAN, MORAL, AND RELIGIOUS SENTIMENTS.

- 2. *Conscientiousness* 16—Sense (not idea) of right and wrong, the "still small voice," love of justice, regard for duty.
- 1, 2 to 3 and 4. *Hope* 17—Cheerful looking to the future, sanguine expectation, anticipation of success.
- 3. *Wonder* 18—Faith, love of the wonderful, of romance, affected in vision, credulity. *Abuse*—Fanaticism.
- 7. *Veneration* 14—Devotion, reverence, piety, respect for superiors. *Abuse*—Superstition, bigotry, idolatry.
- 4. *Benevolence* 13—Kindness, charity, pity, amiability, sympathy. *Abuse*—Profusion, prodigality, softness of temper.

SEMI-INTELLECTUAL SENTIMENTS.

- 2. *Constructiveness* 9—Propensity to build, compose, contrive, mechanical ingenuity and talent.
- 1. *Ideality* 19—Love of the beautiful in nature and art, imagination, intellectual, sentimental, and conception of the sublime.
- 3. *Imitation* 2i—Tendency to imitate, to mimic, ability to represent, copy, describe.
- 2. *Mirthfulness or "Wit"* 20—Sense of the ludicrous, quick perception of the ridiculous, pleasantry, wit, fun, facetiousness.

INTELLECTUAL FACULTIES.

PERCEPTIVE OR OBSERVING AND KNOWING FACULTIES.

- 7. *Individuality* 22—Memory of facts, of persons, details, curiosity to see things, examine objects, power of observation, asks what ?
- 6. *Form* 23—Perception of outline, shape or configuration of objects.
- 6. *Size* 24—Perception of magnitude, ability to judge of length, breadth, height, depth, distance, &c.
- 6. *Weight* 25—Sense of the resistance, and force of bodies, and of equilibrium—the centre of gravity.
- 3. *Color* 26—Appreciation of colors, of their different shades, their harmony, &c.
- 2, 3 to 4. *Order* 29—Perception of arrangement, desire to have things in their place.
- 2. *Number* 28—Perception of the relation of numbers, arithmetic, calculation.
- 7. *Locality* 27—Sense of the relative position of places and objects, roving desire, memory of places.

SEMI-PERCEPTIVE FACULTIES.

4. *Eventuality* 30—Called by Gall the organ of educability, especial function, memory of events.
3. *Time* 31—Sense of duration, and the relative distance of time.
2. *Tune* 32—Sense of melody, harmony of sounds, ability to learn tunes.
3. *Language* 33—Articulate and inarticulate,—proper function,—memory of words.

REFLECTIVE OR REASONING ORGANS.

1 to 2. *Causality* 35—Which traces and connects cause and effect—asks why?—key-stone of common-sense.

2 to 3. *Comparison* 34—Which detects resemblances, differences, analogies,—power of classification and analysis,—critical acumen.

[Photographs of the skulls of several of the native tribes, furnished by Mr. Sohier, have been lithographed, and will be found appended to the Queries.]

5. *State whether the bones of the skull are thick, thin, heavy, or light. Is it common to find the frontal bone divided by a middle suture or not? Note the form of the outer orbital process, which sometimes forms part of a broad scalene triangle, with the vertex downwards. How are the frontal sinuses developed? Observe whether the ossa triquetra are frequent, or otherwise; whether there be frequent separation of the upper part of the os occipitis; the relative situation of the foramen magnum. In regard to the bones of the face, notice the position of the ossa nasi and unguis; the former sometimes meet nearly or quite on the same plane; whilst, in others, they meet at an angle. The former character is strongly marked in many African skulls. State the form of the jaw bone, shape of the chin, and observe the angle of the jaw, the position and character of the teeth, and their mode of wear; and if they have any practice of modifying their form or appearance, let this also be stated. The malar bones have already been noticed, but they may require a more minute description.*

Mr. Charles Pardoe, surgeon-dentist, Bourke-street east.—The teeth of the aborigines of Australia are of the same structure, namely:—large crowns, thickly covered with enamel, more so than European; the fangs not so deeply seated in alveolar, nor does the epiphysis of maxillary bone come as high as in European. The gums are much thicker, which makes up this loss; yet their lengthened durability is undoubtedly shortened for want of this support. The accumulation of tartar is most destructive to their teeth, having no idea of how to clean, save by reeds, &c. The many skulls I have examined and the opportunities of being amongst them when in South Australia, prove their peculiar mode of trituration to be zig-zag, or like herbivorous animals, grinding flatly down the surface to a nervous painfulness. The jaw to most skulls is larger than European and comes sweeping round, producing a flat face and a wide mouth. The chin is small and effeminate. The tribes of different parts of Australia have various modes of marking their bodies and teeth. On Victoria side they break out one large upper incisor to give them knowledge they are ready to take a wife; yet in South Australia I never heard of such a procedure. They are rather vain of a good set of teeth.

Mr. Fishen.—The frontal bone is not generally divided by a suture. Frontal sinuses largely developed.

Mr. J. M. Allan.—Skull bones very thick.

6. *When the opportunity can be found, observe the number of lumbar vertebrae, since an additional one is said to be common in some tribes?*

(No replies.)

7. *Give the length of the sternum as compared with the whole trunk; and also some idea of the relative proportion between the chest and abdomen.*

(No replies.)

8. *What is the character of the pelvis in both sexes, and what is the form of the foot.*

Mr. Sherard.—Feet naturally small.

Mr. J. M. Allan.—Pelvis narrower than in whites; foot, small and flat.

9. *The form of the scapula will also deserve attention, more especially as regards its breadth and strength; and the strength or weakness of the clavicle should be noticed in connection with it.*

(No replies received.)

10. *The internal organs and blood-vessels will with greater difficulty be subject to examination; but it may be well here to remark, that varieties in these may prevail locally in connection with race.*

N.B.—Peculiarities may exist, which cannot be anticipated in queries, but which the observer will do well to notice amongst his answers to anatomical questions.

(No replies received.)

11. *Where a district obviously possesses two or more varieties of the human race, notice the typical characters of each in their most distinct form, and indicate to what known groups or families they may belong: give some idea of the proportion of each, and state the result of their intermixture on physical and moral character. When it can be ascertained, state how long intermixture has existed, and of which the physical characters tend to predominate. It is to be observed, that this question does not so much refer to the numerical strength or political ascendancy of any of the type, but to the greater or less physical resemblance which the offspring may bear to the parents, and what are the characters which they may appear to derive from each: whether there is a marked difference arising from the father or the mother belonging to one of the types of reference to another; also whether the mixed form resulting from such intermarriage is known to possess a permanent character, or after a certain number of generations to incline to one or other of its component types.*

Mr. Fishen.—There is only one variety.

12. *Any observations connected with these intermarriages, relating to health, longevity, physical and intellectual character, will be particularly interesting, as bringing light on a field hitherto but little systematically investigated. Even when the people appear to be nearly or quite free from intermixture, their habits, in respect of intermarriage within larger or smaller circles, and the corresponding physical characters of the people, will be very interesting.*

Mr. Hull.—Intercourse with white men produces sterility.

Mr. J. M. Allan.—They intermarry within the prohibited degrees of consanguinity, as nieces with uncles.

LANGUAGE.

13. Do the natives speak a language already known to philologists, and if so, state what it is; and notice whether it exhibit any dialectic peculiarities, as well as the modifications of pronunciation and accentuation which it may offer. State also the extent to which this dialect may be used, if its limits can be ascertained.

Mr. Hull.—Upon questions 13, 14, 15, 16, I refer to my remarks, &c., published in 1846; and Mr. Miles's correspondence; also to Bunce's Language of the Aborigines.

Mr. Rusden.—13, 14, 15, 16.—

The same roots exist in dialects which have diverged so far from the primitive language as to be quite unintelligible to blacks of different tribes who meet one another. Great similarity pervades the dialects spoken for several hundred miles on the east coast of New South Wales, while the language spoken on the table land (only eighty or ninety miles from the coast) is totally distinct from that spoken by the coast tribe. This fact leads to the inference that the country was settled by the gradual migration of families along the coasts, and by following the river systems upwards from their junction with the sea. Thus the natives of Moreton Bay can converse with tolerable ease with those of the Clarence River, and of Port Macquarie; while those in New England (on the heads of the Nammoi and the Gwydir) though intelligible to one another throughout a vast tract of inland country, speak a totally different language from the one which prevails on the coast.

Mr. Parker (late assistant protector of the aborigines) has brought to notice the fact that several tribes, speaking one dialect with variations of more or less importance, are designated collectively by means of the word which they use for the word "no," just as in France the inhabitants were designated as those of Langue d'oc. The same remarkable characteristic in classifying numerous tribes prevails throughout New South Wales.

The use of the dual number is well known to be an attribute of the Australian languages.

The songs in use amongst the natives are usually composed of two or three short sentences, repeated over and over with the necessary cadences and elevation of the voice so as to conform to the air.

Much difficulty is felt by persons who question the blacks about their songs, and the blacks are set down as extremely stupid sometimes, because they cannot explain the meaning of the words of songs.

The fact is, that a popular song is carried from tribe to tribe, until it is soon transported far beyond the range of the dialect in which it was composed.

It is then sung merely by rote, and not a word of it is understood by the singer. I once traced a song which I knew to have been composed at a particular time near Port Stephens, and found that in the course of about three years it had been brought down through Bathurst, Yass, the Murrumbidgee, and the Murray, to Melbourne.

At Bathurst hardly a word would convey any meaning to the tribe residing there (and that meaning only, because probably a Bathurst black may have mixed with members of the tribes frequenting the Hunter); at the Murrumbidgee not one word could possibly be intelligible to the singer; but no sooner did the song reach the confines of each tribe (by means of corroborees, &c.) than each man, woman, and child committed it to memory and hummed the air on all occasions.

I need not enlarge upon the characteristics of the native language, as in Threlkeld's Vocabulary (New South Wales), and Mr. Parker's Lectures, they have been treated more fully than would be convenient here; but I thought it not improper to allude to the fact I have above stated.

Mr. Beveridge.—The language spoken by the aborigines in this (Murray) district, is not known to philologists, nor do I consider it possible to obtain a proper knowledge of it, in consequence of the multifarious pronunciations and accentuations made use of. For example, see the negatives of the seven "tribes," in reply to question 1 of division 1. It is a meagre language, and very limited.

Mr. Strutt.—The aborigines are stated to speak a language or a dialect not understood by the tribes on the Murrumbidgee. It is deficient in many points, having no series for numerals, nor are there terms to express distances. A few words have been collected, and are accented as nearly as possible to the aboriginal pronunciation.

Man	yénben	Beard	míndering
Woman	pyabea	Hand	peéän
Dog	bokka	Finger	táypa
Emu	pekerómdia	Finger nail	[could not be ascertained]
Opossum	pónna	Foot	jénna
Crow	waágare	Leg	towl
White cockatoo	járring	Knee	yong
Kangaroo	kyéma	Thigh	mónno
Duck	tóma	Toe	táypa
Pigeon	mungóöbra	To swim	yarrabok
Snake	kóna	To run	yambok
Water	wóllah	Good	thómä
Fire	pitja	Bad	ahjemot
Tree	Pyala	Wait a little	käräbah
The Murray	Tóngüla	A spear	kaama
The Campaspe	Yákōa	A throwing stick for the spear	yōva, or wammara
The Goulburn	Kýal	Boomerang	wanya
Head	bōko	The sun	yōnga
Eye	maa	Moon	yōngadýa
Nose	kow	The stars	tōōta
Mouth	wōrru	Rain	kōkōra
Teeth	tírra	A flood	tongadya wollah
Tongue	saléng		
Chin	yáring		

NUMERALS.

One	ēnä
Two	petchéval
Three	petchéval ēnä
Four	petchéval petchéval
Five	petchéval petchéval ēnä

and so on; in fact, they appear to have but two numerals, by combining which they express a few more numerals. But the usual method is to show on the fingers the numbers to be expressed. High numbers are indicated by showing the fingers of both hands several times in succession.

Mr. J. M. Allan.—Not known to philologists before the discovery and settlement of New South Wales.

[Printed in the Appendices will be found a contribution on the language of the aborigines by Mr. Thomas.]

14. *If the language be little if at all known, endeavour to obtain a vocabulary as extensive as circumstances will allow, and at least consisting of the numerals, the most common and important substantive (the names of mountains, lakes, rivers, islands, &c.), the pronouns in all persons and numbers, adjectives expressive of the commonest qualities, and, if possible, a few verbs varied in time and person. The vocabulary should be tested by the interrogation of different natives, and more than one person should be engaged in taking it down from their mouths, to avoid, as far as may be, errors arising from peculiarities of utterance or defect of hearing. It is likewise of importance that the system of orthography be duly indicated and strictly adhered to.*

Mr. Beveridge.—Their numerals are very few, consisting merely of two, viz.:—Polight, ky up; the former signifying two, and the latter one.

Milloo,	The Murray or other large river.	Pannoo Barnawar,	Small creek.
Pannoo Milloo,	Small river.	Kayannie,	Water.
Barnawar,	A creek.	Koorong Kayannie,	A large water or lake.
		Poorp,	Mountain or hill.

The pronouns are identical, whether relative to persons or things, masculine or feminine gender. Thus "Nunthy" for instance, means—he, she, it, him, that, them. Other pronouns are used in the same manner. Their adjectives are used much the same as in English, thus—"Talko" (good) is often made use of alone, the noun being understood; the other adjectives are applied in the same manner. The verbs are very imperfect; for example:—

Cullo yetty wirwy,	I went.	Birba yetty wirwy,	I will go to morrow.
Cullomitha yetty wirwy,	I went a long while ago.	Uigin birba yetty wirwy,	I will go the day after to-morrow.
Yetty wirwy,	I go or am going.		
Daetty yetty wirwy,	I will go.		

Mr. J. M. Allan.—In my opinion, there are a variety of distinct languages in New Holland.

15. *Endeavor to take down some piece of native composition, such as the ordinary phrases employed in conversation, and any other piece of prose which may be attainable; and specimens of metrical composition, if such exist. Though these would be of comparatively little use without translation, yet independently of this, some importance is to be attached to the metrical compositions if they have a national character and are widely diffused; and in this case, it might be possible to express some of their airs in musical characters. A specimen of known composition translated into their language may also be given, such as the first chapter of Genesis, the fifteenth chapter of Luke's Gospel, and the Lord's Prayer.*

Mr. Beveridge.—I have translated the Lord's Prayer as perfectly as it is possible to do into the aboriginal language; it is as follows—

Gueletcho Mamook gena Tyrilly, talko Guinma Guinigan, Guinma wery ka ky, Guinma quanyan
Our Father living in Heaven, good Thy Name, Thy smile come here, Thy wishes
 burka kimma thungy, gnooly Tyrilly. Woga gueletcho bunimy keely quaky, qua yakna gueletcho waiknoo
be done on this earth, as in Heaven. Give us bread this day, and take away our evil
 warra, gnooly gnally yakna waiknoo warra niaida, qua tinda gueletcho watty guunthy barry waiknoo warra,
deeds, as we take away evil deeds of others, and lead us not in the road (of) evil deeds,
 qua yakna yethung dubimin tolkyne, guinma kirtowel kirtowel wonkeroo, janemoonyary quaky. Guay.
and take away evil thoughts altogether, You (are) thousand thousand strong, a million days. Amen.

Mr. Strutt.—No piece of native composition can at present be procured.

16. *Endeavor to ascertain whether the language is extensively spoken or understood, and whether there are different languages spoken by men having similar physical characters obviously connecting them as a race, or if differing somewhat in this respect, inhabiting a particular geographical tract. When such groups are said to possess different languages, endeavor as far as possible to ascertain their number, the sources whence each is derived, and the languages to which it is allied; and also the circumstances, geographical or political, which may account for these distinctions.*

[For further information connected with the investigation of languages, reference is made to a short essay on this subject read to the Philological Society of London.]

Mr. Sherard.—Different languages are spoken by different tribes of the same physical character and habits.

Mr. Beveridge.—The language spoken at one end of the district is not understood by the aborigines at the other end; but there are one or two men in each tribe who can speak the whole of the languages in the district, and for many miles beyond it. These men are termed "guala watton," which signifies "postman." They can travel with impunity from one hostile tribe to another, their persons being held sacred.

INDIVIDUAL AND FAMILY LIFE.

17. *Are there any ceremonies connected with the birth of a child? Is there any difference whether the child be male or female?*

Mr. Hull.—None. I have seen a woman suckling a puppy, her coolie having waddied the new-born child. Yes.

Mr. Rusden.—None, that I have heard of.

Mr. Shuter.—I do not know.

Mr. Crooke.—No.

Mr. Beveridge.—There are not any ceremonies connected with the birth of children.

Mr. Strutt.—None; except tying a small strip of opossum fur round the infant's wrists.

Mr. J. M. Allan.—No ceremonies.

Mr. Godfrey.—I think not.

Mr. Gottreux.—Two births only, to my knowledge, have taken place in this neighborhood (Caramut), during the last eight years. Children are never seen.

Mr. Cooke.—There are no ceremonies to my knowledge at the birth of a child.

Mr. Thomas.—Unless it be a male child of a chief, there is none whatever. In that case there is a grand corroborey; the infant is rubbed over with emu oil or fat, afterwards a thin rubbing of (whceurp) red ochre. The infant is held carefully in the palm of the right hand, and exposed to the tribe while corroboreying. Those of less note seldom do more than rub all over the child with charcoal dust.

18. *Does infanticide occur to any considerable extent, and if it do, to what cause is it to be referred—want of affection, deficient subsistence, or superstition? In the case of twins being born, is the youngest destroyed? Would they have any objection to give up those, or their other children, to be nursed and educated by the whites.*

Mr. Hull.—With regard to the destruction of the youngest, in the case of the birth of twins, no doubt. As to the latter part of the question.—Yes.

Mr. Rusden.—18, 19.—Infanticide is known to have been resorted to amongst the blacks; they have no law or custom to forbid it; but while their food was abundant, and their habits were simple, the blacks allege that it was uncommon. Many of them are too affectionate to think of it for a moment in the case of their own children. Many of them, feeling the pangs of want and hunger would readily give up their children, when young, to be nursed and educated by the whites.

Mr. Sherard.—No. No.

Mr. Shuter.—Infanticide occurs frequently, principally from want of affection arising from the depraved state of the mother. They do not in general like to give up their children to the whites, although they sometimes do so.

Mr. Wilson.—Infanticide practised, if they have a young child not able to walk when an infant was born. The goods, gear, and chattels were carried about by the females, and they were sufficiently burdened with these and one child. I never knew of twins being born. They were very fond and affectionate and unwilling to part with their children.

Mr. Crooke.—Infanticide does occur, and is to be referred to causes various and immutable. Perhaps there would not be any objection to give up their children, but they would afterward kill or take them away.

Mr. Skene.—Yes; I believe superstition. I do not think they would give up their children in many cases.

Mr. Beveridge.—Infanticide is practised to a very great extent. The cause of this wicked practice is indolence alone. I never heard of twins being born. They would decidedly object to part with any of their children for nursing or educational purposes.

Sergeant Archibald.—The natives would object to give up their children to be nursed or educated, as they appear, generally, fond of them.

Mr. Strutt.—Yes; some of the women have destroyed all their children. The cause appears to be owing to the mother considering it too much trouble to rear them. Half-caste children, especially boys, are frequently killed, from an idea that they would prove superior to the aborigines; but at present very few infants are born.

Mr. J. M. Allan.—Infanticide does not prevail. No particular objection to twins. No objection to proper parties.

Mr. Godfrey.—Yes; to some extent. From want of affection in some cases; where such exists the mother is generally found to be a thorough prostitute. Others, again, appear to be very much attached to their offspring. I have reason to think that any deformed children are not permitted to live. They can very rarely be induced to give up their children to the whites.

Mr. Gottreux.—My answer to 17 will apply to queries 18 to 24.

Mr. Cooke.—Infanticide does not occur at all now among them (Darlot Creek, &c.); on the contrary, they are very anxious to preserve the lives of their children, and are very fond of them. I scarcely think they would be induced to give them up to be educated.

Mr. Lewis.—Infanticide does exist in these tribes, to avoid the trouble of rearing the children. Half-caste infants are generally killed, though these are not a few exceptions. Twins are not frequent, and neither infant is killed. The natives are most unwilling to give up their children.

Mr. Thomas.—It does, and that to an almost universal extent. It is not want of affection, for they appear fond of their children; nor want of sufficient subsistence; nor from superstition. I never heard of twins being born among them. They would have a decided objection to give up their children; nothing short of great bribery or kidnapping would procure them.

19. *Are children exposed, and from what causes, whether superstition, want of subsistence, or other difficulties; or from deformity, general infirmity, or other causes of aversion?*

Mr. Hull.—No, but killed.

Mr. Sherard.—No.

Mr. Shuter.—I cannot say, but I do not think so.

Mr. Crooke.—No.

Mr. Aithen.—Children are not exposed now, although it was formerly practised, principally from want of subsistence, or deformity. At this time there is a greater number of young children in the Upper Goulburn tribe than has been known for many years.

Mr. Beveridge.—The children that are not destroyed at their birth are tended as carefully as European children are. I never heard of or saw a deformed child.

Mr. Strutt.—No; they would be killed instead.

Mr. J. M. Allan.—Children are not exposed.

Mr. Lewis.—Infants are not exposed; they are destroyed by strangulation.

Mr. Thomas.—Children are not particularly exposed; are carefully wrapped in an opossum skin, and have the free use of their limbs.

20. *What is the practice as to dressing and cradling children, and are there any circumstances connected with it calculated to modify their form; for example, to compress the forehead, as amongst the western Americans; to flatten the occiput, as amongst most Americans, by the flat straight board to which the child is attached; to occasion the lateral distortion of the head, by allowing it to remain too long in one position on the hand of the nurse, as amongst the inhabitants of the South Seas?*

Mr. Rusden.—20 and 21.—I have heard of no such practices on this continent.

Mr. Shuter.—They do not seem to have any particular method of dressing, or otherwise caring for their children.

Mr. Wilson.—No dress; generally carried about in a bag or net at the back of the mothers. No attempt to modify or alter the form.

Mr. Crooke.—There is no practice as to dressing and cradling children, &c.; also, none as to the lateral distortion of the head, &c.

Mr. Beveridge.—Their system of dressing and cradling children is very primitive indeed. When born, they merely wash the infant and place it in a corner of its mother's opossum rug. They do not attempt to modify the form in any way.

Mr. Strutt.—Infants are carried by the mother in a fold of the opossum rug or blanket under the arm; or sometimes at their camps, rolled in a piece of opossum fur, and laid in some warm spot near the fire. Older children are carried on their mother's backs. They do not attempt to produce any artificial deformities.

Mr. J. M. Allan.—No particular practice as to dressing. Allowed to grow as God made them.

Mr. Cooke.—The children are allowed to grow up without any tortures being inflicted, either on their bodies or their limbs; but when grown to puberty, both males and females make an orifice in the septum of their nose, and insert a large piece of kangaroo bone into it, and keep it there until the wound heals. This is done to extend their nostrils; they also tattoo their arms and bodies.

Mr. Lewis.—Infants are not clothed; they are wrapped in the opossum cloak.

Mr. Thomas.—No particular practice in dressing or cradling—the only cradle is its mother's arms. The nose of the infant is occasionally flattened and nostrils opened, to make flat noses and wide nostrils. No other method is used to distort the body or limbs.

21. *Are there any methods adopted by which other parts of the body may be affected, such as the turning in of the toes, as amongst the North Americans; the modification of the whole foot, as amongst the Chinese?*

Mr. Sherard.—No.

Mr. Shuter.—No.

Mr. Wilson.—None.

Mr. Fishen.—No.

Mr. Crooke.—No.

Mr. Skene.—No.

Mr. Beveridge.—No.

Mr. J. M. Allan.—No methods.

Mr. Cooke.—Their feet are left entirely to nature; they had no covering for them until the white man came to the country.

Mr. Thomas.—None whatever; the infant is as free as the air.

22. *How are the children educated, what are they taught, and are any methods adopted to modify their character, such as to implant courage, impatience of control, endurance of pain and privation? or, on the contrary, submission, and to what authorities, cowardice, artifice?*

Mr. Hull.—Endurance of pain, on being admitted to the society of men.

Mr. Rusden.—22 and 23.—Fathers are fond of encouraging activity and skilfulness in their children. To have the reputation of being the fastest runner, the best spear-thrower, boomerang-thrower, tree-climber, &c., is the object of each boy's ambition.

Mr. Shuter.—They do not seem to be taught anything.

Mr. Crooke.—By imitating the elder ones.

Mr. Skene.—They get no instruction.

Mr. Beveridge.—The children are not educated in the slightest degree. As soon as they are able to run about, they do just whatever they like. Their parents have not the slightest control over them. There is no system of implanting courage, patience, endurance of pain, and privation. In fact, the whole of this poor people are woefully deficient in everything that is good or virtuous.

Mr. Strutt.—They do not appear to receive any education whatever.

Mr. J. M. Allan.—Taught the use of the simple native weapons and implements.

Mr. Godfrey.—There is no kind of education of children, except in games—the corroboree dance—or throwing or using their offensive and defensive weapons.

Mr. Cooke.—22, 23, 24.—No education is implanted in the children; but they are early taught to throw the boomerang and spear, and as they grow up, they get very fond of marbles and cards. They come to puberty much earlier than in Europe.

Mr. Thomas.—The children are under no regular tuition, instinct is their only schoolmaster; are seldom checked if in ever so great a passion; are under little, if any, submission. They are, however, under great terror of being alone, their bugbear is wild blacks, which keeps them close following their parents. Although under no regular tuition, they dexterously in their games learn to hurl the spear and wonguin, corroboree, fight, &c. I have seen some exact exhibitions of corroborees and fights got up by twelve or more boys and girls.

23. *Is there anything remarkable amongst the sports and amusements of children, or in their infantile songs or tales?*

Mr. Shuter.—Not to my knowledge.

Mr. Wilson.—Throwing the spear and boomerang, and practising sham fights, singing, and the corroboree.

Mr. Skene.—No.

Mr. Beveridge.—The sports of the children are just the every day occupations of their parents in miniature.

Mr. J. M. Allan.—Nothing remarkable.

Mr. Lewis.—The children amuse themselves by throwing small spears, by throwing bomarangs, playing with hand balls and skipping-ropes. They are expert swimmers; and, in hot weather, are frequently in the water.

Mr. Thomas.—Their sports and amusements all tend to prepare them for the bush and chase. They are very quick at sound and motion, and will go accurately through a new dance or song seen but once or twice.

24. *At what age does puberty take place? Is it earlier in the female than the male?—and what is the youngest age at which the female brings forth a child?*

Mr. Rusden.—24, 32, 33, 34 will be answered by Mr. Parker (late Assistant Protector).

Mr. Shuter.—Very early; from twelve to thirteen years old in the female, which seems to be earlier than in the males.

Mr. Wilson.—In females about twelve, in males fourteen or fifteen years of age.

Mr. Beveridge.—Puberty takes place in the female about the age of twelve, and in the male about the age of fourteen. I have known a girl become a mother at twelve years of age.

Mr. Strutt.—Occasionally, in the females, at eleven or twelve years of age. They have been mothers at thirteen or fourteen, though not generally so early.

Mr. J. M. Allan.—Twelve to fourteen years.

Mr. Thomas.—Puberty, I should say, takes place at about the age of fourteen years in the females, and seventeen years in the males. I knew a chief's daughter, who could not have been more than a few months over fourteen years, have an infant.

32. *Is chastity cultivated, or is it remarkably deficient, and are there any classes amongst the people of either sex by whom it is remarkably cultivated, or the reverse, either generally or on particular occasions?*

Mr. Sherard.—Not cultivated, and rather deficient.

Mr. Shuter.—Chastity is remarkably deficient.

Mr. Murray.—Chastity is remarkably deficient.

Mr. Wilson.—Yes; young females remained in the same gunyah or camp with their parents, till given away in marriage. The young men had their own gunyah or camp.

Mr. Crooke.—Not as regards whites. Otherwise, yes.

Mr. Aitken.—Chastity is deficient amongst the females.

Mr. Shene.—In many cases, not.

Mr. Beveridge.—Chastity is altogether unknown.

Mr. Strutt.—No. Still less regard has been paid to this quality since the whites have settled in the district.

Mr. J. M. Allan.—Remarkably deficient.

Mr. Godfrey.—Chastity is remarkably deficient. No classes.

Mr. Currie.—Chastity is remarkably deficient.

Mr. Cooke.—Chastity certainly is not cultivated amongst them, and I consider they have been greatly demoralized since the white man came amongst them.

Mr. Thomas.—Chastity is, to a certain extent cultivated, especially among females, who are closely watched by their parents till given in marriage; till that period male and female are compelled to wear an apron, which is made of the thongs of an opossum skin.

33. *Are there any superstitions connected with this subject?*

Mr. Shuter.—I do not think so.

Mr. Beveridge.—No.

Mr. Thomas.—There is a certain superstition or custom called "Eulebbeoorung"—when certain females dare not behold the faces of certain males, nor certain males behold the faces of certain females. Thus, if a black betroths his daughter in childhood to another, the daughter's mother must not behold the face of her future son-in-law, nor the son-in-law the face of the mother-in-law, till they are married, when that restraint is removed.

34. *What are the ceremonies and practices connected with marriage?*

Mr. Hull.—Coolie catches his lubra as he best can.

Mr. Shuter.—I do not know what ceremonies there are; but I think it doubtful whether there are any.

Mr. Wilson.—A young female arriving at the age of puberty was given away in marriage to some old or elderly man of a neighboring or friendly tribe. Young men get wives in various ways; viz.—by arrangement, a bargaining with another young man who was tired of his wife. By picking a quarrel with one who had a wife; they fought and the conqueror carried off the prize. Sometimes a plot was laid by two or more young men who attacked the camp of another, who had several wives; they seized and carried off one by force. They had no marriage ceremony so far as I know, but I observed some disgusting practices.

Mr. Crooke.—None.

Mr. Aitken.—The men exchange their female relatives for wives, so that he who has the greater number obtains most wives.

Mr. Beveridge.—There are no ceremonies connected with marriage.

Mr. Strutt.—Mutual consent appears to be all that is necessary at present.

Mr. J. M. Allan.—Generally a gift of the parents, frequently a theft.

Mr. Godfrey.—The bride elect is taken by force from another tribe, carried into the bush, and if resisting, beaten into submission, when she is subjected to the embraces of her "coolie" first, and after him, some of his young friends in succession.

Mr. Cooke.—I believe that there are some ceremonies and practices performed before marriage; but I am not aware of what they are.

Mr. Thomas.—If ever there was a marked difference between the civilized and the savage, it is in the marriage ceremony. The wedding day of the civilized is joy and mirth; not so with the aborigines. To the bride it is a day of grief and pain, and to the bridegroom a day of battle. To be brief, the females have no voice in the matter; the males engross the privilege of disposing of the females; mother nor daughter has any power. So tenacious are the males of this prerogative, that if the father be dead the brother has the power; if no brother, the uncle, and so on. The result of this unnatural course is, that a girl of fourteen years of age is often given to a man of sixty. The girl is brought forth by the father, who has a spear in one hand, and a tomahawk in the other; holding down her head, yabbering and crying, is forced to her intended husband to whom she is given. She shows reluctance, a blow from the father is given; the girl screams, the mother's yell is next heard. A second blow is given, and the girl is dragged by the husband to his miam; she resists, the husband gives a blow. At this stage of the ceremony a cabal is in the encampment, wonguims flying about from some young men who perhaps had been in treaty for her or had been promised her. The husband rushes from his miam to see who are his rivals; a general fight ensues, and very often the husband gets a spear wound. The old men, who alone can quell a disturbance, take the command. During this cabal the young girl may be seen going back to her mother, but is soon dragged by her arms, or the hair of her head, by her father, to the husband's miam again; and after a few more blows, or if she is determined, the father will spear her in her leg to prevent her going away. Thus the poor creature is at last subdued, and often, after all, makes a very domestic wife or slave.

35. *Is polygamy permitted and practised, and to what extent?—Is there respect paid to consanguinity, and to what extent?*

Mr. Rusden.—Polygamy is practised: it is permitted to any extent; but I do not remember an instance of any man having more than three wives.

Hunting for food for a large family is felt to be an irksome duty; and though a man able to fight for his wives is proud of having them, he does not like to have too much trouble in procuring food for them and their children. There are distinctions of families, which are respected in the making of marriages, almost like those of caste. Parents affianced their children when quite young, and it would be, as it always has been, utterly hopeless to attempt to prevent the marriage of a betrothed girl, if she were near her tribe, at the age of puberty, so long as she or her affianced lover retain any knowledge of and respect for their national language and customs. The whole tribe would be indignant at any abandonment of the native customs, and while the tribe exists in any numbers it will compel obedience.

Mr. Sherard.—Permitted to any extent.

Mr. Shuter.—Polygamy is permitted and practised, but I think only in the case of the king or head of the tribe.

Mr. Murray.—Polygamy is permitted.

Mr. Wilson.—Polygamy practised and permitted. I never heard of one man having more than three (3) wives, but more frequently only two.

Mr. Fiskén.—Yes.

Mr. Crooke.—Yes; that of prowess to take, and ability to maintain.

Mr. Aitken.—Polygamy is permitted and practised. I know of one man having four wives; the others have either one or two.

Mr. Skene.—Yes; some of the chiefs will have three lubras.

Mr. Beveridge.—Polygamy is usual. Three is the greatest number of wives I have ever known one man to have, but that number is frequent. In taking wives they pay great attention to consanguinity. They carry this so far, that they will not even take a cousin for a wife. This respect to relationship is not displayed, I am sorry to say, in their sexual intercourse; in fact, in this commerce they are little above the brute creation.

Mr. Strutt.—Polygamy is permitted, though most of the blacks have but one wife. Respect is paid to consanguinity; but it is difficult to say to what extent—probably to first cousins.

Mr. J. M. Allan.—To any extent, consistent with the supply of opossums and kangaroos.

Mr. Godfrey.—Yes. I have known three "lubras" to one "cooly," frequently two. The married men being too lazy to work, are supported by the traffic of their lubras in illicit intercourse with the whites—shepherds, diggers, and laborers generally.

Mr. Cooke.—Polygamy was very frequent amongst them, but now very few of the men have more than one wife, as the deaths have been more numerous amongst the females than males.

Mr. Lewis.—Polygamy is permitted, but is not frequent. There is great respect paid to consanguinity; marriage with a cousin is not permitted; and not between two individuals born in the same tribe.

Mr. Thomas.—Polygamy is permitted to any extent. I have known some old men to have five wives, and often two or three. They are more particular than civilized; not only avoiding their own blood, but do not mingle in the blood of their own tribe; but like European, royal blood marry from other countries.

36. Is divorce tolerated, or frequent?

Mr. Rusden.—Separation is frequent. Members of neighboring tribes frequently carry off women by force. They are not always reclaimed by their husbands; and when regained, are sometimes given away to a friend.

Mr. Sherard.—No.

Mr. Shuter.—I do not know.

Mr. Crooke.—Yes.

Mr. Aitken.—Divorce is tolerated.

Mr. Skene.—Yes.

Mr. Beveridge.—Divorce is altogether unknown, unless in this way;—if the father or brother of a wife have a disagreement (as is often the case) with the husband, they will take the wife away, even after she may have had a child; but they have to make restitution by returning the woman that the father or brother had received in exchange. Wives are always got by exchange; and a man not having a sister, cousin, or ward to exchange for a wife, must needs remain a bachelor; and if a man have two or three sisters, he, of course, will get a like number of wives.

Mr. Strutt.—Divorce seldom occurs.

Mr. J. M. Allan.—No form of divorce; but the thing itself frequently takes place.

Mr. Godfrey.—Divorce is frequent; a mutual exchange of wives too, not unfrequent.

Mr. Cooke.—I know of no divorce among them, but males from the different tribes frequently take away women from others.

Mr. Lewis.—The natives sometimes give their wives away to other men.

Mr. Thomas.—Divorce is not tolerated; if it takes place, it is by elopement. I, however, knew an instance of divorce agreed upon by the two tribes, the Goulburn and the Yarra. Two influential blacks, well known to the settlers on the Goulburn and the Yarra, had both been promised a fine young lubra, named Eliza. These expectants were—Billy Hamilton, a knowing black of the Goulburn tribe, and Gillibrand, of equal fame, of the Yarra tribe. The girl's father (of the Devil's River tribe) gave the girl to Billy Hamilton. Whenever the tribes met at Melbourne she eloped to Gillibrand, but was as often recaptured. Thus, for two years, was continued fighting. The poor girl, between love for Gillibrand, and spearing and tomahawking, was oft near killed. At length it was agreed, if the Yarra and Western Port tribes would meet the other tribes on the Goulburn, to settle the affair by single combat in the presence of the five tribes. I accompanied the Melbourne tribes, who met the other tribes, on a beautiful rise, near Colonel Whyte's station, on Sandy Creek. They fought desperately; Gillibrand was acknowledged the conqueror. Grand corroboreys for nights followed, and Gillibrand brought back his treasure, who had in due time a child like him.

37. How are the widows treated?

Mr. Rusden.—They become wives, if not old; and if old, they follow the tribe in its wanderings, receiving food from some particular family to which they belong by blood relationship.

Mr. Sherard.—Treated well.

Mr. Shuter.—Widows are not ill-treated, so far as I am aware.

Mr. Wilson.—Widows kindly treated, and consigned to the especial care of some one.

Mr. Crooke.—Taken possession of by the first comer.

Mr. Aitken.—A widow is given to the nearest kinsman of the deceased husband, often with compulsion.

Mr. Beveridge.—When a woman becomes a widow, she falls back again to the guardianship of her father or brother, as the case may be; and he exchanges her again for a wife, the first convenient opportunity.

Mr. Strutt.—Widows frequently marry again.

Mr. J. M. Allan.—Given to husbands as soon as possible.

Mr. Godfrey.—Old widows are treated with some consideration by their own kin; but young widows principally support themselves and a few of their family by prostitution.

Mr. Cooke.—Widows are generally well taken care of.

Mr. Lewis.—Widows frequently re-marry in their husband's tribe.

Mr. Thomas.—Very kindly.

38. What is the prevailing food of the people? Is it chiefly animal or vegetable, and whence is it derived in the two kingdoms? Do they trust to what the bounty of nature provides, or have they means of modifying or controlling production, either in the cultivation of vegetables, or the rearing of animals? Describe their modes of cooking, and state the kind of condiment that may be employed. Do they reject any kinds of aliment from scruple or an idea of uncleanness? Have they in use any kind of fermented or other exhilarating liquor, and, if so, how it is obtained? What number of meals do they make? and what their capacity for temporary or sustained exertion? Is the possession of fire-arms attended with good or evil, and should they be restrained the use of them? Should the fire-arms in their possession be registered?

Mr. Rusden.—The "prevailing food" is animal. Vegetable food fit for man's use does not abound in Australia. There is no cultivation of vegetables, nor are animals domesticated to be used for food.

The different animals are not allowed to be eaten indiscriminately by the young blacks. As boys advance in years, they are allowed to partake of animals of one kind after another, until no food is forbidden.

Mr. Sherard.—Both. They trust considerably to the bounty of nature. Baking and boiling. In some parts of the country they contrive a fermented liquor from the cones of the honeysuckle. Their capacity for both kinds of exertion is very great.

Mr. Shuter.—They are fond of opossums, which they partially roast when about to eat them. They do not object to any kind of food, with the exception of pork. They prefer the food that gives them the least trouble in acquiring.

Mr. Murray.—The prevailing food was, originally, chiefly animal, for which they trusted entirely to nature for supply. They now use bread largely, and other vegetable food. Their mode of cooking is, invariably, roasting in the ashes. No condiment used. No fermented liquor of their own manufacture in use. Their meals are very irregular. Their capacity for sustained exertion has always been considerable. The possession of fire-arms is now necessary to them to obtain food in their altered mode of life. It might be useful to register them.

Mr. Wilson.—The men subsisted chiefly on opossums, &c., fish, and emeu, roasted in the ashes. The women shared the same fare. Sometimes the men went off on expeditions, leaving the women and children behind, often under the care of an old man. On these occasions they subsisted on roots, grass tree, grubs, &c. The principal meal was in the evening, after they returned from hunting, but they ate at any time when tempted by hunger. The men could undergo great fatigue on extraordinary occasions, but not sustained. Better without fire-arms.

Mr. Fisker.—Roots and animal production. They trust to natural productions for subsistence. They make no fermented liquor.

Mr. Crooke.—They have no means of modifying or controlling production, either in cultivation of vegetables, or rearing of animals. They use gum leaves as a condiment. They have no kind of fermented liquor. They have no number of meals, but eat as they please. They possess great capacity for exertion. They should be restrained in the use of fire-arms, and registry would be of no use. Everything that the chase in the bush affords, and also roots and herbs, fish and fowl. All the blacks frequenting the Snowy Mountains use a moth or fly called a "booyong," which seems to swarm on the face of bare rocks after the snow has melted off them in the spring. They spread their cloaks under them, and smoke them down. Large quantities of food are thus procured, and it is easily had; it is very nutritious, and the blacks seem in better condition at that season, if they have been booyonging, than at any other time. They scorch the booyongs before using.

Mr. Aitken.—When they cannot get bread and meat, which they much prefer, they live principally upon the flesh of the opossum and kangaroo.

Mr. Skene.—Kangaroo, opossums, bandicoots, and a root called "mooranong." They are now too lazy to look after these, and depend on what mutton, tea, sugar (which they are very fond of), and flour they can get or buy from the settlers, with the money they get for their labor. They use no means for producing. Fire-arms may be given now.

Mr. Beveridge.—For the prevailing food, see reply to question 4, Division I. They cook their food by means of red-hot bricks, placed over the bottom and round the sides of a hole dug for the purpose. Over the bricks they place damp grass, and then lay the food in, strewing damp grass over it; upon which they place more hot bricks; then they cover the whole up with clay. It is a very first-rate way of preparing food. They use for food everything having life. They have no fermented or other exhilarating drinks. They eat morning and night. Their capacity for lengthened physical exertion is very small. Fire-arms are of very great benefit to them, in facilitating the procuring of game. I do not think the registration of their fire-arms would be of any service.

Mr. Strutt.—The natives depend principally on the whites for their food. They eat everything, except bacon and ham, which they do not much like. Their own dietary is principally animal, consisting of fish, wild fowls, pigeons, parrots, opossum, kangaroo rats, and kangaroo, wild turkey, and emu, when obtainable; but the three latter are now seldom seen and are difficult to catch. They also eat snakes, shell-fish from the Murray, large white grubs about four or five inches in length, and generally whatever they can catch. Their vegetable food consists of a small root about the size of a turnip radish, which they find on the plains; but they are fond of flour, potatoes, and other vegetables. They have no method of cultivation, nor of rearing animals. Their cookery is simply by broiling on the fire; though occasionally they will boil a piece of beef or vegetables in the tinned vessels they procure from the Europeans. They have no vessels of native construction capable of resisting fire. They have no condiments. They are very fond of spirits, which they procure clandestinely from the whites. They have no regular number of meals, but eat when they have the opportunity; principally, however, in the morning and evening. But few have fire-arms, generally used for shooting wild fowl. No inconvenience arises from their use in this district.

Mr. J. M. Allan.—Both animal and vegetable, chiefly the former. They do entirely. None whatever. They eat everything they can get. No condiment. One continuous meal from morning till night. Unregistered fire-arms may be allowed. The native dress is kangaroo or opossum skin. They do not tattoo, but cut themselves round the chest and back. They paint to express grief or rage.

Mr. Godfrey.—Their food was formerly both animal and vegetable; they now purchase flour, tea, sugar, and meat from whites. They only eat opossum when they cannot get beef or mutton; they say now "it too much burn belly." They will not eat pig, as making them sick. They never attempted cultivation of vegetables, or rearing of animals. They have no stated number or times for meals, trusting to what, by chance, they can pick up. I think they possess a power of endurance without food longer than whites; but not any capacity or inclination for sustained exertion. I think the possession of fire-arms is undesirable; it emboldens them to attack a lone traveller in any solitary spot, or near the Mallee, and to threaten, by display of a gun, the timid hutkeeper into giving them food. I have good reason to know the latter has been effected, and am sure fire-arms are more desired by them as objects of terror and weapons of death to hostile tribes, than for any purposes of killing game. If supplied with food by the Government, there would be no reasonable excuse for their possession of guns.

Mr. Gottreux.—Their food is chiefly animal, when procured by themselves; but they are continually obtaining meat, flour, tea, sugar, and vegetables from the settlers; without which supplies, they could not live. They neither produce nor cultivate; nor do they rear any animal. They roast meat over a fire made on the ground. They reject no kind of aliment. They make no fermented or other liquor. Their meals are irregular. Fire-arms are useful to them, and attended with no danger.

Mr. Currie.—Food—animal and vegetable; principally the former. They trust wholly to what the bounty of nature provides. The only description of animal food in use I have known them reject, is pork; they seem to have an instinctive distaste to it. The possession of fire-arms enables them now to get their food more easily, and, I think, is therefore attended with good.

Mr. Cooke.—Their food is both animal and vegetable; they are too idle to cultivate for themselves, and the animals that they feed on are much more numerous than when the white man first came into the country. They put the smaller animal into the fire, just as it is caught, without drawing out the entrails, or even skinning it. They have no regular time for their meals, but seem to be always eating and sleeping, except when they are out hunting. They have some fire-arms, but they do no mischief with them; there would be no occasion to have them registered.

Mr. Lewis.—The food of the tribes in this district is chiefly fish, wild fowl, and eggs; roots and vegetables are little used. Opossums are chiefly sought for their skins. The natives receive frequent supplies of food from the whites. Their drink is water.

Mr. Thomas.—Animal and vegetable, both, were in abundance before white people came among them and long after I came. Both have diminished through enclosures, &c.; but the aborigines have diminished in a greater ratio. They trust to the bounty of a Providence they do not appreciate. All are indigenous, animal and vegetable. They do not rear animals for consumption, nor cultivate vegetables. Cooking is either baking or roasting. They have no indigenous herb to procure exhilarating liquor; if so, have never sought it. Simple water was ever their beverage, till white man introduced cursed rum, which has caused double their number to die by the visitation of the devil, to those who die by the visitation of God. They seldom take more than two regular meals in the day, breakfast and supper; but I have often known them take a scanty feed in the middle of the day, and even in the night, if they awoke. Fire-arms have not been attended with any mischief, as personal property, nor should they be debarred from possessing them; in fact, a gun is a black's livelihood. As for danger (when an attempt was made by the Council, twenty years back, in Sydney, to prohibit the aborigines having fire-arms, Sir George Gipps said, "I would rather meet a black in the bush with a gun than a spear"), I never knew any harm to arise from their possession. The native police, however (using them officially and under orders), have lamentably thinned their race in Port Phillip and Gipps Land, through their possession of them.

39. Describe the kind of dress worn by the people, and the material employed in its formation. What are the differences in the usages of the sexes in this respect? Are there special dresses used for great occasions? and, if so, describe those, and their modes of ornament. Does any mode of tattooing, piercing, or otherwise modifying the person for the sake of ornament, prevail amongst the people? N.B. Such modifications not to be blended with other modifications used as signs of mourning, &c.

Mr. Hull.—The adoption of European clothes is a sign of degradation. There are special dresses and modes of ornament for great occasions, such as corroborees, &c. They daub clay on their foreheads.

Mr. Rusden.—Skins of opossums, flying squirrels, &c., neatly stitched together, were the only dress or clothing worn by the blacks when the whites arrived. Belts of fur, neatly twisted into a sort of twine, and wound round the body many times, are worn by the men, with tassels: a netted band is often worn round the temples. The body is scarred so as to produce ridges and seams, by way of ornament.

Mr. Shuter.—They are fond of European clothing, when they can obtain it; but, in the absence of it, they are contented with a blanket.

Mr. Murray.—The dress now worn is that of the European. Formerly it consisted of a mantle of skins. On great occasions the mantle was discarded, and the body painted. They pierce the nostrils, raise ridges in parallel lines on the breast and arms, by lacerating with a flint or shell.

Mr. Wilson.—The opossum cloak, and the blanket got from white people. The males wore a necklace formed of small pieces of reed strung like beads, and a girdle round the loins, having a tassel in front, of strips of skins. This was always worn at the corroboree; and on these occasions they were fancifully painted with white chalk or clay. Occasionally they wore feathers in the hair. The females wore a necklace similar to that worn by the men. A band or bracelet of opossum or other hair bound tight round the upper part of the arm; and, a bone stuck through the nose. Also an opossum cloak similar to that worn by the men. Both sexes were tattooed on the breast, shoulders, and arms. After a death or murder, they painted red, and plastered their heads with clay. The women cut and maimed themselves on the death of a husband or relation.

Mr. Fishen.—A blanket of opossum skins is used by both sexes. Tattooing does not now prevail.

Mr. Crooke.—Skins. The difference in the usages of the sexes is trifling. A mode of tattooing prevails.

Mr. Stone.—Their original dress was a kangaroo rug, sewed together with the sinews of the tail. No difference between sexes. They tattoo for ornament.

Mr. Beveridge.—The males and females dress exactly alike. The dress is made of skins. They have no holiday attire for special occasions. They raise large oblong lumps, equidistant across the back and round the arms, and across the chest, by way of ornament. They also pierce the centre cartilage of the nose, through which they place a small reed, by way of ornament.

Sergeant Archibald.—I have noticed one instance of an old woman with a hole through the septum of the nose; also a young man with several parallel lines of scars on both sides of the chest, and on the front of both thighs.

Mr. Strutt.—Both sexes wear an opossum cloak or a blanket. Sometimes they wear European clothing, and sometimes they are naked, especially in the evening by their camp fires. They have a hole pierced through the cartilage of the nose, and long scars raised in regular rows above the skin on the shoulders, arms, and breast.

Mr. Godfrey.—Opossum rugs, blankets, and the cast-off clothes of whites, more especially shirts. There is a mode of tattooing pursued on the bosoms and upper part of the arms of women, and on the chests, shoulders, and arms of the men.

Mr. Gottreux.—The usual dress is, for both sexes, a blanket or opossum rug, worn and fastened over the shoulders. They will gladly wear any cast-off clothes that may be given to them. No tattooing is practised.

Mr. Currie.—Their dress is a rug, formed of opossum or kangaroo skins, held together by threads made from the inner bark of the stringy bark.

Mr. Cooke.—Their dresses consisted formerly of rugs formed from the skins of opossums, sewed together with the sinews of animals. Their ornaments were generally the teeth of kangaroos, strung together, and fastened round their necks and wrists; and also emu feathers.

Mr. Thomas.—Their dresses are all from manufacture of the bush, with teeth and shells, feathers, &c., for the head dress, all from nature. There are special dresses for particular occasions. When females dance in a corroboree, (which is rare and only to please a chief or some great one of another tribe), they wear (after being rubbed over with emu oil and red ochre), a fine apron made of emu feathers. They dance perfectly naked, save the apron, which goes all round the waist. The motion and sound of the leader is maintained in a wonderful manner by the flapping of the female breasts, which are much larger and more flabby than white females. Tattooing, or incision, is used for an ornament on the females and males; on the females it is slightly raised on the shoulders, breasts, and arms; on the males very large on the back, arms, and breasts; the males

deep and wide, thus— and sometimes in form of stars, thus—. This is done by a bone or flint lancet, cutting the length, depth, and device intended; then the doctor opens the flesh, and for some time spirts water in the wound; opened again next day; not suffered to close. When expanded as they wish, then suffered to heal, which causes the ridges.

40. Have the people any prevailing characteristic or remarkable modes of amusement, such as dances and games exhibiting agility, strength, or skill?

Mr. Rusden.—The corroboree, or native dance, is the most remarkable mode of amusement in vogue amongst the aborigines; and as it is an exercise requiring great muscular activity, there are various degrees of excellence attained in it.

Mr. Sherard.—Yes; many.

Mr. Shuter.—At a corroboree they paint their faces and bodies, and dance. They are also very skilful at throwing the boomerang and the spear.

Mr. Murray.—Their only amusement or game is the corroboree, or war-dance.

Mr. Wilson.—The corroboree, throwing the spear and the boomerang, and feasting with the Nulla Nulla.

Mr. Fishen.—They dance a corroboree religiously, martially, and for amusement.

Mr. Aitken.—Their principal amusements are dancing a corroboree and singing.

Mr. Skene.—A dance they call "corrobra."

Mr. Beveridge.—They excel in wrestling. Oftentimes 150 or 200 will come together for that purpose. Their dances are just so many grotesque jumps, and not worthy the name dances.

Mr. Strutt.—The corroboree, a kind of native dance, of various feats of agility. There are several varieties of the corroboree, but they are all performed at evening, by their camp fires. The men are the active performers, painted and decorated with white, or white and red. The women beat time with sticks, or on their opossum rugs tightly folded, and accompany the time with a song in chorus.

Mr. J. M. Allan.—Yes.

Mr. Godfrey.—Their corroboree, which is a war or love dance, as the case may be; throwing the boomerang, whit-whit, &c., are practised by them.

Mr. Gottreux.—40 & 41. They have no games of any kind.

Mr. Cooke.—They have a peculiar dance amongst them, in which the men only participate, being entirely naked, and their bodies, arms, legs, &c., painted in all sorts of grotesque ways, in chalk or pipe-clay, in order that it may show more in the dark night, being only dimly lit up by fire. The women perform the musical part by striking two sticks together, which they beat together in admirable time.

Mr. Thomas.—They have games which, while they act as amusements, are well adapted to strengthen and give agility to the frame.

41. Are games of chance known to the people, and is there a strong passion for them?

Mr. Rusden.—I have heard of no games of chance among them; but they soon learn games at cards from the whites.

Mr. Sherard.—No.

Mr. Shuter.—I do not think so.

Mr. Murray.—They have no games of chance.

Mr. Wilson.—None.

Mr. Fishen.—No.

Mr. Crooke.—There were no games of chance till the whites came; now there is a strong passion for them.

Mr. Skene.—I do not think they are known.

Mr. Beveridge.—They have not any games of chance.

Mr. Strutt.—Games of chance appear to be unknown.

Mr. J. M. Allan.—No.

Mr. Godfrey.—No.

Mr. Cooke.—The only game of chance they have is cards, which, of course, they have learned from the whites.

Mr. Thomas.—Games of chance were never played among them. I have, however, for the last four years observed that they understand cards. The Gipps Land blacks are great players. I have seen them deal out a pack of cards, pronounce trumps, separate their trumps, and go accurately through the game, and play for sticks of tobacco.

42. Do the people appear to be long or short-lived? If any cases of extreme old age can be ascertained, please to state them. Such cases may sometimes be successfully ascertained by reference to known events, as the previous visits of Europeans to the country. Is there a marked difference between the sexes in respect to longevity?

Mr. Rusden.—I have no data to enable me to speak definitely. It was difficult to glean sufficient facts as to the past, when the country was first colonized; and since that period the extraneous causes which have produced death have taken away all chance of ascertaining the normal condition of the race.

Mr. Sherard.—Short-lived.

Mr. Shuter.—They are a short-lived race. I do not think there is any difference in the longevity of the sexes.

Mr. Murray.—They do not appear to be long-lived.

Mr. Wilson.—No data upon which to form an opinion. I have seen a greater number of aged men than women. This arose from the practice of deserting females when infirm and not able to follow the tribe, while the old men were cared for and carried about.

Mr. Crooke.—Short, from exposure. There is no difference between the sexes in respect to longevity.

Mr. Skene.—I do not think they live long. Lubras seem very short-lived.

Mr. Beveridge.—They are a very short-lived people, being old and grey at about twenty-five or thirty. Very few of the women live to more than that age.

Mr. Strutt.—It is difficult to ascertain the age of the aborigines, as they cannot say how old they are. Some few of the men are grey-headed. The oldest (Echuca tribe) appears to be about seventy years. Scarcely any women are to be seen of advanced age.

Mr. J. M. Allan.—Short-lived. Oldest native I have known, between forty and fifty. No difference.

Mr. Godfrey.—Short-lived. A black, I should say, very rarely reached fifty years.

Mr. Gottreux.—The people appear to be short-lived. No cases of old age known in this neighborhood. The oldest black can hardly be more than fifty.

Mr. Thomas.—Generally not so long lived as Europeans. I have, however, seen many aged aborigines, and have invariably observed that they have been very corpulent, and of extra stature; especially one of the Moogolumbeek tribe, who must have been eighty or ninety years of age. He was the fattest man I ever saw, black or white; his face was regularly wrinkled, like a pleated shirt, from his bald head to his eyebrows, and his cheeks furrowed in like manner; he had nevertheless a full show of teeth. The blacks of all the tribes idolized him. There were seven tribes at that time in the Government paddock. In the morning at day-break might be seen in a crescent form, thirty or more old blacks, in five or more semi-circles before him, in profound silence, while he gave them advice or instructions. Near 900 blacks were present in the Government paddock (where the Lunatic Asylum now is) at that time. I never knew an extra-lived female.

43. *What is the general treatment of the sick? Are they cared for or neglected? Are any diseases dreaded as contagious, and how are such treated? Is there any medical treatment adopted? Are there any superstitions or magical practices connected with the treatment of the sick? What are the most prevailing forms of disease, whence derived, and to what extent? Is there any endemic affection, such as goitre, pelagra, plica, or the like? With what circumstances, situations, habits do they appear to be connected, and to what are they referred by the people themselves?*

Mr. Rusden.—The sick are kindly treated in general. Illness is often believed to have been caused by the evil eye of an enemy; and a power to cure is also believed to reside in certain individuals of a tribe. I think the quack himself is a believer in the efficacy of his cures, which are attempted with great seriousness; and are not (in some cases) very different from the phenomena of electro-biology.

The loss of an eye is not uncommon on the flat country near the Murray, Murrumbidgee, and Lachlan, and may be attributed to the heat, I imagine. I have heard of no other endemic scourge.

Small pox, many years ago, carried off large numbers of the natives: that disease was of course imported.

Mr. Sherard.—Cared for—they have their own medical men. Yes. Venereal and consumption.

Mr. Shuter.—The sick are not altogether neglected, though by no means well attended to.

Mr. Murray.—The sick are well cared for. There are no diseases dreaded as infectious. They formerly used herbs as medicine, and bleeding; but now invariably seek assistance in sickness from our medical men.

Mr. Wilson.—The women watch over the sick. The crodgie (doctor or priest) pronounces some spell to break the influence of the Evil Eye. They cover over wounds and bruises with a plaster of leaves. I have seen a wound on the head covered with green leaves and plastered over with clay; and a broken arm set with splints.

Mr. Fishen.—Yes. There is a medical treatment. There are superstitions. There is no endemic.

Mr. Crooke.—The sick are neglected generally.

Mr. Aitkin.—They are kind to their sick and aged. They are superstitious, and imagine that they cure diseases by charms.

Mr. Beveridge.—The sick are very carefully attended. They do not believe that any diseases are infectious, therefore have no fear that way. They make hot baths for fever and rheumatic patients, upon the same principle as their ovens, and very effectual they are. They blame the hostile tribes, in every instance, for making them ill.

Mr. Strutt.—The sick are attended by their relatives as well as their circumstances will permit, by nursing, supplying with food, &c. Medicines are usually procured from the Europeans. If a medical practitioner be near, they apply for his advice. Some of the blacks have the reputation of being "doctors" but they seem to be useless, and do but little for the sick, except, perhaps, in wounds or injuries from their native weapons. The natives do not seem liable to any peculiar disease; they suffer principally from disorders of the chest and other complaints arising from exposure.

Mr. J. M. Allan.—Fever, by steaming; rheumatism, by lacerating the part; cutaneous diseases, treated with two sticks; fractures, by splints; wounds, by cauterizing; snake-bite by sucking and bleeding. There is a variety of superstitious practices. Influenza, causing inflammation of the lungs. Many also have died from the venereal disease. They have also a disease much similar to the itch, which they call "werrynitch." Many die from it. No.

Mr. Godfrey.—If young, the sick are much cared for: if very old, they generally appear left quietly to die. There are very great superstitions and magical practices connected with the treatment of their sick. The "doctor" (so styled) of the tribe, is the oldest imposter in it. Venereal is certainly the most prevailing disease. They possess some very strange methods of curing their sick occasionally.

Mr. Gottreux.—The sick are taken care of by their relatives or friends. No medical treatment adopted. Rheumatism, coughs, and affections of the chest are the most prevailing forms of disease. There is no endemic affection.

Mr. Currie.—Instances have come under my observation where the sick have been carried on a sort of litter formed of branches, from one camping place to another,—a distance of probably eight or ten miles; and this day after day.

Mr. Thomas.—The sick are treated kindly, not neglected; though I have seen lamentable deviation from this, but know the cause. I have known their sick to be left, their relatives weeping and cutting their heads, yet nevertheless leaving them. I have known them to leave their dead unburied; but these unnatural instances I attribute to a pre-arranged movement of the tribe, which births, deaths, nor any other incident can alter. On the other hand I have known husbands to attend their wives so assiduously, and wives their husbands, as only to leave to procure necessaries; and two instances have come under my notice where the survivors refused food and died shortly after. The doctors have remedies for certain diseases. Friction, blowing or mesmerism, and incantation, in dangerous cases, is resorted to. Their diseases are generally constipation of the bowels, and pulmonary. They have the endemic influenza; and, by traditions handed down, have had ravaging plagues, which they attribute to an imaginary animal called "Myndye." I do not understand "pelagra, plica."—Medical gentlemen can answer this portion of query.

44. *Where there are inferior animals associated with man, do they exhibit any corresponding liability to, or exemption from disease?*

Mr. Rusden.—44 and 45 will be answered by scientific respondents.

Mr. Beveridge.—No.

Mr. Strutt.—The aborigines are generally followed by a number of half-starved curs, which are the only animals they possess. These dogs are in a most pitiable condition from starvation, mange, and skin diseases. A healthy dog is not to be seen.

Mr. J. M. Allan.—In the case of the werrynitch, it is, I think, taken from the dog.

Mr. Thomas.—There is a kind of leprosy or itch called "bubburum," which blacks, more or less, have ever upon them. I scarce ever knew one above twelve years of age but was affected with it. All animals—dogs, cats, and even opossums, if kept by the blacks as pets, are soon affected with it; the animals lose all their hair, even to become bareskin.

45. *Does entozoa prevail, and of what kind?*

Mr. Murray.—Entozoa does not exist.

Mr. Strutt.—They do not appear to prevail.

Mr. J. M. Allan.—They have entozoa.

Mr. Thomas. I do not understand the term "entozoa."—Refer to medical men.

46. *What is the method adopted for the disposal of the dead? Is it generally adhered to, or subject to variation?*

Mr. Hull.—Various.

Mr. Lane.—I have been informed that formerly it was the custom of the natives to expose their dead in trees; now, however, they bury them a few inches, placing a pole to mark the spot.

Mr. Rusden.—It varies throughout the continent. Interment is most common, I believe ; but, in some districts, the body is placed athwart boughs of a tree flattened to receive it ; in others, the body is wrapped up and concealed in a hollow tree.

Mr. Sherard.—Buried in a stooping position.

Mr. Shuter.—They dispose of their dead by interment, and generally fence the grave or hole round with saplings, which they fix into the ground in a cross position.

Mr. Murray.—The method of disposing of the dead has always been by burial, the legs being fastened with cords, so that the knees are under the chin.

Mr. Wilson.—Interred in a sitting posture, the earth filled in and covered over, rather heaped up with pieces of bark and dead timber.

Mr. Fischen.—Interment.

Mr. Crooke.—Some tribes bury ; some put up into trees.

Mr. Skene.—Sometimes they burn them; sometimes bury; and sometimes put them in hollow trees.

Mr. Beveridge.—They wrap their dead up in the clothes that belonged to and were usually worn by the deceased, and place them in a grave four or five feet deep. If a man of note in the tribe, they build a hut over the grave ; if a person of no note, or a woman, they merely place a few pieces of bark over the grave. Each grave is placed in the centre of a diamond-shaped piece of ground, which the relatives of the deceased sweep and make neat from time to time, for about two years; after that time, they are allowed to grow up with grass and weeds, and in the course of a few years the very locality is forgotten.

Mr. Strutt.—In this neighborhood (Echuca) the dead are buried in graves, sunk to a depth of four or five feet, and undermined on one side sufficiently to receive the corpse. The grave is then filled up with earth, covered with a piece of bark, and surrounded with a rough fence of boughs. When a black is killed by another tribe, his body is frequently deposited in a water-hole, or in the bed of a stream, to elude detection. With this object, the body is prevented from rising to the surface, either by driving a spear through it into the bottom, or by placing it under a heavy log of timber.

Mr. J. M. Allan.—They dispose of the dead in four ways, viz.—by incremation ; by burial in the earth ; by eating them ; by placing them on the top of cherry trees.

Mr. Godfrey.—The dead infant I have known to be carried about by a fond mother for many weeks, adding wrap over wrap to stifle the increase of putrid odor, until the infant bundle of rottenness and ragged covering has assumed such an unmanageable size, that the mother is reluctantly compelled to bury it,—this is, however, rare. The older dead are buried in their opossum rugs, or blankets, and everything belonging to them; and have, of later years, been treated to a rough sort of enclosure like a fence (adopted from us, of course). The surface of the earth within this enclosure is well swept, and a fire lighted at the grave, whenever any near relatives re-visit the spot. Sundry sheets of bark are placed in lieu of a tomb, to prevent, I think, dogs from getting at the dead. They never mention, or like to hear mentioned, the name of the departed ; but will say, pointing to the spot, "that one poor fellow," or, "my brother," &c.

Mr. Gottreau.—The dead body is placed in the fork of a tree for two or three weeks or more, and is then buried—the natives of the tribe being mostly all assembled.

Mr. Currie.—The general method of disposing of the dead is, by putting the body in the cleft of a tree, where they allow it to remain until the process of decomposition has left the bones clean. These are then taken down and put into the ground, and frequently a small heap of stones raised above them.

Mr. Cooke.—They in general cover up their dead in old miamies, hollow trees; and sometimes expose them in the open air or honeysuckle trees, the top branches of which have been previously broken off, and laid flat, so as the body could lie upon it ; and now, they bury their dead, coming always for a spade to dig the ground. Their belief formerly was that, when they are dead, after some time, they would "jump up white man" ; but I do not know if at present they have that idea. They believe in an evil spirit, which they call "Weering," and are very much frightened when they think he is coming, and run away for protection. They have no buildings, but temporary break-winds, constructed of bark, grass, limbs of trees, and sods of earth, which they generally make to a round form, with the opening nearly always towards the east. Their dwellings are mostly scattered about, but always within a short distance of each other. They have no monuments or mounds for the dead. Animals they have none, but dogs, which they have procured from the European ; which they are very fond of, but keep so many, that they are mostly miserable mangy looking creatures. I know of no laws amongst them, except that it was prohibited to any but old men and chiefs to eat the emu egg ; any that transgressed this law was immediately put to death. The number of natives has diminished at least to one-fourth the number they were when I came into the colony twenty years ago.

Mr. Thomas.—The five tribes who frequented the early settlement invariably interred their dead. A tribe between Mount Macedon and the Loddon used to entomb infants and young children in the hollow of trees. The bodies are carefully interred, and all property owned by the defunct is emptied into the tomb. The Gipps Land blacks mangle their dead, cutting off their hands, lower jaw, &c., burying only the bowels and offal,—hands, &c. cured and retained as sacred relic. (See my "Burial of Dead.")

47. Are any implements, articles of clothing, or food, deposited with the dead? In cases of murder, does concealment of the crime take place? Is it from intimidation, or from other cause?

Mr. Hull.—Usually revenge or atonement.

Mr. Rusden.—47, 48. All implements the property of a warrior were interred with his body by the Hunter River tribes ; indeed every inanimate piece of property he had possessed. More care was taken to attend to this rite in proportion to the general affection entertained by the tribe for the deceased. Great show of grief, passionate exclamations, cutting of the head with tomahawks were resorted to also. The name of a dead person is never mentioned after his decease; and when a white man carelessly or recklessly has spoken of a dead man by name, I have seen several blacks hang their heads sorrowfully, while one of their number would remonstrate, if they had any respect for the speaker: otherwise, they would endeavor to turn the conversation. There was no subsequent visitation, amongst the tribes with whose customs I was familiar, in which interment of the dead was practised. Murder, in our sense of the word, could not take place amongst the blacks. Open quarrelling resulting in death merely subjected the victor to the open revenge of the friends of the deceased ; whose duty it was to obtain satisfaction, either by killing the offender or by making him undergo the ordeal of being speared at in front of the tribe.

49. There are no definite ideas as to a future state. The vague apprehensions about some evil powers extant amongst the blacks appear to be the floating rack of nearly worn-out traditions, gradually dwindling from the theory which was once complete, until the traditions, like the language, are so broken up and modified that the original texture cannot be discovered.

Mr. Sherard.—The war implements are buried with them, and food left for future expected consumption.

Mr. Shuter.—I understand that implements and clothing are deposited with the dead.

Mr. Fischen.—War implements and clothing of the deceased are interred with him.

Mr. Crooke.—Yes.

Mr. Beveridge.—All the clothes and implements belonging to a person who dies are buried with him. I never knew a case of murder to be concealed.

Mr. Strutt.—Generally, every article the deceased possessed is buried with the corpse in the grave. In cases of murder, the body is concealed as stated above (No. 46.), to avoid detection and the retaliation which would certainly be attempted by the friends of the murdered person.

Mr. J. M. Allan.—They bury the clothes, or dispose of them by shoving them up the trunks of trees. They seldom conceal the murders they commit, looking upon them as bold and gallant actions. Concealment is sometimes attempted for fear of consequences.

Mr. Godfrey.—Murder is kept very quiet, and is rarely committed *inter se*, except under the influence of drink. Two cases of this painful nature have lately occurred in the tribe (Lower Loddon), where a husband killed his wife, and a young man his friend and companion. Murders are more frequently committed by them on hostile tribes, in order to equalize the fighting number of each. If a youth die a natural death, the earth plastered on the head as mourning is not washed off until some unoffending black has been slain by them. From fear of the law, they conceal the deed now, where formerly the hands and other parts of victims were worn and carried about openly, a token of retribution; and I am sure, from human bones I have dug out of their so-called ovens, evidently subjected once to fire, that they used to cook and eat their foes in whole or in part. A blackfellow owned to me the old lubras used to do so; but refuted such a charge now. The kidney fat, however, is at this present time taken and eaten by the young men of this tribe from a slaughtered foe. I have been given a full account of the process. They imagine that a charm exists in this unctuous morceau, and that they thereby get a large share of the strength of the dead one infused into their system.

Mr. Gottreux.—Nothing is deposited with the dead.

Mr. Lewis.—The clothes of the deceased are placed in the grave round the body. Some bodies are consumed by fire.

Mr. Thomas.—All implements, clothing, and all that belongs to the dead are consigned to the tomb. I have known money to be consigned in like manner. I think it is from intimidation; as the greatest search and inquiry are made, before the earth is put in, to know if anything else can be found belonging to him.

48. *Is there any subsequent visitation of the dead? whether they are disposed of separately or in conjunction with other bodies?*

Mr. Sherard.—No.

Mr. Shuter.—They frequently visit the graves of the departed.

Mr. Wilson.—I do not think the graves of the dead were ever visited. The name of the dead was never pronounced. The place where any died, or where a murder took place, was deserted.

Mr. Crooke.—No.

Mr. Shene.—They are generally buried where they die.

Mr. Strutt.—The dead are placed in separate graves, but near each other, and within the same fence, if the tribe happened to be near such a place when the death occurred. If at a considerable distance, a fresh grave would be made. The locality generally selected in this neighborhood (Echuca) is the top of a sandy hillock. The grave is subsequently visited by the friends of the deceased, to examine whether any snake has passed over it. Should a snake-track be discovered, an expedition is undertaken in the direction in which the snake has passed; and it is considered necessary to kill a person of the tribe in that quarter. In fact, this superstitious propensity to homicide is frequently shown when one of the tribe dies; but the reason for so doing is not known, at least by Europeans. The victims are selected by preference amongst those aborigines who live under the protection of the whites, as when employed on a station. An attempt was made a few months ago, without any assignable cause, by two blacks to kill one of their countrymen, who was living on a station near Echuca as a stockman. Fortunately the attempt failed, owing to the unexpected presence of the owner of the station; but it was judged expedient to send the black stockman to a distance, to prevent similar attacks. The aborigines, therefore, are always in some degree apprehensive of being attacked, especially at night; and an alarm of "wild blackfellows" having been seen in the neighborhood puts them at once on the *qui vive*. For this reason friendly blacks always cooey on approaching a camp, to give due notice of their coming.

Mr. J. M. Allan.—They visit the graves of their departed friends, to lament over them; and in case of murder, to endeavor by a barbarous and superstitious practice to obtain traces of the murderers. They bury separately.

Mr. Godfrey.—Graves are visited and a low moaning or howling kept up from time to time. They are disposed of separately.

Mr. Lewis.—The graves are revisited for a short time after burial, in order to see whether they have been disturbed by dogs.

Mr. Thomas.—There is a diurnal visitation to the dead and fire kept up, never quite out during the time.

49. *What is the received idea respecting a future state? Does this bear the character of transmigration, invisible existence about their future haunts, or removal to a distant abode?*

Mr. Hull.—Transmigration and removal.

Mr. Shuter.—Being altogether ignorant of their language, I cannot tell. It appears to me to bear the character of transmigration.

Mr. Murray.—During twenty years' knowledge of the aborigines, I never could discover that they had any original idea of a future state. They have received various notions from Europeans; the one most fixed is, that they will return to the world white men.

Mr. Wilson.—They believed in transmigration.

Mr. Fishen.—They believe they go to Tasmania and return white men.

Mr. Aithen.—Their idea of a future state has the character of transmigration.

Mr. Shene.—They say "Come back like white man," and in some instances have claimed relationship with Englishmen.

Mr. Beveridge.—They imagine, when they die, that they become birds or beasts, and inhabit the same localities that they did when human beings.

Mr. Strutt.—They appear to believe in a future state; but I have not been able to ascertain their exact views on this subject.

Mr. J. M. Allan.—They believe in it, conceiving that, after death, they are changed into a white man, and live again on earth.

Mr. Godfrey.—No idea at all. They used to think, when we first took up the country and came amongst them, that, from our knowledge of it, we must have been there as blacks; and I was even told my former name and cause of death (a fish bone having stuck in my throat!). They, however, seem to know it is not so now, and appear quite incredulous or mystified, when spoken to about a future state.

Mr. Gottreux.—They seem to have no idea of a future state.

Mr. Currie.—I doubt if they have any defined idea of a future state. They have an idea of punishment, or rather fear of an evil spirit; but I have never been able to ascertain that they had any idea of reward, or of a good spirit.

Mr. Lewis.—There is no idea of a future state entertained in this tribe (Panggarang).

Mr. Thomas.—They have an idea of a future state; think they will be happy; and that there is a world above, with all the requisites for subsistence without trouble or chasing. They have a notion of transmigration. Some stars, they affirm, were once black fellows on this earth.

BUILDINGS AND MONUMENTS.

50. What are the kinds of habitation in use among the people? Are they permanent or fixed? Do they consist of a single apartment or several? Are the dwellings collected into villages or towns, or are they scattered, and nearly or quite single? If the former, describe any arrangement of them into streets or otherwise which may be employed.

Mr. Hull.—Miserable mi-mis.

Mr. Rusden.—I know of no buildings other than boughs of trees and sheets of bark, propped up so as to afford shelter.

Mr. Sherard.—Temporary, being primitive and scattered.

Mr. Shuter.—Sheets of bark supported by sticks and sometimes thatched with grass or boughs usually form their habitations, which are never fixed. They are called mia mia, and are collected into villages.

Mr. Murray.—The only habitation ever erected is merely a breakwind of boughs, one for each family, used perhaps for a week.

Mr. Wilson.—Sheets of bark stuck up to shelter them from the weather, open at one side, irregularly grouped; the young men's gunyah a little distance apart from the married people.

Mr. Fishen.—Miamias of bark and boughs. They are not permanent.

Mr. Crooke.—Flying camps that they shift on to clean ground frequently, if not travelling. One apartment.

Mr. Skene.—A few sheets of bark stuck up for a few nights, called mia mias.

Mr. Beveridge.—Their huts are merely sheds thrown up (on the windward side) of bark, if the weather be wet; and of boughs only, if fine. One might call an assemblage of these huts a village; but they are thrown up without reference to order, and according to the whim of the intending occupant.

Mr. Strutt.—In summer they have merely a few boughs arranged in a semicircular form, with the convex side towards the wind, and a fire is lighted to leeward. This construction is about two feet high, and eight or nine feet in diameter. Generally, one of these semicircles accommodates one family. If the weather be rainy, they strip off some sheets of bark, which they prop up with sticks, in a similar shape, but higher. When completed it resembles half a cone, four or five feet high, with the convex side towards the weather. The aborigines have no permanent buildings of any kind, and are constantly shifting about, seldom remaining longer than three or four days in the same spot.

Mr. J. M. Allan.—Mimis, or properly speaking, warns, are oven-shaped structures about four feet high, composed of sticks, thatched with grass, and covered with sods. They reside, seldom longer than four days at a time, in these.

Mr. Godfrey.—A shelter from wind and rain, composed of bark stripped off adjacent trees, and boughs. This building, however, is only used during one visit; they invariably choose a fresh spot and materials on a future occasion, fearing, I think, the insects and vermin that are apt to collect under old rubbish or bark; but this is only my own surmise. The young men form a sort of crescent shaped protection from the weather, of boughs, and sit apart from the married; but have owned to me occasional clandestine trips in the dark to the mimis of the married women.

Mr. Gottreux.—A kind of low hut of circular shape, made of branches, and generally covered with sods of earth, open on the side opposite to that on which the prevailing wind blows. These huts are not permanent—consist of one apartment only, and are not collected to the number of more than four or five.

Mr. Thomas.—They are frail, but well adapted for their purpose, as an erratic race; they shift them often from day to day to the forest before them. I have seen in half an hour a village comfortably housed, from the bounty of Providence in the forest around. A few sheets of bark with a sapling, and two forked sticks make at once an habitation; the sheets of bark six or seven feet long, laid obliquely to the angle of about ninety degrees. Every alternate sheet of bark is reversed, so that no rain can enter; foliage and pieces of bark enclose the sides and top. Their miams are rudely formed, and are made according to the proportion of their families, and formerly held two adults and three or four children. These habitations are not permanent; are knocked down or burnt on breaking up of the encampment. They contain one apartment only. A large encampment is divided into hamlets of six or eight miams each; an influential black has charge of each hamlet. In a large encampment when most of the tribe are present, there may be five or more hamlets. The miams are not more than three or four yards apart, but one hamlet from another is not less than forty or fifty yards; but this depends much upon the lay of country. The head of each hamlet keeps order; in fact as a magistrate, settles all quarrels; but invariably the chief of the tribe governs and directs all their diurnal moves. I should have stated that, in wet weather, they, with a tomahawk, make a trench round their miams to keep off the rain.

51. Have any monuments been raised by the present inhabitants or their predecessors, and more especially such as relate to religion or war? State their character, materials, and construction. If they are still in use amongst the people, state their object, even if they should be of the simplest construction, and be little more than mounds or tumuli. If these monuments are no longer in use, collect, as far as possible, the ideas and traditions of the natives regarding them; and, if possible, have them examined by excavation or otherwise, taking care to deface and disturb them as little as possible.

Mr. Hull.—Refer to Captain Grey's work, to my pamphlet, and to Miles's papers.

Mr. Rusden.—(51 and 52). I know of nothing like monuments.

Mr. Sherard.—No.

Mr. Murray.—No monuments of any kind exist.

Mr. Fishen.—No.

Mr. Crooke.—None.

Mr. Beveridge.—There have not been any monuments raised in commemoration of any given thing.

Mr. Strutt.—There are no monuments of any kind in this neighborhood. The graves mentioned above, in reply to question 46, appear to be the only memorials of the aborigines; unless some large heaps of ashes, burnt earth and bones, be considered as such. These heaps are to be seen in different parts of the country, near permanent water. They are three or four feet high, and from ten to fifteen feet in diameter. These heaps are the result of long-continued cooking operations of the aborigines, and are known as "Native Ovens." In one near the Campaspe, a human skull, with a severe fracture on the forehead, was found at a depth of about three feet.

Mr. J. M. Allan.—No monuments whatever.

Mr. Godfrey.—None relating to religion or war.

Mr. Gottreux.—No monuments.

Mr. Currie.—In this neighborhood, (Emu Creek and Wardy Yallock), there are some remarkable mounds, eight in number, and in close proximity to each other. The largest is about twenty feet in height, and some hundreds of feet in circumference. The soil of which they are composed is entirely different from the soil around them, and has apparently been produced by an accumulation of ashes. There is no timber or rather fuel now, nor apparently has there been at any former period within some miles of them. The present race of aborigines, so far as I have been able to ascertain, are not acquainted with their use, and they have certainly shown no habits in the mode of cooking or in religious rites since the whites became acquainted with them, that could lead to the formation of such mounds. From this I infer that they have been formed by a race possessing different habits from the present, and who, from the size of the mounds, must have been very much more numerous.

Mr. Thomas.—They have devices on trees where some great calamity has transpired, but no monumental erections. On Mr. McMillan's estate, at Little Brighton, was a large gum tree, having carved on the trunk for a yard or two high, a host of blacks lying prostrate as dead. Near this spot, in 1833-4, the Gipps Land blacks at midnight stole upon the Western Port or Coast tribe and made sad havoc, killing sixty or seventy of them. The spot was named Worrown, or, a place of sorrow. The tree mentioned, I am sorry to say, was shattered by lightning many years back. Although they have no monuments, they have occasionally religious or commemorating corrobories, when are introduced devices, painted on large sheets of bark, representing what has occasioned the corrobory, or commemorating some tradition. My esteemed friend, Mr. Hull, of Melbourne, J.P., in his pamphlet published in 1846, gives some specimens of devices found in a cave. Near the junction of the River Plenty with the Yarra, were for ten nights continued corrobories, all commemorating religious or traditional events, when huge and strange figures were placed and borne in the corrobories. I have seen many since then, but have not the materials. I was anxious to preserve those of the Plenty, but while in Melbourne, one day, parties came with two drays and took the huge sheets of bark away for roofing purposes. I may here remark, that they do not seem to hold them with much veneration after their dances are over, as they do not seem to preserve them, or take pains to destroy them.

52. *In these researches, be on the look-out for the remains of the skeletons of man or other animals; and, if discovered, let them be preserved for comparison with those still in existence.*

Mr. Godfrey.—Mounds exist of ashes, which have been used for a long period as ovens, in which I have found thigh and arm bones of human beings, and skulls also.

Mr. Thomas.—I know where are many bodies of the aborigines, buried from time to time, especially at a spot in Brighton; twelve at least are buried there. But though often importuned by medical gentlemen, I never would gratify them, that the bones of the poor aborigines might slumber as secure as the whites.

WORKS OF ART.

53. *Let works of art, in metal, bone, or other materials, be likewise sought and preserved, and their similarity to or difference from implements at present in use amongst the people of the district, or elsewhere, be noted.*

Mr. Rusden.—53, 54.—No artificers existed amongst the blacks I have known, except with regard to the construction of warlike or hunting weapons, or implements. The boomerang is an implement well known to every one who has heard of Australia; but it is not sufficiently well known that the formation of the boomerang is effected with much care, and that according to the bendings given to each end of the boomerang, irrespective of the elliptic curve of the wood, so is the weapon successfully made, or otherwise. The war boomerang is a much heavier implement than the one which is thrown into the air as a plaything; and a massive war boomerang, instead of being made to return through the air to the thrower, is made so as to bound violently straight onward with sufficient force to break a man's arm at a long distance from the thrower. The boomerang is made much more skilfully by some tribes than by others.

The spear throwing stick is also an ingeniously contrived implement, by means of which a black can throw a light spear more than two hundred yards.

The stone tomahawk was an implement which a black occupied much time in fashioning, and which, when he had made it, he highly prized.

Mr. Crooke.—No.

Mr. Beveridge.—They have no works of art, unless such as consist in the fashioning the implements used in war, or in the chase; and these implements are common to all the aborigines of Australia.

Mr. Strutt.—The only works of art which the aborigines produce, are their spears, boomerangs, shields, waddies, and similar weapons; fur rugs, bags, and fishing nets. The weapons are made of various kinds of hard wood. The fur rugs are made of opossum skins, sewn together, and decorated with various devices, on the inside, in black and red. The skins are prepared by being stretched on a piece of bark, and slowly dried by the fire. The bags and nets are very well made, of the outer fibre of a sort of rush; but European twine is used instead, when procurable. The aborigines have no idea, nor any tools, for working in metal, bone, or other materials.

Mr. J. M. Allan.—Stone tomahawk (mumgill), wooden spear (toolawarn), boomerang (lidilidi), waddy (murchwararong), and other instruments. They used a sharp edged split reed for cutting their food. The dual of the spear was made formerly with a splint of flint, which they also use for cutting up and skinning kangaroo or koonie.

Mr. Coitreux.—53, 54.—No works of art.

Mr. Thomas.—Their weapons are their principal works of art, which are much below the New Zealanders or natives of the South Seas; but are, nevertheless, all that is requisite for them, but they do not represent much extra work. In fact, the natives of New Holland generally appear to give themselves little or no trouble beyond mere necessity. They however have some ingenuity in working of bones for lancets and other purposes. Their baskets and net work also are not inferior to savage nations. From conversation with a gentleman, lately from Port Curtis, he states that their miams and war implements are as near as can be similar to the Port Phillip tribes, and show no greater ingenuity.

54. *When a people display their ingenuity by the extent or variety of their works of art, it will not only be desirable to describe what these are, but also the materials of which they are constructed, the mode in which these materials are obtained, the preparation which they undergo when any is required, and the instruments by which they are wrought. Such particulars will not only throw light on the character and origin of the people, but will, directly or indirectly, influence the commercial relations which may be profitably entered into when commerce alone is looked to. When colonization is contemplated, the facts contained in the replies to these queries will point out the mutual advantages which might be obtained by preserving, instead of annihilating, the aboriginal population.*

Mr. Hull.—Many years ago I obtained from a youth a beam upon which he was dressing an opossum skin, exactly as furriers do to this day in Europe.

Mr. Sherard.—They have dogs for hunting.

Mr. Shuter.—They are skilful at making baskets from rushes and net work for catching fish. These are rather works of utility than art.

Mr. Fischen.—Rude carvings are made upon war implements and rugs.

Mr. Thomas.—The materials which they use are all from the forest ; their implements of war and use are made from different trees. Their broad shields, which are used to ward off distant spears, are made from bark only ; which, when formed, is forced into a certain curved shape by the action of fire, viz: a fire is made coned to the shape intended, when the bark pared to one-eighth or a quarter thick is laid upon it, hot ashes and a mound of sods at the top, with stones here and there kept in a certain shape all night. Their baskets are made from a flag called "brab," which is with the nail split like straws. Their nets and net works are from string made from the opossum and other small animals' furs. The opossum rug or cloak, when I came first among them, was much ornamented with rude representations of rivers, creeks, ranges, animals, &c., &c., scratched on the skin by a muscle shell made sharp. Their skins are well cured, and sewn, different to females' sewing, with the sinews of a kangaroo's tail.

DOMESTIC ANIMALS.

Are there any domestic animals in the possession of the people? Of what species are they? Whence do they appear to have been derived, and to what variety do they belong? Have they degenerated or become otherwise modified? To what uses are they applied?

Mr. Rusden.—Only the dog was domesticated. The native dog is more like the common dog in China than any other kind of dog I have met with.

Mr. Shuter.—They are generally accompanied by the common domestic dog.

Mr. Wilson.—The dingo.

Mr. Crooke.—Dogs, native and crosses with European. They have degenerated by starvation, as they keep too many, never killing pups. They are used for hunting.

Mr. Beveridge.—The only domestic animal they have is the aboriginal dog, which they find young in the bush. They use them for the procuring of game.

Mr. Strutt.—The aborigines have a considerable number of mongrel curs, of different kinds, originally obtained from the Europeans ; but greatly deteriorated, as already stated in reply to question 44.

Mr. J. M. Allan.—Dogs. Before the advent of the whites, they had domesticated the punnong, or native dog, of New Holland, which they used for hunting.

Mr. Godfrey.—They are very fond of dogs, and usually have a large number of the starved, mangy-mongrels about them, keeping them warm by nestling with them under the shelter of the bark gunya. They were originally of the species of dingo, or wild dog of the country; but now, are a cross of every sort of animal imported by us, sadly degenerated, and kept avowedly for the purpose of hunting kangaroo rats, bandicoots, wallaby, &c., which, from their meagre condition, they rarely succeed in doing. The blackfellow himself does the work by finding the poor animal in a hollow log, or stump of a burnt tree, and pulling it out by the tail, when a blow against the stump kills it.

Mr. Gottreux.—The women alone seem to have a liking for dogs, of which they have usually a large number of a very degenerate and mongrel breed.

Mr. Thomas.—When I first came among them, they had a few native dogs, but of no service to them, and soon dispensed with them on getting European dogs. They are good trainers of dogs; train them to a quick scent. They will stop at a tree where an opossum is up, and are so trained, that if they seize an animal they will not injure the fur; if they do, they are severely beat. There is one strange feature, although so wretchedly kept, if an European's favorite dog but one night sleeps in a black encampment, it will do all it can to get back to them.

GOVERNMENT AND LAWS.

55. What is the form of government? Does it assume a monarchial or democratic character, or does it rest with the priests?

Mr. Rusden.—A chief was looked up to as a sort of king in the tribe, whose customs I was acquainted with. He had no defined authority, nor could he originate any fresh laws or customs, nor even issue mandates, except with the view to carry out existing laws, or preserve old customs. He was a sort of president of the tribe, the whole body of which could be collected to pronounce an opinion, if need be; though only the men of mature years or noted intelligence ever interfered or were consulted on any emergency.

Mr. Shuter.—The questions (55 to 67) are not applicable to the aborigines of this district (Bacchus Marsh).

Mr. Murray.—Their form of government, if anything, is monarchial. They have no priests.

Mr. Wilson.—The aborigines always show great reluctance to give any information about their laws or customs. Patriarchal. They acknowledge a chief; how elected, I cannot say. Probably the greatest warrior became chief, as the young men fought for the championship. Their councils were held at night. The different tribes had their own hunting ground. When several tribes were assembled they were all subject to the control of the chief of the district, who appeared to direct their movements, the period of their sojourn, and the place of encampments. No tribe, not even a single blackfellow, could visit the hunting ground of another tribe without permission, or approach the place where they were encamped. When a stranger, or messenger, from another tribe arrived, he always sat down at some distance with his back turned towards the camp; a fire-stick was sent to him; a few words or brief sentences were spoken: bye and bye he drew near and joined them at the camp. When hostile tribes wished to be reconciled, a gift in the shape of some trifling present was sent, and the tribe who received it was invited to meet at the hunting ground of the party who made the advance. The only men privileged were the crodgie (doctor or priest) who might travel and visit wherever they pleased, and frequent the camp of other tribes. (Vide answer to 84.) They strangled certain victims. The instrument used was a small piece of wood with a cord and noose attached. They stole up behind, passed the cord round the neck, and tightened it till they produced strangulation; the stick pressed against the back part of the neck. I have seen the instrument, and its use was explained to me as above.

Mr. Fischen.—Democratic.

Mr. Crooke.—Democratic. No priests.

Mr. Ailken.—Their government, if any, would appear to be patriarchal.

Mr. Skene.—Monarchial.

Mr. Beveridge.—Democratic.

Mr. Strutt.—Hardly any government can be said to exist; but what little there is may be termed democratic. On important occasions the whole tribe is assembled at a given locality, and the discussion of the matter in question takes place in a general council. When once a course of action is determined, all the members of the tribe are expected to observe it. On these occasions care is taken to convene all the tribe. Messengers, therefore, are sent by those on the spot to the absent members. A messenger will travel fifty miles to apprise a single individual of the meeting about to be held. A stick, notched and marked in a particular manner, is the messenger's credential.

Mr. J. M. Allan.—None whatever.

Mr. Gottreux.—55 to 67. No government or laws, apparently, of any kind.

Mr. Thomas.—Their government is patriarchal. They have, however, a chief to each tribe. Priests, doctors, enchanters, dreamers, warriors, and councillors form a kind of aristocracy; the aristocracy, however, is no burden to the community—all, from the chief downward, ply for their daily food. Their chief governs; priests, doctors, enchanters, dreamers, warriors, and councillors serve the community, without even the least burden to the state. The only remuneration they get is after their death, viz., extra lamentations and sacrifice.

56. *Are the chiefs, whether of limited or absolute power, elective or hereditary?*

Mr. Rusden.—The chieftainship was hereditary; but incompetency to lead or guide would without doubt lead to a speedy change in the headship.

Mr. Murray.—The chiefs are hereditary.

Mr. Crooke.—No chiefs.

Mr. Skene.—Hereditary.

Mr. Beveridge.—The power of the chiefs is very limited. The chieftainship goes by seniority; i.e., the oldest man in the tribe is generally chief.

Mr. Strutt.—The aborigines are reported to have chiefs, but of very limited authority. The old men have the principal influence; but, under ordinary circumstances, every man does as he thinks proper. The women, as amongst other barbarous people, are entirely subject to the men.

Mr. J. M. Allan.—The greatest murderer is the greatest among the tribe, which is the only approach to chieftaincy known. Particular individuals had particular hunting and fishing grounds, but no power over the rest of the tribe.

Mr. Godfrey.—There is a so-called chief, I think, hereditary; but not always devolving on the eldest son, if there be more than one. The former chief of the Lower Loddon, old "Jerribung," seemed to have more authority and weight amongst the tribe, in the early days of settlement, than his son or sons now possess, for they have degenerated into nobbler drinkers. Their old father knew not of spirit.

Mr. Thomas.—Chiefs are not hereditary—elected.

57. *Is there any division of clans or castes?*

Mr. Rusden.—There were family distinctions somewhat similar to that of caste.

Mr. Sherard.—They are divided into tribes.

Mr. Murray.—No division of clans or castes.

Mr. Crooke.—None.

Mr. Beveridge.—There are neither clans nor castes.

Mr. Strutt.—The tribe may be considered as a sort of clan; but there are no castes.

Mr. J. M. Allan.—By tribes and families, which are kept distinct by the fear and enmity they entertain for each other.

Mr. Godfrey.—Questions from 57 to 67 do not seem to apply to so low a race as I treat of.

Mr. Lewis.—The boys at seven or eight years of age are called "Wankums," and go through the operation of having the front tooth knocked out. Several kinds of food are prohibited to them in this stage. At about sixteen the youths are made "jibbōn." There are many ceremonies observed on this occasion—marching in figures, shouting, and beating the ground with boughs. The "jibbōn" is not allowed to eat some kinds of food until about twenty to twenty-four years of age, when he may eat any food without restriction.

Mr. Thomas.—No division, further than what is noticed in answer to question 55.

58. *What are the privileges enjoyed by or withheld from these?*

Mr. Rusden.—No particular privileges existed with regard to the two family distinctions. Every body in the tribe was of one or the other of two family connotations; and betrothals were regularly made so as to keep in view the family caste to which the betrothed belonged.

Mr. Crooke.—None.

Mr. Strutt.—None. All fare much alike.

Mr. Thomas.—There are no privileges, further than that some animals and birds may be eaten by the aristocracy and aged, which the young are not permitted to participate, though they may have procured them.

59. *What care is taken to keep them distinct, and with what effect on the physical and moral character of each?*

Mr. Rusden.—They were kept distinct, as a matter of course and of duty by all.

Mr. Strutt.—The tribes occasionally intermarry.

Mr. Thomas.—Laws well understood among them—restraining the young, who feel the import of them.

60. *What laws exist among the people? How are they preserved? Are they generally known, or confided to the memory of a chosen set of persons? What are their opinions and regulations in reference to property, and especially the occupation and possession of the soil? Does the practice of hiring laborers exist among them?*

Mr. Rusden.—Laws of satisfaction for injury done, by means of submitting to an ordeal in which the offender exposed himself to danger, were the principal social restraints in vogue. They did not assume the form of the Saxon Were-gild, by which an injury could be compounded for; but they required that the offender should run the risk of a similar injury to the one he had done. According to the magnitude of his offence he had to receive one or more spears from one or more of the relatives of a deceased person; or where the injured person had recovered strength, he might himself discharge the spears at the offender.

No one endeavored to evade the law. It was preserved traditionally in the memories of all—the old men being authorities in case of doubt.

No property in soil was recognized, nor were laborers employed; but each tribe defended its own territory, and each individual was willing to do a kindness without fee or reward.

Mr. Crooke.—Their laws are generally known. There is no practice of hiring laborers. Their laws are something like those of the gipsies, but all are on a perfect equality, except that of prowess. Some of their laws, such as initiating young men, are unnatural, and too disgusting to relate.

Mr. Beveridge.—They have no existing laws. They never hire labor.

Mr. Strutt.—The only rule the aborigines appear to possess, is to retaliate for injuries received, as in cases of murder. These matters are determined at a council, as stated above. They have no property in, nor do they occupy the soil. Their only property is the food they catch, their clothing, and the articles they carry with them in their bags, with their weapons.

Mr. Thomas.—Their laws are well known; summary and simple, relating to property and persons. They hold that summary punishments, as they have no settled abode, are preferable. They, however, have been known to keep prisoners for sacrifice to their dead, if within forty or fifty miles from their tribe, till they have arrived. I may remark, that when corporeal punishment has been inflicted, the culprit is again received into the community as though he had never offended—in fact, before he undergoes his punishment, he is in nowise dis-esteemed.

61. *Have they any knowledge or tradition of a legislator, to whom the formation of laws is ascribed?*

Mr. Rusden.—They had no knowledge of a legislator.

Mr. Fiske.—They have no knowledge of a legislator.

Mr. Crooke.—None.

Mr. Beveridge.—None whatever.

Mr. Strutt.—No.

Mr. Thomas.—Their laws and form of government, they have a notion, were given them by Kurukurook, a deity of whom they speak with veneration.

62. *Do they rescind, add to, or modify their laws, and how?*

Mr. Rusden.—They did not rescind their laws, but implicitly obeyed them.

Mr. Crooke.—No.

Mr. Strutt.—No.

Mr. Lewis.—Murder is always retaliated upon either the murderer, or one or more of his tribe.

Mr. Thomas.—They never rescind or extenuate their laws, nor add to them; as they are natural laws, like the Medes and Persians.

63. *Are they careful in the observance of them?*

Mr. Rusden.—See reply to 62.

Mr. Crooke.—Yes.

Mr. Shene.—I believe them to be careful in the observance of their laws.

Mr. Strutt.—They observe the determination of a general council.

Mr. Thomas.—Most tenaciously, and in their execution.

64. *What are their modes of enforcing obedience, and of proving and punishing delinquency?*

Mr. Rusden.—Obedience was never withheld; but would have been enforced without doubt, if necessary, by the assembled tribe.

Mr. Crooke.—By quietly sending word, which is sullenly obeyed sooner or later.

Mr. Beveridge.—They have none. The strongest steals from the weak at times, and laughs at the victim. In general they are very honest amongst themselves.

Mr. Strutt.—If a native disobey the general resolution, he would be killed by his own tribe; or perhaps be handed over to another tribe for immolation, in settlement of some feud. The natives have some superstitious use for human kidney fat; but they are reluctant to talk on the subject.

Mr. Thomas.—Corporeal punishment for minor offences, on the head; for more grave, hurling spears at the offender. They take little trouble in proving the case, but are invariably correct.

65. *How are judges constituted? Do their trials take place at stated periods, and in public?*

Mr. Rusden.—The old men were looked up to as expounders of what should be done.

Mr. Crooke.—All hands are judges. Trials take place in public.

Mr. Beveridge.—They never have any judges, and the only trials they ever have are upon the occasion of a murder having been committed; then, the culprit has to stand up as a target, to be speared at by about twenty of the tribe. If he escape (as is generally the case) he is received by the tribe upon the same footing as he was before the murder.

Mr. Strutt.—There are no judges. Councils are held when another tribe is concerned; but quarrels and disputes amongst members of the same tribe are usually settled at once by those who are present. Should these attempts fail, the quarrel is decided by a fight on the spot, in which the strongest of course is the victor.

Mr. Thomas.—Their judges are the ancient or old men. Their trials and punishments are in public.

66. *How do they keep prisoners in custody, and treat them?*

Mr. Rusden.—There were no prisoners in custody at any time.

Mr. Crooke.—By force of arms.

Mr. Beveridge.—They never keep any prisoners incarcerated, as no offence is deemed worthy of punishment, unless murder; and the punishment of this crime follows immediately upon the commission thereof.

Mr. Strutt.—They have no prisoners.

Mr. J. M. Allan.—Female prisoners are made the wives of their conquerors—male, generally killed and eaten.

Mr. Thomas.—By watching them night and day till arriving at the encampment, when they are at once summarily dealt with.

67. *What are the crimes taken cognizance of by the laws? Is there gradation or commutation of punishment?*

Mr. Hull.—Running the gauntlet of spears, usually.

Mr. Rusden.—Offences against individuals were crimes. Blabbing about the secret rites of a tribe was a crime. All breaches of custom were visited with some punishment.

Mr. Wilson.—A quarrelsome treacherous fellow was compelled to fight till he was crippled and disabled from fighting. One who betrayed the tribe was compelled to stand up and receive a certain number of blows with the nulla nulla.

Mr. Crooke.—Chiefly abduction. Strangers are killed in the bush, when found, without trial. There is very little crime against one another, but it is capital to be found to be a stranger. There is a commutation of punishment.

Mr. Skene.—They are generally, a beating with a waddy, one of their instruments of war. Are killed on the spot.

Mr. Beveridge.—Murder is the only offence taken notice of.

Mr. Strutt.—Principally murders, and taking away the women. In the former case the tribe would endeavor to kill the murderer; in the latter they would take away other women in their revenge. Every tribe, however, is expected to remain within its own territory, and an aborigine found by another tribe within their district, without good cause, is liable to be at once killed.

Mr. Thomas.—Adultery, theft, and murder. Theft and murder is of rare occurrence; adultery very common. There are grades and commutation, according to circumstances.

GEOGRAPHY AND STATISTICS.

68. *Briefly state the geographical limits and character of the region inhabited by the people to whom the replies relate.*

Mr. Rusden.—My remarks principally apply to the Hunter River blacks.

Mr. Wilson.—The Mitta Mitta and Upper Murray Rivers, and surrounding country, a mountainous region, is the district referred to in the above remarks, under the heading "Government and Laws."

Mr. Fishen.—The region (Lal Lal, &c.) begins thirty-five miles, and extends sixty-five miles, N.W. from Melbourne, and laterally about twenty miles. The country is timbered and well watered.

Mr. Aitken.—The district is generally mountainous, wooded, and well watered. The limits difficult to define.

Mr. Beveridge.—The country inhabited by the aborigines herein described extends from Swan Hill on the Murray River, along said river northerly about 120 miles, to the Moornpal Lakes, inclusive, and including about twenty miles of country on each side of the river. The country is of a sandy, saline, arid nature; a great portion of it is covered with mallee scrub. In close proximity to the Murray there are numerous lakes, lagoons, and reed-beds.

Mr. Strutt.—The aborigines in this (Echuca) district are to be found chiefly by the banks of the Murray, Goulburn, Campaspe, and Lake Moira, and sometimes at the homesteads on the various stations. The vicinity of the rivers is generally well timbered. The whole region is very flat, consisting of immense plains, intersected by belts of timber. Some of these plains extend for many miles, and are without water. The natives at present rarely frequent the plains. Formerly they would hunt the turkey and emu, as the long grass afforded them the means of approaching unperceived; but since the lands have been occupied by sheep and cattle, the same facilities no longer exist; the game also has become more scarce.

Mr. Godfrey.—The Lower Loddon country consists of a series of plains, studded here and there with the salt bush, with occasional box tree forests and gum swamps; these latter caused by the over-flowing of the banks of the river during the winter months generally. It is naturally a parched arid district; I have known eight months, consecutively, without rain. Then again, in a wet winter, the greater part of this level country is under water, especially the frontage of the river, which is unapproachable at such times, and remains so boggy that a horse will scarcely be got into the plains until the return of dry weather has hardened this flooded soil; it then cakes as hard as any brick, and would defy the best plough. Mosquitoes swarm during September and October, but November's heat dispels them. Their (the blacks) usual beat commences about Newbridge on the Loddon, and they seldom go lower than Kerang or Farmers Public House, for they then verge on a hostile tribe—the Murray blacks of Reedy Lake and Swan Hill. They range about fifteen miles on the east and west bank of that river, fearing the Campaspe tribe on the east, and the Avoca blacks on the west, if they exceeded that distance.

Mr. Gottreux.—That part of the county of Villiers, north of the 38th degree of latitude, comprising plains and slightly timbered and forest lands.

Mr. Thomas.—The geographical limits of the two Melbourne tribes are from the source of the Yarra eastward, S.E. by the river Tarwin; dividing range between the Yarra and the Goulburn river, north; south by the sea coast; the river Exe to the west. Aboriginal boundaries are judiciously defined, by rivers, creeks, and mountains; which, by what I have learnt, is universal. For example, the Yarra tribe claim all country south and north of the river to dividing range; on this ground, that all the waters flow into the Yarra. The Western Port or coast tribe claim all the country from ranges, creeks, &c., that fall into the sea, to the Tarwin. The Goulburn tribe, in like manner, claim north of dividing range all the country where creeks and waters fall into the Goulburn River. This water and range boundary is as judicious as among civilized, if not preferable. The character of the country is diversified, containing rivers, swamps, creeks, ranges, abundance of roots, game, and all the necessaries of life.

69. *State approximatively the number of inhabitants. As this is an important, but very difficult question, it may not be amiss to point out the modes in which the numbers may be ascertained. The people themselves may state their numbers with more or less accuracy, but it should be known whether they refer to all ranks and ages, or merely comprehend adult males, who may be mustered for war, or other general purposes requiring their combination. In this case state the apparent proportion between adult males and other members of families. The number of habitations in a particular settlement may be counted, and some idea of the average numbers of a family be given. Where the people inhabit the water-side, the number and dimensions of their craft may be taken, and some idea of the proportion between the number of these and of the individuals belonging to them may be formed. In drawing conclusions from observations of this kind, it will be necessary to have due regard to the different degrees of density or rarity in which, from various causes, population may be placed.*

Mr. Rusden.—69, 70, 71, 72, 73, 74, 75, 76, are partially answered; but it may be necessary to add to what I have said in reply to questions 11 and 12, which bear to some extent on the point involved in question 73.

Missionaries have gone amongst the aborigines, as they would have gone to any savages living apart from European influences. With a laudable reliance on the efficacy of their doctrines they have looked forward to obtaining the same results as might have been possible if the aboriginal tribes had not been decaying under the influence of causes over which neither the missionaries nor the blacks had any control. When a whole tribe disappears in the course of one generation, how can the teacher look forward with hope?

No long time elapsed before it became plain to all who were intimately acquainted with the habits of the blacks, that such missions must necessarily fail—that the missionaries were powerless to avert the evil effects of contamination of the blacks by the whites,—that those effects entailed the speedy destruction of every tribe—and that the only possible result would be failure after failure repeated at the borders of civilization, which the missionaries are step by step compelled to betake themselves to in order to find materials for their experiments. But whatever might be the convictions of those who had had practical experience on the subject (and that experience led many unsuccessful missionaries to the conclusion that the laity

were right in asserting that success could only be hoped for by means of removing the blacks from their native haunts while young, and rearing them apart from the evil effects of indiscriminate association with the whites), there have always been found missionaries of laudable zeal but of insufficient reasoning powers, who have determined to prosecute their labors on the same footing as those which have already signally failed.

Indeed, some of them seem so wedded to their zeal as to prefer failure on the beaten path to success obtained by any method which men of the world may recommend. Thus it is that, though one such experiment ought to have decided the matter, failure after failure is pointed to, to prove that the blacks are irreclaimable; when really the only thing proved is that certain Europeans are illogical and obstinate.

The committee will perceive, in the document which forms a portion of my reply to questions 11 and 12, that no sooner did Archdeacon Hale, at Adelaide, apply a more practical mind to the question, accompanied by no less religious zeal than had distinguished previous missionaries, he effected great results.

One civilized Christian black, even though he die at an immature age, in the Poonindie station, is an object which, when compared with the debauched relics of the tribes in Victoria, may well awake a desire to see in this colony a station set apart like the one at Poonindie.

Mr. Beveridge.—The only craft used by the aborigines are made of the bark of the gum tree. Each adult (male) has one.

Mr. Strutt.—The number of the aborigines is estimated at about five hundred individuals, including women and children, as stated in reply to the first question. The natives themselves cannot give any information as to their numbers, except in their own immediate vicinity.

Mr. J. M. Allan.—See statistical returns of last census compiled under my superintendence, as chairman of the Warrnambool Road Board. No boats of any description. A ship seen at sea was considered a monster of the deep, and named a "Koorong." When seen, the natives fled the coast.

Mr. Gottreux.—About one hundred.

Mr. Thomas.—Generally answered in questions 1 and 2. In large congregating tribes in years past, I usually calculated the number of houses or miams in each separate hamlet, also the tribe; and took note generally of the extending encampments; marking the distinction between each tribe, and by calculating at the rate of five or more blacks to each miam, gave the gross amount; which was generally correct, a few blacks more or less.

70. *Has the number of inhabitants sensibly varied, and within what period?*

Mr. Shuter.—The number of inhabitants has sensibly decreased since the settlement of the Europeans in the colony.

Mr. Strutt.—They have decreased considerably, as stated also in reply to question 3.

Mr. Gottreux.—The numbers have decreased at least one-half, during the last eight years.

Mr. Lewis.—The number of the aborigines has not yet very perceptibly decreased; but there is a great and visible decrease in the number of births; a majority of the infants of the young native women being half-castes. No instance has been seen among the natives of this tribe where the mother of a half-caste child has afterwards had a black one.

Mr. Thomas.—Awfully diminished within the last ten years. See question 3.

71. *If it have diminished, state the causes; such as sickness, starvation, war, and emigration. When these causes require explanation, please to give it. If the inhabitants are on the increase, is this the result of the easy and favorable circumstances of the people causing an excess of births over deaths; or is it to be assigned to any cause tending to bring accessions from other quarters? State whether such causes are of long standing or recent.*

Mr. Hull.—Destruction of infants, sickness, disease, loss of country, and consequent desire to die—"Tumble down and jump up white fellow."

Mr. Shuter.—Sickness I think has been the cause of the decrease of the inhabitants.

Mr. Murray.—The numbers have diminished in consequence of there not being any births. During twelve years there have been only two births in the Colac tribe. This I consider to be attributable entirely to the extent of prostitution amongst the women.

Mr. Strutt.—The causes are stated in reply to question 3.

Mr. Gottreux.—No births have taken place to make up for the numbers that have died.

Mr. Thomas.—Habitual drunkenness, bringing on pulmonary diseases, and the absence of their natural exercise, the chase; living a kind of half and half life between savage and civilized, without a progressive tuition for the difference. They have had occasional increase to their number, by females from Gipps Land, yet are unable to keep up their number. Their introduction of Gipps Land lubras have been within the last seven or eight years.

72. *Is the population generally living in a manner they have been long accustomed to, or have new relations with other people, and consequently new customs and practices, been introduced.*

Mr. Shuter.—I think so. Many bad customs and practices, but few good ones, have been introduced.

Mr. Murray.—New customs and practices introduced by their relations with other people have almost entirely superseded their original manner of living.

Mr. Croohe.—Yes. No new customs and practices have been introduced.

Mr. Beveridge.—Very nearly so. They have a few innovations upon old customs, such as wearing European clothes, smoking, &c., &c.

Mr. Strutt.—The aboriginal population is not living in the manner of their forefathers, owing to the new customs and practices they have learned from the Europeans.

Mr. J. M. Allan.—Mode of living modified by residence among the whites. Males generally live about among the farmers. Females and children are left to shift for themselves in the forest, and are actually worse off than before the advent of the whites.

Mr. Gottreux.—They live generally as they used, with regard to their habitations and wandering propensities; but their food and clothing have improved in consequence of their working for and intercourse with, the white population.

Mr. Thomas.—In the bush they live as in their primitive state, without the least inclination to depart from it. If in the precincts of Melbourne or a village, the males will clothe themselves as civilized; but on returning to the encampment, off go their clothes, and they have done with civilization for that day. They have no new custom, but are awfully degraded from their first state.

73. *If the people, being uncivilized, have come under the influence of the civilized, state to what people the latter belong, how they are regarded, and what is the kind of influence they are producing.* State the points of their good influence, if any, and those of an opposite character, as the introduction of diseases, vices, wars, want of independence, &c.*

Mr. Hull.—The venereal was not introduced by the colonists; it existed before, as it does with all savage tribes. All the missions, from the original catholic mission, through almost every denomination of protestant missions, have failed, it would be too severe perhaps to say, in any case, from want of proper zeal or conduct in the missionaries; but rather from a total inability in the aboriginal to comprehend anything of the nature of the Deity.

Mr. Beveridge.—The people under the influence of whom they have come are British. They are regarded by the aborigines as being one of a very superior order. I am sorry to say that the influence exercised by the British is the opposite of good, because the aborigines are prone to (like their more civilized brethren) imbibe the vices of those with whom they associate, instead of their virtues.

Mr. Strutt.—The intercourse with Europeans has had a good influence in producing a greater regard for human life, and for the advantages of peace and order amongst the aborigines. In some instances they have applied to the local authorities for redress, in cases of assault, and of course have obtained it. The prejudicial results of European intercourse have been the introduction of syphilis, intoxication, and the inordinate use of tobacco; and the diminished feeling of independence, owing to many of their new wants being supplied by the Europeans, without any adequate return.

Mr. J. M. Allan.—The advent of the whites has been injurious to them on the whole. Your committee is itself an evidence of this. The whites have brought with them their diseases and vices, and destroyed the feeling of independence among the blacks.

Mr. Thomas.—Many have come under the civilized influence, who have been brought, or kidnapped from their own country, and have, *by constraint*, entered into all the forms and habits of civilized life; but when opportunity offered have returned to their old habits. The native police, as a body, was perhaps the most likely to retain their civilized habits; but such was not the case. When equipped and on duty, from their personal appearance, one would argue that civilization had taken root, and that moral improvement had commenced,—it was lamentably otherwise. The corps were notorious swearers and drunkards. Those at the Barwon mission turned out in a like manner, though the worthy ministers who conducted that mission felt confident, and published to the world “that six or seven might faithfully be reported as being converted.” Some have had trades; but after all have wrenched themselves from civilization; and, in endeavoring to find out their own tribes, have been murdered by other blacks on their way. Two fine girls and a boy were rescued from King’s Island some years back, and humanely taken charge of by two pious maiden squatters to the westward. The boy, after a short time bolted. One of the girls turned out bad, and no one knows what became of her; the other is now a fashionably dressed profligate, in fine furnished apartments in La Trobestreet. These last three were educated, and with care. I have seen the two girls often at the Wesleyan Chapel, Geelong, with their pious guardians.

74. *Is there any tendency to the union of the races? how is it exhibited, and to what extent?*

Mr. Shuter.—There are a few instances of the union of the races.

Mr. Crooke.—Occasionally. By each tribe knocking a tooth out of the young men,—also initiation. Very little.

Mr. Beveridge.—The way in which the union of the white and aboriginal races is displayed, is by the numbers of half-breeds running about.

Mr. Strutt.—Half-caste children are occasionally born and reared, but their number is only small.

Mr. Gottreux.—No tendency to the union of races.

Mr. Thomas.—None whatever. There was, however, a shepherd to the westward, some years back, who was desirous of having an aboriginal girl, whom he had had for his hutkeeper for eighteen months, for his wife; the girl was from the Wimmera. The overseer bringing a quantity of sheep to Melbourne, the white shepherd and black lubra accompanied; and the different clergymen on the road were entreated to marry them, but to no effect. The overseer eventually tried the Lord Bishop of Melbourne. This is the only case I ever heard of. After eighteen months I found this black lubra among a tribe of blacks; she said her white husband was dead, and she returned to the first tribe of blacks she found.

SOCIAL RELATIONS.

75. *What kind of relationship, by written treaty or otherwise, subsists between the nation and other nations, civilized or not? Have they any intercourse by sea with other countries? Do any of them understand any European language? Or are there interpreters, by whom they can communicate with them.*

Mr. Shuter.—Questions 75 and 76 are not applicable to the aborigines of this district.

Mr. Crooke.—There is no sea intercourse with other countries. They communicate by sending messengers.

Mr. Beveridge.—They have no intercourse by sea or otherwise with other countries. Most of the aborigines speak sufficient English to make themselves understood.

Mr. Strutt.—The natives have no relationship nor intercourse with other nations. Most of them understand a little English.

Mr. Gottreux.—75 and 76.—They have no social relations. Their mode of fighting amongst themselves in their drunken brawls cannot be called warfare.

Mr. Thomas.—Between the five nearest tribes to Melbourne there is a kind of confederacy or relationship, which, I apprehend, is followed out through the length and breadth of Victoria. Thus the Yarra, Western Port, Geelong, Goulburn, and Devil’s River tribes, though continually quarrelling, nevertheless are in a degree united; and to accomplish (or force) this united interest, according to their laws, marriages are not contracted in their own tribe:—for instance, a Yarra black must get himself a wife, not out of his own tribe, but either of the other tribes. In like manner a Goulburn must get his lubra from the Yarra, Devil’s River, Western Port, or Geelong tribe. Thus a kind of social compact is formed against any distant tribe who might intrude upon their country, when all unite to expel the intruder. They have no intercourse by sea with other tribes. Formerly the Western Port blacks used to make very large barques and cross over Western Port to French Island at a certain season of the year after eggs. They need no interpreters; all the adults under thirty years of age speak English well; pronounce it far better than half the Scotch or Irish emigrants.

* This question will comprise the existence of missions—the success or the want of it from causes connected with missionaries themselves or others.

76. Are they peaceable or addicted to war? Have they any forms of declaring war or making peace? What is their mode of warfare, either by sea or land, their weapons and strategy? What do they do with the slain and with prisoners? Have they any mode of commemorating victories by monuments, hieroglyphics, or preservation of individual trophies, and of what kind? Have they any national poems, sagas, or traditions respecting their origin and history? Where Europeans have introduced fire-arms, ascertain the modes of warfare which have given place to them.

State whatever particulars respecting their origin and history are derived, either from traditions among themselves or from other sources.

Mr. Hull.—See my pamphlet and refer to Messrs. Thomas, Bunce, Parker, and Mr. Miles's papers. The same reference is given for queries 77 to 88 inclusive.

Mr. Rusden.—In many tribes I have known the hands of enemies slain in a foray to be carried as trophies for weeks. I have known cannibalism imputed to a tribe (quite guiltless of it) on the ground of these hands being found at a camp.

Mr. Fischen.—Peaceable.

Mr. Crooke.—War. They kill their prisoners and eat them.

Mr. Beveridge.—They are peaceable. They have no forms of declaring war or making peace. Their only mode of warfare is by surprize—they creep into their enemies' camp at night, when the camp is hushed in sleep, and slay all that cannot escape; which, in most instances, are women and children, or invalids. What they do not make use of for food, of those slain, they leave exposed for the crows, or until such time as the vanquished people return to bury them: they never take any prisoners. They have no method of commemorating victories or preservation of personal trophies. They do not possess any poems, but have some oral traditions of their origin. They never make use of fire-arms in their warfare. In their traditions respecting their origin, they say:—at one time they were all birds and beasts, and there was no sun, but darkness dwelt upon the land; but in a dispute between an emu and native companion, the latter threw an egg of the former up to the sky, when it broke and became the sun, and the world was flooded with light, and thousands of the birds and beasts became men.

Mr. Strutt.—They are peaceable at present. They do not appear to have any form of declaring war, as it is usual to surprize the enemy; but peace is generally celebrated by a great corrobory. Their weapons are chiefly the spear and waddy, or club. They have but few fire-arms, and these are used for shooting wild-fowl by the steadiest and most trustworthy natives. They do not make prisoners. They are strongly suspected of having been in the habit of eating the bodies of the enemies they had slain—but on this point they will not afford any information. They have no trophies, monuments, or records of any kind.

Mr. J. M. Allan.—Their main tactic in war is to effect a surprize. They keep the kidney fat as a trophy, concealing it in their hair; also portions of the hair. No traditions as to origin, &c. In their wars they do not use fire-arms.

Mr. Thomas.—In their present diminished state, they would be totally unfit for war. I do not think that a complete muster of the five confederate tribes would amount to anything like the number of one of them nineteen years ago. They were formerly much addicted to fighting. They have forms of declaring war: ambassadors are sent who are furnished with regular diplomas,—two small sticks, devices on them purporting their mission for peace or war. These messengers, or ambassadors' persons are held sacred, however repugnant their instructions; and, after transacting their business and receiving the reply, they are safely conducted out of the district to the borders of their own country. I should have stated, that the returned ambassadors receive the replies on two pieces of stick or thick bark. They fight on land. Their weapons are spears, wonguims, shields, and bludgeons. They do not take prisoners. If any are killed, their own tribe bury them. I never knew but one killed on the assembling of the tribes, which was not in a fight, but a corrobory. However determined and obstinate a fight may be, when over, all are friends; and it is affecting to see parties, who, an hour before were enemies, sucking each other's wounds. There are no means of commemorating fights further than talking about them over their night fires. They have particular songs for sacred and traditional dances; have traditions of the creation, cause of wind, and other things. Although scarcely an influential black but has a gun, yet they never use them in battle: they consider guns a cowardly means of defence. What traditions they have have been handed down to them through many generations.

RELIGION, SUPERSTITIONS, ETC.

77. Are the people addicted to religious observances, or generally regardless of them?

Mr. Rusden.—So far as the rites or customs extant amongst the blacks may be deemed the remains of any form of religion, it may be said that the blacks are rigidly observant of their duties. As I am not intimately acquainted with the traditions of the tribes in Victoria, I shall not dwell on this and the succeeding questions, which will no doubt be accurately answered by Mr. Parker, Mr. Thomas, and other persons; but I may mention that, in the ceremonial by which youths are inducted into manhood—in the respect for the secrecy attached to that ceremonial,—in the songs sung and the implements used thereat, I have found a remarkable similarity pervading the customs of all the blacks with whom I have conversed on the Australian continent, at Moreton Bay in the north, and at the Goulburn River in Victoria, no less than at the Murrumbidgee. Without doubt these customs are remnants of religious observances, and they are rigidly adhered to. No woman can be present at these ceremonies, nor can any child. Great solemnity is observed in preparing youths for the ordeal; the ground around is marked and the bark of trees is carved in certain well known manner and shape; and the neophyte must not, under fear of death, mention the particulars of the ceremony. A vague idea of superior power of some spirit is associated with these ceremonies, but it is flickering, and scarcely enables one to pronounce whether the being contemplated is beneficent or malign. The order of the ceremony is distinct, however, and no native would deviate from it in any particular. Many Europeans, who have gained the confidence of the aborigines, have at different times and in different tribes been permitted to be present at the ceremonies; and a knowledge of them would be a safe passport for a traveller in a strange tribe, if by any means he could communicate the fact of his initiation. The wonder and the readiness to fraternize shown by strange blacks to an initiated white man, seen by them for the first time, are very great; accompanied with earnest entreaties not to reveal anything unlawfully. But with the gradual extinction of a tribe, carelessness about their ceremonies creeps in, and they lose all national feelings, without acquiring from the whites any substitute but the craving for spirits and tobacco. I allude to ceremonies formerly extant in New South Wales.

Mr. Shuter.—Generally regardless.

Mr. Murray.—They appear to have no religious observances whatever.

Mr. Fischen.—Regardless of religious observances.

Mr. Crooke.—No. Yes.

Mr. Beveridge.—They are utterly regardless of religious observances.

Mr. Strutt.—The aborigines have no religious observances, so far as Europeans can ascertain.

Mr. J. M. Allan.—No idea of religion.

Mr. Godfrey.—Totally unenlightened.

Mr. Goitreux.—77, &c.—There seems to be no idea of religion amongst this people; consequently, no priests, no rites, no superstitions.

Mr. Thomas.—Totally regardless of them. They pay great attention to me while I am addressing them, and give ready assent; but you hear no observations from them afterwards. I have, however, often been requested not to speak to them in their own language, because it made them frightened—evident proof that they are not destitute of reflection.

78. *Do they adopt the idea of one great and presiding Spirit, or are they polytheists?*

Mr. Rusden.—78 to 89.—For reasons given in reply to 77, I leave unanswered.

Mr. Shuter.—They are not polytheists.

Mr. Crooke.—Uncertain and varying.

Mr. Aitken.—They believe in an evil spirit.

Mr. Beveridge.—They believe in one all-presiding Good Spirit.

Mr. Strutt.—What ideas they appear to possess on this subject tend towards unity, in the existence of a spirit, to whom they ascribe a bad rather than a beneficent character.

Mr. Godfrey.—They believe in one great presiding spirit, but only know him in his attributes of terror or vengeance; not of mercy. They speak of him as "Big One Sulky," when thunder is heard.

Mr. Thomas.—They have a notion of one Superior Being, but no way adore or worship him. If they have any passion towards him, it is fear. They, however, have other minor personages to whom they attribute control over portions of the universe.

79. *If polytheism exist, what are the names, attributes, and tables connected with their deities, and what are the modes in which devotion is paid to each? Are any parts of the body held sacred, or the reverse? Do they offer sacrifices, and are they of an expiatory character, or mere gifts?*

Mr. Shuter.—They offer no sacrifices, so far as known to me.

Mr. Crooke.—They do not offer any sacrifices.

Mr. Beveridge.—The name of the Good Spirit is "Gnowdenont." They have tablets relative to this Spirit, nor have they any method of paying devotion to it. No part of the human frame is held sacred, nor do they offer any sacrifices.

Mr. Strutt.—They offer no sacrifices, nor gifts.

Mr. Godfrey.—Questions to 83 totally inapplicable.

Mr. Thomas.—Principally answered in my article upon superstitions, &c. They offer no sacrifices to any deity; but invariably offer a sacrifice as a peace offering to their dead. This sacrifice is no less than the reins of a fellow creature.

80. *Have they any sacred days or periods, fixed or moveable feasts, or religious ceremonies of any kind, or any form of thanksgiving, or other observance connected with seasons?*

Mr. Shuter.—I do not think they have.

Mr. Crooke.—No.

Mr. Beveridge.—They have no sacred days or feasts or religious ceremonies of any kind.

Mr. Strutt.—They have certain general meetings, at which all the members of the tribe are expected to attend; but these meetings are at irregular intervals, and their object is not always known to Europeans.

Mr. Thomas.—They have no sacred days, or moveable feasts, unless it be when the reins are procured from a fellow creature; when after three days continued dancing and rejoicing, their bodies are cleared from all appearance of mourning, and there is rejoicing in its stead.

81. *Have they any order of priests? and if so, are they hereditary, elective, or determined by any particular circumstances?*

Mr. Shuter.—They have no priests, so far as I know.

Mr. Crooke.—No.

Mr. Beveridge.—They have no priests whatever.

Mr. Strutt.—No. Some of the older men have some influence, but only of a personal character.

Mr. Thomas.—They have doctors or priests, dreamers, enchanter, &c., who are consulted upon all difficult dreams, supposed apparitions, and such like. The decision they come to is at once credited and believed.

82. *Is the religion of the people similar to that of any other people, neighboring or remote? If different, are they widely so, or dependent on particular modifications, and of what kind?*

Mr. Crooke.—None.

Mr. Thomas.—I do not think that there is the least difference; in fact, they have no conception of worship. In continued plagues, such as myndee, &c., they have fear.

83. *In what light do they regard the religion and deities of neighboring tribes?*

Mr. Crooke.—Do not care.

Mr. Thomas.—With total indifference. Even the worship of Europeans does not strike them further than they see all clean. They have, however, often been struck with the white man building so large a place for God, and making no other use of it; and this I have often endeavored to take advantage of, by trying to impress on their minds, that the place is sacred and must not be used for any other purpose.

84. *Is there any idea of an inferior order of spirits and imaginary beings, such as ghosts, fairies, brownies, and goblins; and how are they described?*

Mr. Sherard.—Yes.

Mr. Shuter.—I think they have; but I cannot describe them. They are afraid to move about in the dark.

Mr. Murray.—They appear to dread some unseen power that may injure or destroy them.

Mr. Wilson.—They had a superstitious dread of the Buckeen, a spirit who was supposed to steal the kidney fat from a blackfellow, while he slept. A blackfellow who imagined his kidney fat had been taken away in this way generally pined away, refused to eat, and died. They sent out parties, generally two young men, to Buckeen. These fellows stole about during the night, watching and tracking their victim. They observed great secrecy and vigilance. When they had made sure of their quarry, they waited till the dead of night, stole noiselessly up, speared their victim, and dispatched him with the nulla nulla. They then cut off portions of his flesh, which they eat, and took out the kidney fat. This fat was much prized among them; they preserved it in a piece of dried skin of a blackfellow, rolled up like a tobacco pouch; and in a case of sudden alarm, I have seen a blackfellow, pale with fear, rush to his net (a bag), take out this pouch, open it, and smear his face with the fat. When a blackfellow died suddenly, being drowned, or died from some accidental cause, they sent out a Buckeen party to take the life of one belonging to another tribe, in order to propitiate the Evil Eye. These in turn made reprisal, and thus, life after life was taken. The ceremony of knocking out the tooth of the young men took place about the age of eleven to fourteen; this was always performed by an old man, who used for the purpose a sharp instrument, and a stone. They believed the Morgigong (a spirit) was present during this ceremony. The women were present, but sat apart from the men. After the tooth was knocked out (one of the incisors of the upper jaw) the boys, now young men, were consigned to the care of an old man, who provided food for them for a few days; they were left then to hunt for themselves, and were not allowed to encamp with or go near their mothers, or any females for several months. The women raised pyramidal mounds of earth at the place where the ceremony was held. They placed sticks or wands upright on these mounds, with feathers tied to the top.

Mr. Crooke.—They are superstitious, but it is not defined.

Mr. Beveridge.—They have an idea of a very wicked spirit, named "Gnambucootchaly," of which they are very much afraid, more especially at night.

Mr. J. M. Allan.—They believe in the existence of evil spirits, whom they seek to propitiate by offerings. Water spirits are called "Turong;" land spirits "Potkoorok;" another is "Tambora," inhabiting caves. These they suppose to be females without heads.

Mr. Godfrey.—There is a vague notion of a goblin, called by a corruption of our word Devil. They say "Dibble, Dibble," and they are greatly afraid of this imaginary ghost. They also are in great terror of "wild blackfellows," and can scarcely be persuaded to go far away from a station alone, unless on horseback, or with a gun, when they feel more plucky. This "wild blackfellow" is, no doubt, the ever-expected seeker of retribution for the death of one of their tribe. These blacks go away themselves on such a mission, to seek some unprotected lone blackfellow, and they well know others are seeking them in a similar way, and for a like reason. This great never-ceasing murder, added to their child-murder, drunkenness, and promiscuous connection with whites, is a sufficient reasonable ground for concluding that their extinction is only a matter of time.

Mr. Thomas.—They have an idea of ghosts, spirits, and other imaginary beings.—[See my vocabulary.]

85. *Have they any notions of magic, witchcraft, or second sight?*

Mr. Shuter.—I think not.

Mr. Crooke.—All kinds.

Mr. Beveridge.—They have no idea of magic.

Mr. J. M. Allan.—Yes, a great many.

Mr. Thomas.—None whatever; unless one of their priests is sulky, when they have their fears of something dreadful coming upon them.

86. *What ideas are entertained respecting the heavenly bodies? Have they any distinction of stars, or constellations? and if so, what names do they give them, and what do these names signify?*

Mr. Shuter.—I cannot tell.

Mr. Beveridge.—They have a name and legend belonging to every planet and constellation visible in the heavens, but it would take too much time and space to transcribe them here.

Mr. J. M. Allan.—They have. The sun (yarrh yar,) and moon (unnung,) they suppose to be spirits. "Whychurl" is their name for a star. They are much afraid of thunder and lightning; calling the former "murdell."

Mr. Thomas.—They have names for the heavenly bodies. They have distinction of stars. Some of them they maintain were once blackfellows, but for certain good acts were taken to heaven and made stars of.

87. *Are they in any manner observed with reference to the division of the year, and how?*

Mr. Sherard.—Yes; the moon.

Mr. Beveridge.—They are not connected in any way with the division of the year.

Mr. Thomas.—They have accurate notions, and have terms for the four seasons, which they determine by the motion of the heavenly bodies.

88. *If time is not divided by observations of those bodies, what other mode is adopted? and do observancies connected with them rest with the priests or chiefs?*

Mr. Crooke.—Seasons.

Mr. Beveridge.—The only method they have of dividing the year is by heat and cold, or summer and winter.

Mr. J. M. Allan.—They divide time by the seasons.

Mr. Godfrey.—Their only mode of computing time appears to be by the moon; its full especially is noted: and now, they have the advantage of dating from the "Nip nip," or settlers' yearly regular shearing time. This seems to supply them with a mode of stating years, which before they had not: months or moons then satisfied them.

Mr. Thomas.—Time is divided by the motion of the heavenly bodies. They have also other modes, such as the blossoming of trees and shrubs. They can accurately define the very month by this method; for in Australia there is not a month but some tree, shrub, or flower is in blossom; and for exact assembling they calculate and arrange time in the latter way.

89. *When the traveller, by personal acquaintance with the language, or by means of competent assistance from interpreters, can freely converse with the people, it will be desirable that he should form some idea of their amount of intelligence, their tone of mind with regard to social relations, as respects freedom, independence, or subserviency, and their recognition of moral obligations, and any other psychological character which observation may detect; and more especially such as may contribute to an estimation of the probable results of efforts to develop and improve the character.*

Mr. Crooke.—They have no notions and care not.

Mr. Godfrey.—From fifteen years' experience and intercourse with tribes in various parts of the colony, I think I may state, that the Lower Loddon tribe are below the average standard of blacks generally, both morally and physically. They are the laziest I have ever seen, and fearfully addicted to drunkenness. Those frequenting the banks of large rivers, such as the Murray, &c., appear a much finer race altogether.

Mr. Thomas.—This query is principally answered in the foregoing. I may briefly state that Providence has endowed them with sufficient intelligence for their present state; in fact, their intelligence may be said to be instinct. Tenacious of social relationship—tenacious of freedom—two blacks (aged) brought into the Melbourne gaol many years back, fretted so, that they both died, and on the same day. They are by no means ungrateful, and well remember any previous kindness. The preservation of Buckley for two-and-thirty years, without in the whole period ever ill-using him, ought ever to indelibly rank them as a humane race; more so, as Buckley was more ignorant than the blacks, and perfectly useless to them: quite a different man to Rutherford, who lived many years among the New Zealanders, and who was a shrewd active fellow.

ADDITIONAL REPLIES TO LIST OF QUERIES.

[*The following communications were not received in sufficient time to include them in the foregoing classification.*]

Marcus Sievwright, Esq., Melbourne.—The writer having had the honor of receiving a circular dated the 27th October, 1858, from the Hon. T. McCombie, chairman of the select committee of the Legislative Council, appointed to inquire into the present condition of the aborigines, which circular is accompanied by a number of queries thereon, with a request to give any information on the subject—I feel much pleasure in forwarding the following information, premising at the same time that the answers sent are given from recollections made in accompanying the late Captain C. W. Sievwright, who received an appointment as Assistant Protector of Aborigines during the years commencing January, 1839, to March, 1843.—89, Swanston-street, 10th January, 1859.—MARCUS SIEWWRIGHT.

REPLIES TO DIVISION NO. I.

1. The district will contain about fifty aborigines, consisting of the remains of one or two tribes formerly known as the Waddowrow tribe.
2. The existing natives about Melbourne consist of more males than females, both sexes being in bad health; and their ages average thirty.
3. From my personal knowledge during the last ten years, the mortality has been very marked among all the tribes around this city and townships, and from what I have personally observed after having visited districts during an absence of seven years—the chief causes of mortality being pulmonary complaints, accelerated by venereal diseases, and which have in my opinion taken such a firm hold on their constitutions as will now decimate them in the course of comparatively a short time.
4. I am not aware of assistance of any kind being given to the aborigines, except it is through William Thomas, Esq., Guardian of Natives, who is a most zealous and worthy advocate in their behalf. The aborigines in my opinion at present have no means of living anywhere within the settled districts; and I need scarcely remark that, in consequence of the alienation of their land and subsequently the purchasers or Crown-tenants fencing them out of their demesne, they have been driven (to use a homely phrase) from pillar to post to eke out the remainder of their existence. I believe there is an aboriginal reserve at Mordialloc, and I believe it is fit for its purpose, although the natives should have the privilege of choosing their own camping or reserve ground.
5. In reply to this question, I think Mr. Thomas would be the gentleman who would undertake the duties referred to.
6. The natives are with rare exceptions addicted to excessive intemperance; the drink I suppose coming through their being supplied by the publicans. I have no direct testimony on the latter subject.
7. The compulsory keeping the natives from the towns, particularly in the interior, would be of some benefit, but it would not attain the desired object unless the blacks had a depôt or reserve to induce them to return when compelled to avoid the constabulary; and the police would have great difficulty in keeping them away from towns.
8. I am not aware, but I think there are many medical men ready to undertake the performance of medical duties for a proper compensation.
9. The natives are all quiet about Melbourne, and in Geelong when I was there; but in the interior, viz., all over the western district, in the years 1840, '41, '42, and '43, I was very often a witness to the result of their depredations of property and of the taking away of life among themselves. But I am unable to state whether the white population now avail themselves much of the services of the natives, or compensate them by wages or otherwise.
10. I have known the natives to steal from the settlers, in the first instance through want, and being emboldened by success and led on by an evil-disposed chief or leader, they have continued to perpetrate the mischief of sheep-stealing or the destruction of cattle and horses wantonly and in excess of the benefit derivable from destroying more than what they could consume.
11. The Rev. Mr. Tuckfield, a Wesleyan missionary, resided about forty miles from Geelong, and endeavored during 1840 and some time after to educate the aborigines, as well as Assistant Protector Sievwright, but their efforts in the western district were (with a few exceptions) quite fruitless.
12. My opinion of their general intelligence is, that the children and young natives, and in many instances the middle aged blacks are, when kept from intoxicating drinks, very intelligent, and are prone to receive a slight education, literary and moral.
13. I can suggest a plan to the honorable committee by which the Government may serve to ameliorate the aborigines from ultimate extinction; and that is—In the unsettled districts large reserves should be chosen, and the locality should be marked out by the natives, and set apart from the settlers. Fencing in the reserve should be (where practicable) carried out, and allowing or reserving also plenty of hunting or fishing grounds. Let there be a homestead presided over by some intelligent European family, who are to endeavor to keep the natives from communicating with any other white person, and to supply them with a daily allowance of food, such allowance being portioned out conditionally to the males doing such work on the station as required of them, such as fencing, grubbing, &c., and occasionally withholding the supply of food

to a greater extent from such as can work and wont work, or such as leave the homestead. The natives should be also induced to erect small huts to live in, and they should be well clothed in winter with woollen clothing, and supplied with good medical attendance to keep down prevailing diseases among them.

14. From the inherent tendency of all the natives to change and travel, I think, after what I have observed among them, that the remains of the tribes about Melbourne and the inland towns should have several small reserves or homesteads to enable them to visit or change to, as their hunting grounds are occupied, and which they should be induced to stay or settle at, during the whole year round. In having more than one reserve, the inducement to settle, when their roving propensity takes place, would be for them to call and locate at such a homestead as they would feel disposed to reside at, and so keep them from calling at the towns or scattering themselves through the bush and public houses.

15. The aborigines have every disposition to imitate their white brethren in nearly everything; but from the tendencies implanted in them, they find the less restrictive savage life more enticing than civilization, and a great difficulty exists to reclaim them from their habits thoroughly; and I am strongly convinced that the rising generation should be induced to follow some European occupation, so as to divert their attention from joining their parents and others in keeping up their customs.

The Queries from 1 to 16 in Division 2 remain unanswered, in consequence of the subjects being too abstruse.

ANSWERS TO DIVISION ON INDIVIDUAL AND FAMILY LIFE.

17. There are some tribes who observe a ceremonial procedure on the birth of a child. Others do not observe any, except it is very trifling, by indulging in a chaunt got up by the head of the family, and no difference is made if male or female.

18. Infanticide used to be, and in some tribes is still very prevalent. The habit of destroying children arose generally from hunger, which eventually was perpetuated into a custom, and caused female children to be destroyed as soon as they were born, allowing the males to survive; the male children being a greater acquisition to a family than females. I think they would have no great objection to give up their orphans or other children to the whites to be nursed, subject however to the children being taken in full.

19. I never yet knew of native children being exposed from any cause.

20. There is no practice, that I am aware of, of dressing or cradling children, further than when the native mothers in the Mount Rouse (native name "Kolor") district, were digging for roots, they hung up the child in a basket until their digging was over.

21. The only method adopted in altering the shape of the body, is that of puncturing the cartilage of the nose, about the age of five or six years, and inserting in the orifice as large a piece of reed as they can bear, which distends the nostrils considerably; and with the Goulburn tribes, the custom of puncturing out the two front upper teeth was a ceremony that never was dispensed with by the males on attaining the age of puberty.

22. The native children are taught early by precept the means of providing for themselves, in hunting, fishing, digging for roots, &c., and follow their parents or tribe through a variety of hardships, such as taking long journeys at the age of two or three years, through interminable forests or endless plains, during great dearths of water and food. At the age of six or seven, the females are betrothed, and very often earlier, to their future husband, who is thus rewarded by a wife in prospect; the girl's father giving her away on the occasion of some great feat of courage having been performed by the intended husband: and on the age of puberty among all the tribes, the males undergo the ceremony of circumcision; on which rite being performed, the boys are taken great care of by their father's, in not allowing them to wet their feet.

23. The only remarkable sports among the boys is their indulging in throwing round pieces of thick bark along a row of playfellows, who are armed with miniature spears, and as the round piece of bark rushes past, they endeavor, and often succeed in striking the dart into the middle of the bark. Another game indulged in by the children of some tribes, as well as by the men, is making a piece of wood shaped like a long-pointed walnut, with a long thin wooden handle. This is held by the thinnest end of the handle; then they strike the knob on a knoll of grass, and send it flying through the bush in a hopping style. The children have also miniature corroborees in the day time.

24. Puberty takes place among most tribes at the age of twelve with the females, and fourteen with the males; and I think fourteen is the earliest period at which the females have given birth.

32. Chastity among the aborigines is deficient to the same extent as portrayed by the lower orders in London and elsewhere. I extract the following from Henry Mayhew's work on "The London Labor and the London Poor," page 477, as a passage applicable to the subject. He writes:—"Nothing can well exceed the extreme animal fondness for the opposite sex which prevails amongst them. Some rather singular circumstances connected with this subject have come to my knowledge, and from these facts it would appear that the age of puberty, or something closely resembling it, may be attained at a much less numerical amount of years than that at which most writers upon the human species have hitherto fixed it. Probably such circumstances as the promiscuous sleeping together of both sexes, the example of the older persons indulging in the grossest immorality in the presence of the young, and the use of obscene expressions, may tend to produce or force an unnatural precocity, a precocity sure to undermine health and shorten life."

As to chastity being cultivated, it is rather the reverse. I have known certain females who generally were refugees or runaways from other tribes, and were compelled to follow the life of courtizans, in consequence of not having a parent or male relation to protect them. The cries which the female has uttered at night, by blows received by the unfortunate victim at the hands of the men, have reached the encampment, and created feelings of disgust, when it was known that a compulsory cohabitation was enforced for a time by a number of men.

There are superstitions among most tribes as to the chastity of mothers-in-law towards their sons-in-law. They establish a rite that makes it compulsory on the mothers-in-law to avoid the sight of their son-in-law, by making the mothers-in-law take a very circuitous route on all occasions, to avoid being seen, and they hide the face and figure with the rug which the female carries about her.

34. There is often a dance takes place among the women on the occasion of a great marriage; other times the ceremony consists merely in the intended husband making a tent, and his bride comes to it after dusk, and remains with him until dawn, and then returns to her parents' fireside.

35. Polygamy is practised, particularly among the larger tribes; not to a great extent though; about four women has been the greatest number of wives which the writer has seen kept by one chief. Should a native warrior or chief proceed on a tour, his wife or wives are given in charge to his brother (if any), and a co-habitation takes place until the return of the husband.

36. Divorce is not at all frequent. Now and then a wife runs away from her husband, and goes with some other man belonging to a distant tribe, where she always has to remain; the fear of being murdered by her husband or his tribe, if ever she was caught, prevents her from ever expecting a return to the tribe she left.

37. The treatment of widows depends mostly on their youth and beauty. There are some who, among the males, are considered worth fighting for, on account of their being handsome or useful in domestic duties. Should a widow be advanced in age, she seldom finds a husband, and she therefore joins some family, and assists in the domestic duties of providing food.

38. Among the wild tribes the prevailing food is composed of animals and vegetable substance. Sometimes the district in which some tribes or parts of tribes live is nearly devoid of animal food, and then

roots, plants, and herbs form the chief nourishment. Fishing on the coast, as well as in lakes, rivers, creeks, and marshes, is a favorite pursuit during the proper season. They always trust to the bounty of nature, nor do the aborigines ever cultivate vegetables or rear animals, except taming the native dog. They generally broil their food, either on the living embers or in the ashes of their fires. They also, by the process of heating stones, bake or steam kangaroo, as well as a certain esculent vegetable called "moonung," which, when cooked between heated stones, turns quite sweet, and then is termed "mirnee." The writer has seen the aborigines, in their savage state, indulge in every sort of food, who did not scruple in eating their own children and relations' bodies, as well as their enemies' flesh: they except the head, which is either burned or buried; and the most deadly snakes, as well as grubs, the eggs of ants, and many reptiles, are eaten by the natives, and they reject nothing except spiders and caterpillars. As they approach civilisation they leave off eating the above description of food. The writer has never known of any fermented or exhilarating liquor among or used by the blacks. They generally have two meals a day, in the morning and at sundown, but often eat in the middle of the day, and their capacity for temporary or sustained exertion is great. Fire arms should be given only to those who are specially known for sobriety, and who can be recommended by an European as being worthy to use a gun, which will be attended with a good result in hunting; and registration will be of good service in preventing them passing the fire arms from one to another.

36. In the summer time, in the unsettled districts, the men and children mostly go in a state of nudity, the females wearing either opossum or kangaroo rugs or mats of grass; and, as winter approaches, the skins of animals are made into cloaks and worn by the men. The young females wear a fringe about the loins. No special dress is used for great occasions. In going to a battle or dance, the men throw everything off, and paint themselves over with red ochre and white chalk, and tie on bunches of leaves round their ancles, and put cockatoos' feathers in their hair. The practice of tattooing used to be more extensively in vogue among the tribes about Port Phillip Bay. The natives in the western district not having such deep cicatrization as the Melbourne, Geelong, and Goulburn tribes; regular streaks on the shoulder blades, about the size and thickness of the human fingers, were very often observed by the writer on the chiefs' and warriors' backs, as well as smaller cicatrizations on their breasts and those of females; and (as observed before) the cartilage of the nose is pierced in both sexes, and the two front upper teeth of the men in the Goulburn tribe are knocked out.

40. The writer was a spectator about eighteen or nineteen years ago of a variety of athletic sports, games, and dances among the Melbourne, Geelong, Colac, Lakes Kilambeet and Tarang tribes, in the Portland districts, as well as at Mount Kolor, near the Grampians. At Kilambeet the younger men would engage in the morning in wrestling matches, and at night on the occasion of tribes meeting, would have a dance called a corroboree, in which men (and some boys) would dance to a song sung by a leader near a large blazing fire, with about six to twelve women beating time on their rugs rolled or wrapt up very tight. The women also have a dance among themselves, exhibiting themselves quite naked, with the exception of their fringe all round the loins made of grass or threads taken out of European rugs, and descending about half way to the knees; but the female dances were seldom indulged in.

41. There are no games of chance except playing with a string, familiarly known as "cat's cradle."

42. The natives appear to be short lived, from the diseases introduced by Europeans; but the writer has no personal knowledge as to whether there is a similitude with respect to longevity among the natives and Europeans.

43. The sick are mesmerised and are looked after very carefully by their families, and carelessly attended if the sick person has no relatives; and they seem perfectly ignorant as to whether diseases are contagious or not, and no medical treatment is adopted. They believe that an evil spirit or enemy has caused their illness. The writer has not observed for the last twelve years what diseases are prevalent among the natives.

44. The writer is unable to answer this query.

45. The like reply.

46. The mode of disposing of the dead in and near Port Phillip Bay tribes, is by burial in the ground, by tying the body in a roll, the corpse is thrown head foremost into the grave from five to eight feet deep. In the Portland Bay district it was generally the custom to burn the dead, where timber was plentiful; in other cases they would put the bodies in the forks of trees covered with branches.

47. In cases of interment the clothing and implements of war, with domestic utensils, are deposited with the dead. Murder is not concealed, except in the case of one or two who are leagued together and enter into an enemy's ground or camp, on which occasion secrecy is adopted with every precaution. The writer has seen on one occasion, a tribe of fighting men come to an encampment where a few females were, and one man out of the warriors approached with a spear and sent it into the body of a young female, the wife of another native warrior, who looked on without retaliating, until the following day, when a regular pitched battle took place, and the murderer was well thrashed.

48. There is no subsequent visitation of the dead and the bodies are buried separately.

49. The aborigines believe in the soul of the deceased returning in another body in the character of another individual.

50. The habitations are generally composed of wood branches, bark, and leaves, consisting of one apartment, and when the encampment has been occupied for some time, the habitations are left to decay. No method is adopted in building either into villages or towns.

51. No monuments have been raised.

52. The writer cannot comply with this query.

53. 54. The like replies to these questions. Domestic animals are not to be seen, except dogs (obtained from the European) and the dingo.

55. The Government among the natives partakes of a republic.

56. The chiefs are elective.

57. There is no division of clans or castes.

58. None.

59. None.

60. The writer is not aware of any set of laws which have been or are in existence among the natives, and he never made research on this subject. No practice exists of hiring laborers.

61. None, except leaving it to the elders of the tribe to talk a great deal.

62 to 67. The writer is unacquainted with the subjects connected with these queries.

GEOGRAPHY AND STATISTICS AND SOCIAL RETURNS.

68 to 76. From absence and a continued residence in the city of Melbourne, the writer is not in a position to reply to these questions satisfactorily.

77. None, and regardless of religious observances.

78. They do not have any great spirit, but are polytheists.

79 to 88. The writer, from other avocations pressing on him, regrets to be unable to reply to these queries.

89. The European cannot do better than be an observer of the manners, customs, &c., of the aborigines, and by patience, perseverance, and a quick perception of the native in his natural state, he will not only learn much, but ingratiate himself with the black, and be the means of doing much in ameliorating the natives of Australia.

From C. W. Carr, Esq., Warden, Anderson's Creek, District of St. Andrews.—
 DIVISION I.

ANSWERS TO GENERAL QUESTIONS.

1. The number of aborigines in this district amounts to about twenty. They are known amongst the settlers here by the name of "Upper Yarra blacks."
2. The men are apparently from twenty-five to forty years of age; the women from sixteen to twenty-five. There seem to be no males amongst them under the age of twenty, and there are only three children, all females. The proportion of the sexes is about equal, and their general health seems to be good.
3. Mortality amongst them can hardly be considered great, or the remnant of the tribe would long ago have ceased to exist. No "particular disease" seems to prevail amongst them, as far as one may judge from their appearance.
- 4 & 5. I have been informed that Mr. De Castilla, a gentleman residing in this district, supplies them with rations and clothing provided by Government. I have seen in the survey plan of the district a place marked as a "Reserve for Aborigines," situate on the north bank of the River Yarra. I am the stipendiary magistrate in charge of this district; and as such I should be happy to take charge of supplies and see to their proper distribution amongst the aborigines.
6. The blacks rarely or never make their appearance amongst us without two or three of their number being in a state of intoxication. It would be difficult to ascertain who supplies the unfortunate creatures with ardent spirits, there are so many "sly grog shops" throughout all the diggings.
7. I can offer no opinion as to the benefit likely to result in preventing the aborigines coming within a certain radius of the towns of the colony; but should it be found desirable to do so, I am satisfied the police force could be entrusted in the performance of any duty such a law might require at their hands.
8. There is no "paid" medical officer in this district.
9. The blacks here are quiet, but I fear more from interest and necessity than any higher feeling. They are very little disposed to perform any kind of work of even the most trifling nature. Their edible wants are very easily satisfied, and are supplied for the most part, if not altogether, by the farmers of the neighborhood. Whatever they earn from the sale of opossum skins, birds, and occasionally wild fowl and fish, is immediately spent in the public house, but never in procuring for themselves any civilized comforts.
10. I believe they are addicted to thieving, when favorable opportunities occur; but being generally in fear of immediate and summary punishment resulting in detection, they rarely indulge in the propensity.
11. I am not aware that any effort has been made to educate the aborigines of this district, or impart any religious instruction to them. The method they adopt in the interment of their dead, viz:—placing the corpse in a standing position with the head a few inches from the surface of the ground (and the reason they assign for so doing, viz., to enable the spirit to walk without any loss of time into some other body), leads one to infer that they have some belief in the doctrine of metempsychosis; but from what I have seen of them, I should say they were more addicted to swearing than devotional exercises.
12. They do not want for intelligence; and, like children, seem to possess a great capacity for acquiring a colloquial knowledge of languages; but their intellectual powers seem to be altogether of an imitative character.
13. I cannot suggest any plan by which the aborigines of this country might be saved from ultimate extinction, nor can I resist confessing that I can see no good likely to result morally, socially, or commercially, in the preservation of a race so utterly useless and irreclaimable, except it be the desirability of preserving a few living specimens of the lowest type of humanity for the investigation of science. I do not think any efforts on our part could induce them to abandon their present uncivilised and wandering habits.

From C. J. Tyers, Esq., J.P., Commissioner of Crown Lands, Alberton.—
 DIVISION I.

ANSWERS TO GENERAL QUESTIONS.

1. In the district of Gipps Land there are about eighty aborigines—men, women, and children.—These are divided into three tribes, viz:—

	Men.	Women.	Children.	Total.
Port Albert	7	2	1	10
Plains and Dargo... ..	13	17	10	45
Swan Reach	16	5	4	25
				80

Besides these, there is a tribe inhabiting the country between the Snowy River and Cape Howe, about the boundary between New South Wales and Victoria—seldom seen in Gipps Land—who number, at the outside, one hundred—men, women, and children.

2. I have no data to enable me to arrive at the ages of the aborigines; but the proportion of sexes is about two males to one female. Their bodily health is not in general very good. They suffer much from a cutaneous disease known as the devil-devil, and colds and catarrh—the latter probably augmented by sleeping in wet blankets. They lead an idle life—wandering about the country from station to station, where opportunities of obtaining food, &c., offer.
3. During my residence in this district (fifteen years) the mortality has been very great. I have known many die from catarrh; some, I believe, from inflammation of the stomach, probably arising from too long abstinence followed by repletion. I have not heard of any particular disease among them which is likely to be propagated among the white population, except venereal.
4. Blankets are issued once a year to them by the government, but no clothing or food. Medical attendance has not been provided. They live chiefly by hunting and fishing, and by what food they can obtain from the settlers. There are no reserves in Gipps Land, but places well fitted for such.
5. No doubt the police magistrate at Sale would be willing to take charge of supplies, and see to the distribution of them among the aborigines; but I know of no place fitted for a reserve within a convenient distance of that township.
6. The aborigines are addicted to intemperance, and when in that state, are liable to come into collision with the white people. I know of no instance of their having been supplied with the means of intoxication directly from the publicans.
7. I think it would be beneficial to prevent the aborigines from encamping within a mile of the several townships of this district—as there would be less chance of their obtaining spirits from bullock drivers and others, and consequently of coming into collision with the white people. Except when the aborigines travel in large numbers, there is no doubt but that the police could be entrusted to carry into operation a law to prevent the aborigines from going into towns.
8. There is no paid medical officer in Upper Gipps Land (where the blacks generally inhabit), but I think the services of one might be procured, by providing a proper compensation for the performance of the duties of medical attendant on them. (The Coroner for instance?)

9. The aborigines of this district are now quiet ; but they have committed great depredations against life and property. The services of the blacks are seldom made available by the settlers, farmers, and others. At the time of the discovery of gold, however, many of them were found useful as shepherds, stock-keepers, reapers, &c., and received wages, clothes, and food.

10. The aborigines have not been impelled by their necessities to steal from the settlers ; but they have been actuated probably by their own laziness, seldom by a desire to perpetrate mischief wantonly, or revengefully, without benefit to themselves. I have known them to spear twenty or thirty head of cattle at a time, and smoke the meat for use, leaving the skeletons with scarcely a particle of flesh on them.

11. I am not aware that any efforts have been made in this district to educate or impart religious instruction to the aborigines, except perhaps in two instances, where children have been brought up in the families of white people. One boy, Jack-a-Wadden, went to school in Melbourne, where he learnt to read and write. He afterwards absconded, and has become a rather troublesome character, particularly when inebriated.

12. The aborigines are no doubt intelligent and capable of receiving to a certain extent, literary, but not moral instruction.

13. The only plan by which I think there is any probability of succeeding to save them from extinction is the harsh and unnatural one of taking the young children of both sexes from their parents, and not allowing them to have any intercourse with their race ; and after giving them a plain education, to place them on a reserve under proper superintendence, where they might be taught to cultivate the ground, and such trades as are necessary to civilised life. In teaching them a trade, it would probably be advisable to apprentice them, while they would have the advantage of the example of white boys of their own age, in a similar position.

14. Attempts have already been made to induce the adults to settle upon and cultivate land reserved for them, but they all proved miserable failures. They will not give up their independent way of living for all the benefits and luxuries of civilization.

DIVISION II.

PHYSICAL CHARACTERS.

1 & 2. I have not now any opportunities of acquainting myself with the information required.

3. Complexion, black ; hair, black and coarse, straight and matted, but when combed and greased frequently curled ; eyes, black. A most perceptible peculiarity of odor, independent of their want of cleanliness (similar to the Hottentots), which much facilitates their apprehension when wanted.

4. Same answer as 1 and 2.

5 to 12. Not qualified to give the required information.

LANGUAGE.

13. I am not aware that the language of the natives of Australia is known to philologists. It is a language, I believe, peculiar to the continent, but the dialect differs with almost every tribe.

14. I may, perhaps, at a future time be able to furnish a vocabulary of the Portland tribe ; I cannot at present lay my hands upon it.

15 & 16. I can give no information.

INDIVIDUAL AND FAMILY LIFE.

17. None that I am aware of.

18. I heard, about fifteen years ago, of a young child being eaten by a party of aborigines of both sexes the parents partaking of the repast ; nevertheless, I doubt if mothers would part with their children to be nursed by the whites.

19. I think not.

20. The children are not dressed nor cradled. They are carried about on the back of the mother, in a net made fast round her neck. No attempt is made to modify their form. They are left as much to nature as a litter of pigs.

21. None.

22. The education of the children consists in teaching them to hunt and fish, and of course the use of the spear and of other weapons used in hunting and fighting. The chief object of the corroboree seems to be to induce a savage and ferocious feeling prior to attacking their enemies ; although there is no doubt but that hunting, and perhaps love, is not forgotten in this remarkable dance.

23. I cannot answer this question.

24. I cannot answer this question, but from mere surmise. I should think puberty takes place in the female about twelve, and in the male at fifteen.

32. I have seen nothing that induces me to believe that chastity is cultivated by either sex.

33. I believe none.

34. The general practice of obtaining a wife is to steal a young girl from another tribe, or to sneak upon a man, against whom he has a grudge, while asleep with his wife, kill him, and carry off the wife for his own benefit.

35. A man may have as many wives as he can get. One of the Plains Tribe, named "Kangaroo Jack," has four wives. I do not think respect is paid to consanguinity.

36. If a man is tired of his wife, he gives her to another.

37. If not too old, the widow immediately finds another husband.

38. The prevailing food is kangaroo, opossum, native bear or monkey, wombat, &c., and every other animal found in the bush (except the dog), fish and roots. They do not trust to what the bounty of Nature provides, nor do they cultivate vegetable, nor rear animals, but help themselves to the cattle and sheep and provisions, generally, of the settlers. They have no cooking utensils, but throw their meat into the ashes, and when half cooked, or just warm through, eat it. They reject nothing but the offal. Their drink is water, but they prefer tea or grog. They have no usual time for their meals, but eat when hungry. They frequently carry several half-cooked opossums on their backs for immediate use. They can undergo great exertion in travelling and hunting, but not in manual labor. The possession of fire-arms is, no doubt, attended with evil ; and, if possible, they should be restrained the use of them.

39. The dress generally worn by both men and women is an opossum cloak thrown over their shoulders, covering the body as far as the knees. The cartilage of the nose is pierced, and through the hole a stick is thrust ; but the practice, common to some tribes, of knocking out one of the front teeth does not generally prevail. The shoulders and breasts of the adult men are generally cicatricose. When mourning for a relative or friend, their faces are daubed with pipe-clay.

40. The corroboree seems to be the prevailing amusement.

41. They have a strong passion for gambling, and use cards for games of chance. This they learned from the white people.

42. The aborigines generally do not seem to be long lived ; but there are occasional instances of their apparently arriving at the age allotted to man. Old Morgan, a native of the Port Albert tribe, had the appearance, fifteen years ago, of being fifty-five years of age. He is still alive, and wanders about the country with his tribe as usual ; but, I presume, does not assist in their hunting excursions. Some years ago I saw others apparently between sixty and seventy. These were generally left with the gins, or women. I have seen one or two old women ; but I do not think the females are as long lived as the males.

43. The sick are commonly neglected. They dread no disease as contagious, that I am aware of. No medical treatment is adopted. No superstitions or magical practices connected with the treatment of the sick.

44 45. Cannot say.

46. To the first part, No ; to the second, Cannot say.

48. No.

49. It used to be a common notion among the aborigines that black men rose from the dead and became white men. Hence, some years ago, many white men were named after their deceased relations. I doubt if they entertain that notion now.

BUILDINGS AND MONUMENTS.

50. Huts made of boughs of trees and sheets of bark, not permanently fixed : one for each family, or one for several young and single men, scattered about without regard to order or regulation.

51. No.

WORKS OF ART.

53 and 54. Their works of art consist of implements of war and chase, viz., spears, boomerangs, nulla, &c.; fishing nets and netted game-bags, made with grass.

DOMESTIC ANIMALS.

None, except cats and dogs obtained from the whites.

GOVERNMENT AND LAWS.

55 to 67. Have neither government nor laws, but are as independent of each other as a herd of swine.

GEOGRAPHY AND STATISTICS.

68. Bounded on the east by the Snowy River ; north, by the Australian Alps ; west, by a north line from Wilson's Promontory. Mountainous, open plains, forests and lakes.

69. Already been answered.

70. Reduced from about 800 to 80 in fifteen years.

71. Causes of decrease : sickness and war. Perhaps 500 have been killed during the last fifteen years, chiefly by neighboring tribes. I heard of about 150 having been killed in one night, at Pawl Pawl, an island on the lakes, by the Melbourne blacks, headed by the notorious Billy Lonsdale. At least fifty were killed by the native police and other aborigines attached to the parties in search of a white woman supposed to have been detained by the blacks, and a few by collision with the white people, from ten to fifteen years ago.

72. As hitherto.

73. This and several other questions can, perhaps, be better answered by a letter addressed to his Honor Mr. La Trobe, dated 23rd January, 1850.

It is as follows :—

"I regret it is not in my power to report any improvement in their condition, either moral or civil, since my first communication to your honor on the subject.

"(2.) In my report of the 9th December, 1846, I stated that the aborigines living in Gipps Land may be divided into two classes—the natives of Omeo, Manerro, Mitta Mitta, and the districts bordering on Gipps Land, forming the first class : and the Warriguls or wild blacks, natives of Gipps Land, the second class.

"(3.) That the first class, consisting, perhaps, of two or three hundred, lead, the greater part of the year, a vagabond or gipsy-like life, moving in small parties from station to station, as chances of obtaining food from the settlers offer ; and that during the shearing season some of these assist in shearing sheep, for which they have a small daily allowance, which they spend at the stores in tea, sugar, flour, &c. ; and others whose intercourse with the Europeans had been of longer duration act as stock keepers and bullock-drivers, receiving for their services rations and wages somewhat less than given for European labor. I also stated that the civilization of this class may be said to be confined to a knowledge of, and, in a very small degree to a participation in, the European habits and manner of living, and of the acquirement of sufficient of the English language to communicate with the white people ; that no attempts had been made, as far as I was aware, to instruct them in reading or writing ; that they had no idea of a Supreme Being ; and that their moral condition did not seem to have been bettered by their intercourse with the white people.

"(4.) To this statement of the habits &c., of these tribes, my experience will not enable me to add anything. They are still the same wandering, idle vagabonds, moving about the stations where chances of obtaining food in idleness offer. A few of these indeed, for short periods, engage themselves as stock-keepers and guides, but invariably return to their wandering mode of life.

"(5.) The second class, or wild blacks, natives of Gipps Land, I stated, were seldom seen by the settlers ; that they lived in the mountains, morasses, about the borders of the lakes, and on the sea coast, by hunting and fishing ; the mountains affording wombats, &c., the forests kangaroos, opossums, &c. ; and the lakes abundance of fish ; and that they committed great havoc among the stock of the settlers by spearing them at night.

"(6.) Since that time a great change has taken place in the condition of this class for the worse, although they have been brought into communication with the white people, and are allowed to encamp at several of the head stations, where their occasional work, such as carting and carrying wood, procures them a scanty subsistence, and their depredations on the stock of the settlers are less frequent. Their number has been much reduced, and the men, then strong and athletic, and who used to be the terror of the neighboring tribes, are now in their turn, hunted by, and kept in constant fear of those tribes.

"(7.) I can hardly venture to offer an opinion whether they have been benefited by the intercourse with the white people. The decrease in their number has been, I think, chiefly caused by the retaliation of the Melbourne blacks for murders committed by them several years ago, when the Melbourne tribe was all but annihilated by a loathsome disease, which, although I believe to be inherent, has not been mitigated by their intercourse with the white people—and by influenza, a disease very much resembling in appearance, and having the same effect as the sheep-catarrh, prevalent in the colony."

74. None.

SOCIAL RELATIONS.

75. None, as a general answer.

76. Addicted to petty warfare, either to revenge the death of one or more of their relations killed by an opposing tribe, or to procure wives. They fight with spears and boomerangs chiefly. They leave their dead on the ground, after feasting on their kidney fat, which they extract with some expertness. They have no mode of commemorating victories by monuments, &c. They have no poems, traditions, &c., as far as I can learn. They use fire arms when ammunition can be obtained, in preference to their own weapons. No knowledge of their origin or history can be obtained.

RELIGION, SUPERSTITIONS, ETC.

77. Regardless of all religious observances.

78. No idea of a Supreme Being, nor are they polytheists.

79. Sequence to 78.

80. None.

81. None.

82. They have no religion.

83. Nor have the neighboring tribes.
 84. They have not.
 85. Ditto.
 86. Cannot say.
 87. I think not.
 88. I do not know.

Wm. McKellar, Esq., Lima, Broken River.—

DIVISION I.

GENERAL QUESTIONS.

3. The mortality has been very remarkable for the last ten years. They are very subject to the venereal disease.
 4. There is no assistance that I am aware of afforded them by the Government. They get their living in the townships. There are no aboriginal reserves.
 5. I have no doubt that there are persons who would see that they got their provisions and clothing.
 6. Yes, they are very much addicted to intemperance; but I cannot say from what source they obtain it.
 7. It would be very beneficial to the aborigines, were they kept at a reasonable distance from the townships; and I think the police force could be entrusted to see that the law (if enacted) would be carried into effect.
 8. I know of no paid medical officer in this district.
 9. They are very quiet now; but they formerly committed depredations both against life and property. Their services are not generally available, even if well rewarded.
 10. They have not been compelled by necessity to steal from the settlers, but were rather actuated by a desire to be revengeful.
 11. Not that I am aware of.
 12. The mental powers of the aborigines are not of an order which can bear comparison with those of civilized man; but if compared to the South American Indians, they will not be found inferior to them. The ethnologist who places them last in the intellectual scale does so gratuitously, and without knowledge or information. Memory, imitation, locality, language, and tune are faculties few Europeans evince larger possession of than the aborigines. They never forget place or person. A gesture, tone, or peculiarity is imitated instantaneously, and mimicry is constantly a recreation.
 14. They could not be induced to settle on any reserve.

DIVISION II.

INDIVIDUAL AND FAMILY LIFE.

17. There is one very remarkable ceremony connected with the birth of a female child. Long before the child is born she is given away; even the choice of her appearance is disposed of.
 18. Infanticide prevails to a great extent; a vast proportion of the children born are destroyed, strangulation and drowning being the chief means employed. Half-breed children are universally destroyed. The mother is well aware of the ultimate fate of her child.
 34. When a man gets possession of a woman, he becomes an object of intrigue to several of his friends; each of whom wishes him to promise his daughter yet unborn to himself. Perhaps friendship decides him, and his dearest confederate is promised the first; but as more are as likely to be born as one, he can promise as many as he pleases. A custom which is held sacred often induces a husband to promise his daughter to a man of whose designs upon his wife he may be jealous; this usage rendering any communication between a man and the mother of his intended a capital crime. The person promised the first daughter gets her, but should there be no other, all the rest have a vested right in her.
 38. The principal food of the natives is opossum, kangaroo, squirrel, wild turkey, emu, native companion; all sorts of fish and birds, with the exception of the crow, which they have a great aversion to. Very little fire is applied to any article of food; when the outside is grilled the animal is supposed to be done, and he is then transferred from the embers to the hands and teeth of his proprietor.
 39. The dress is composed of a number of opossum-skins sewn neatly together in the form of a blanket.
 40. They have one remarkable mode of amusement in particular, which is the corroboree, or war-dance. They also sometimes hunt for amusement.
 41. Games of chance were not formerly known to the aborigines, but they are now coming to know them.
 42. The aborigines are not remarkable for their longevity; but rather, on the contrary, for their short lives.
 43. When they are sick they are obliged to carry a lighted stick about with them, and to walk and sleep apart from the rest of the tribe.
 46. There are different modes of disposing of the dead: some inter their dead in the earth; others erect a sort of scaffolding over a running stream, and deposit the remains of their departed friend there.
 47. If a black dies and is buried, all his war implements and wearing apparel are interred with him.

PHYSICAL CHARACTERS.

2. The males are well-proportioned, muscular, and sometimes good-looking.
 3. Their features have nothing of the negro appearance, except when their hair, which is commonly straight or straightly curled, is crisped and curled. The eye is large and dark, and its look more mirthful than sullen. The nose varies, and is highly arched as well as flattened. Beautiful teeth and round chins set off their faces. The women are not in comparison so handsome as the men, but they have much prettier hands and feet.
 5. The skull-bones are generally supposed to be very thick, for they can stand a great deal of knocking on the head. The frontal bone is generally divided by a middle suture. The teeth are generally white and well set.

BUILDINGS AND MONUMENTS.

50. They have two kinds of habitations; the one is erected with boughs of trees, and the other with bark from the same, got up in the way of a gnyah. They are not permanent, nor need they be, for the blacks never stay long in one place. They universally consist of single apartments, at irregular distances from each other.
 51. They very often erect mounds or tumuli over the graves of their departed friends as a token of remembrance.

WORKS OF ART.

53. The war-like weapons are nullah nullah, spears, boomerangs, and the elleman or shield. The tomahawk of iron has taken the place of the stone axe, and is employed in war. The nullah nullah is for close fighting, and is formed from the heaviest wood obtainable. Its length is commonly two feet, and the end with which they strike is large and weighty. The spears are of two sorts—one light and partly made of reed, used for throwing great distances; the other is the war or jagged spear, twelve or thirteen feet long, cut from a living tree, and used when the fighting men commence to close, or in surprises. The boomerang is semi-circular, with the edge outwards. The elleman is of an angular shape at both ends, is light; hard, and slopes from its centre to the sides.

DOMESTIC ANIMALS.

There are only two domestic animals, which are the dog and the cat, both of European breed. The dog is used for hunting, and the cat is made a pet of.

GOVERNMENT AND LAWS.

55. The system of government is most decidedly republican, yet no man can do all his heart's desire.

Each individual is amenable to the whole, and an infringement upon the customs in use has rendered him certain to be punished.

56. The old men are highest in rank, but only from possessing greater intelligence; and from that alone exercise sway in council where all can speak, and from the designs of which there is no appeal, no other superior power being known. All individuals are equal; and although the whites invest certain persons with the title of chief, no such rank is recognised by the blacks. Pre-eminence in wisdom or in valor procures respect, but is never attended by further assumption of power. All matters relating to the public affairs are decided upon in full and openly, notice previously being given to the scattered members of the tribe when such things are to be discussed. Such intimation is regarded as a writ of attendance, and disobedience is punished, sometimes by the infliction of death, sometimes by forcibly carrying to the place of meeting the offender, and there awarding him with slighted correction.

GEOGRAPHICAL STATISTICS.

68. The geographical limits comprehend the districts between the Ovens and Upper Goulburn, which is chiefly mountainous.

69. I should suppose them to be about (60) sixty in number.

70. The number of inhabitants has varied from (300) three hundred or upwards to about (60) sixty within the last (10) ten years.

71. The number has diminished principally from intoxication and disease.

SOCIAL RELATIONS.

76. They are peaceable. War is never declared. Some injury is given; a gin stolen, perhaps; or, in sudden quarrel, a man slain. Information is collected; a council is called; war songs sung; lances danced and measures determined upon; warriors are mustered and marched stealthily into the country of the offenders, kindling no fires, and moving from concealment only when discovery is impossible. The position of the enemy is ascertained, and the point of attack, oftenest a detached camp, fixed. Early in the morning, generally before dawn, a rush is made upon the devoted encampment, and amid yells and barking of dogs aroused too late to save the inmates, who are speared, tomahawked, nulla-nullaed. Resistance is seldom offered. The kidney-fat is extracted from the slain, and sometimes from the living; spoils caught up, females marched away, and hasty retreat made. As soon as they have gained a victory, the warriors are called together, and a rejoicing corroboree is danced in token thereof; and this is continued for some time at the full moon.

RELIGION, SUPERSTITIONS, ETC.

77. Regarding their religious practices, very little is known; so little, that Europeans in general believe them totally devoid of any. Yet they do, according to their manner, worship the hosts of heaven, and believe particular constellations rule natural causes. For such they have names, and sing and dance to propitiate and gain the favor of the Pleiades (Mormodellick), the constellation worshipped by one body as the giver of rain; but if it should be deferred, instead of blessings, curses are apt to be bestowed upon it. In fact, they are destitute of the refinement of mind necessary to the formation of an idea of a Living Head of all, and as a sequence fall into gross beliefs concerning their earthly state. Some idea of a future state they possess, but of so indifferent a nature as to leave description impossible. They believe in the magical powers crafty and gifted men amongst them attribute to themselves. Flying, the power of invisibility, and of causing death by supernatural means, such individuals are by the majority supposed to have, and the tales told of the deeds done by them exceed in wonder an Arab tale. They tell, with every appearance of firm belief, of a warrior surprised by many enemies and forced to flight, being closely pursued by another possessed of supernatural powers. Both exerted their most powerful charms to disable each other, but for each "gibber" one cast from his mouth the other cast another. At length he who was pursued spat a "gibber" and took refuge in it: the pursuer dashed in it after him, which shivered it into fragments. In the confusion the one pursued escaped with a twig of the diameter of a pipe-stem, and so baffled his adversary.

87. The division of the year is reckoned by the full moons, and also by what they term "sleeps" (days).

From E. S. Parker, Esq., (late Protector of Aborigines) Mount Franklin:—

DIVISION I.

GENERAL QUESTIONS.

1. I take as the boundaries of the district to which my remarks will have reference, the Campaspe, on the east; the Murray, on the north; the Avoca, on the west; and the southern boundary of the county of Talbot, on the south. Within these limits, inclusive of the country on both sides of the Campaspe and Avoca, I estimate the number of natives at from 250 to 300. There are several petty tribes included in this number. I have been accustomed to apply the term "tribe" to an association of families, nearly or remotely related to each other, having a distinctive appellation, and occupying originally a tract of country of corresponding designation. Ordinarily, the term is vaguely used in reference to distinctions of locality originating with the European, as "the Loddon tribe," "the Yarra tribe," &c. It is not possible, without a minute census, to give the numbers in the respective petty tribes. Some are almost extinct, having one family only left; others include from twenty to thirty individuals.

2. I cannot give exact numbers. The males, however, unquestionably out-number the females. They are not more unhealthy now than at former periods; but the habits of all who are roving about on or near the diggings are greatly deteriorated by intemperance.

3. The mortality has been very large in proportion to their numbers within the period referred to. The diseases which have been most fatal have been diseases of the respiratory organs, dysentery, and affections of the liver. I know of no particular disease prevalent among them likely to be communicated to the whites.

4. A little food has been occasionally given at the Loddon aboriginal school, to a few aged and infirm persons, relatives of children in the school. With this exception, no supplies of any kind have been given to the aborigines in the district. There is a portion of land, containing about 112 acres, remaining of the old aboriginal reserve near the school. The site of the school is, however, laid out as a township. I fear it would be difficult to maintain reserves of land in the present state of the country. There is a tract of forest land

on the dividing ranges between the northern and southern rivers, which, being little used by the Europeans, and rather remote from settled localities, might be suitable for a reserve, but it has never been frequented by the natives, and there would be some difficulty in inducing them to settle there.

5. In my own vicinity I should be happy to render aid in the distribution of supplies. I do not think it at all advisable or expedient that the distribution of supplies should take place at the police establishments. It would be better in the hands of clergymen, or other resident gentlemen, who would be interested in the moral welfare of the aborigines, and whose station and character would be a sufficient guarantee to the Government that the supplies would be properly distributed.

6. Intemperance has greatly increased among them since gold mining commenced. The law prohibiting publicans, or indeed any person, from giving ardent spirits to the aborigines, is like most of the sumptuary laws referring to the sale of intoxicating liquors, in a state of utter desuetude.

7. It may be desirable, in reference to such large towns as Melbourne and Geelong; but, generally speaking, I do not think any particularly good result may follow from a more extended application of this restriction. I doubt its practicability, and would not employ the police in such work. I rarely meet natives in the country towns.

8. None. There is a most urgent need for some arrangements to ensure medical aid for these unfortunate people. I have given those to whom I have had access all the medical aid in my power; but I have painfully felt the want of means and authority to call in competent medical advice in acute and urgent cases. I know several instances in which life has been sacrificed for the want of ordinary medical aid.

9. The two races, when they are associated together, live in peace. It is very long since I heard of any case of aboriginal delinquency.

10. In no case that has come to my knowledge of late years.

11. Since the abolition of the protectorate department at the commencement of 1850, a school has been maintained by the Government at the old aboriginal protectorate station. The number receiving instruction has varied; but at no period has the establishment been left without pupils. There have always been a few other natives domiciled about the place, in addition to the two or three families civilized and settled on the small farms allotted to them by the Government. They have formerly received religious instruction from myself. Within the last few years it has not been in my power to maintain a distinct native service; but the young people at the school, and some of the other native residents, attend Divine service, which is regularly held in the vicinity. In several instances they are sufficiently acquainted with the English language to receive instruction from these services.

12. I think them thoroughly capable of receiving instruction; and the obstacles to their improvement are solely traceable to moral deficiencies.

13. I can only enunciate general principles, which I give as the results of actual experience, as to the best mode of treating these unhappy people. Having a firm conviction that Christianity is the only effective instrument of civilization, I think the Government and the Legislature should give ample encouragement and support to any efforts that may be made by the different churches to bring these people under Christian instruction. The existing missions of the Church of England and the Moravians should be well supported. I think the other religious bodies in the country should be invited by the Government to take up the matter, and each send out its missionary agent or missionary schoolmasters, and thus occupy some portion of the field of labor. I am of opinion that these Christian communities are most likely to obtain and select the most suitable men for such a work—men who would enter upon their engagements under the influence of higher motives than a regard to the mere pecuniary recompense. I doubt the propriety of establishing mere Government secular institutions. It has always been difficult to find suitable agents. Such institutions have always been the objects of public jealousy and suspicion. Unless under very efficient superintendence they are liable to be abused, and their resources mis-appropriated. I should like to see schools established wherever a sufficient number of natives could be collected together. The relatives of the children might have supplies of food given them, and be induced to settle down on the adjoining land, which should be reserved for their use. A system of rewards for industry and good conduct might be established at such places. Medical assistance should be accessible. If any of the young men should prove sufficiently steady and industrious in their habits, allotments of land should be secured to them, and they should be assisted with seed and utensils to commence cultivating for themselves. Such measures as these have succeeded under my own eye, and I know no reason why, if faithfully and perseveringly followed up, they should not succeed in other cases.

As a secondary measure, of more limited application, I should recommend that every facility and encouragement should be given to the many benevolently disposed persons who may be found in the community willing to take charge of and educate young aborigines. Mutual agreements of the nature of apprenticeship indentures should be encouraged and protected by legislative enactment, so as to give the persons charging themselves with such care a kind of parental authority over the native, and securing to the latter proper support and protection.

14. I do not think that merely setting apart a portion of the land, unaccompanied with any other arrangements would promote their reclamation. The native must be brought under sufficiently powerful motives before he will relinquish his erratic habits, and it is only the influence of religion that can bring him within the range of such motives.

ESTIMATE of Expenditure required in formation and maintenance of Aboriginal Homesteads and Schools.

Outfits, &c.

Buildings—One House to contain two rooms, for Schoolmaster, dining and living room, and two or three separate sleeping rooms for children, store, and kitchen, on the plan of the Loddon School House, built <i>en pisé</i> , or of slabs and bark, detached school room adjoining, say	£300	0	0
Fencing (with the aid of native labor)	100	0	0
Outfit, to include two horses, or four bullocks, cart, ploughs, harrows, spades, &c., and seed	250	0	0
	£650	0	0

Maintenance.

Salaries.—One Manager to act as Schoolmaster and religious teacher, having charge of stores, &c., with rations	150	0	0
Matron and Schoolmistress (his wife)	50	0	0
One Agriculturist and general laborer, with rations	75	0	0
Occasional pecuniary rewards to native laborers	25	0	0
	300	0	0
Provisions, clothing, &c., for year, £900. Second and following years	500	0	0
Medical attendance	50	0	0
Total ordinary annual expenditure, to include supplies of blankets and necessaries to aged and sick, and infirm natives	£850	0	0

Foster Shaw, Esq., J.P., Geelong:—

DIVISION I.

GENERAL QUESTIONS.

- 1. I cannot.
- 2. I have no opportunity of forming an opinion.
- 3. Either dysentery or drunkenness.
- 4. Occasionally blankets and provisions are given on particular occasions, when required to walk in procession ; but I am not aware of any medical attendance. No reserves that I am aware of.
- 5. Geelong Police Bench.
- 6. They are addicted to intemperance very much.
- 8. There is a paid medical officer, Dr. Callan, district surgeon.
- 9. They are quiet. Not that I know. Services not available.
- 10. I cannot, indeed.
- 11. No.
- 12. They are not wanting in intelligence, but it is almost impossible to correct their migratory habits.
- 13. I cannot, indeed.
- 14. I do not think it would succeed ; the effort was made some years ago in the neighborhood of Colac, but was not successful.

DIVISION II.

PHYSICAL CHARACTERS.

- 1. Males, from 5 ft., to 5 ft. 8 in. ; average, 5 ft. 6 in. ; I have seen them to 5 ft. 10 in. Females, from 5 ft. to 5 ft. 3 or 4 in. ; seldom if ever above. The weight is, I imagine, proportionally less.
- 2. The head is rather large, and the upper extremities are larger in proportion.
- 3. Dirty copper color; hair black, lank, fine; eyes black; odor very peculiar.
- 4. Elongated from before backwards ; face broad.
- 5. I have seen many skulls of the natives, and could never discover any difference in weight or thickness. The ossa triquetra are frequent, in two out of three skulls in my possession ; the os unguis and nasal meet at an angle ; upper jaw-bone prominent.

INDIVIDUAL AND FAMILY LIFE.

- 17. I do not know.
- 18. I have heard so, to the trouble of carrying it about in their migratory rambles, and that the females are required to perform most of the work attending thereon.
- 19. Cannot say.
- 39. Chiefly opossum rugs, paint, and grass-cloth.
- 46. In this neighborhood I have seen them buried in a sitting position ; in other parts, they are placed in the hollows of trees, and on the branches thereof.
- 49. They have an idea that, when they die, they go to Van Diemen's Land and return white. On one occasion they seemed to have claimed relationship with a lady of my acquaintance, who had a scar from a burn on her face ; and brought the son of a deceased mother, who had been burnt in the bush, at the head, and introduced him to this lady as her son, and a most dissipated drunken rascal he was.

J. M. Clow, Esq., P.M.—

DIVISION I.

12. After carefully considering the question, so as to place the aborigines in as favorable a light as possible, I am compelled to state, that the more extended my observation of them became the more confirmed I became in the opinion, that their general intelligence was embraced in natural instinct of supreme degree, and that they have not sufficient capacity to receive either literary or moral instruction ; that is, to appreciate it, and have ability enough to apply it to use, or put it into practice, although they can be taught to repeat lessons.

13. I would merely urge upon the committee the plan pursued with so much success by the United States Government towards similar tribes in her territory. There is no doubt that, in attempting to carry out here a similar plan, serious difficulties interpose themselves which had not to be disposed of by that Government. In America, territory abounding with game, fish, and every other auxiliary, to the support of aborigines, and such as they had enjoyed before the appearance of Europeans amongst them, was to be obtained by mere deportation to and allocation in some unoccupied tract such as that described ; here such tracts cannot be obtained. In adopting the plan of locating the aborigines in such a manner that they may be located strictly *per se* in this country, and in striving to make it efficient in execution, recourse would have to be had to the purchase of tracts now held under pastoral occupancy. Assuming that it is desirable to go deeply into the consideration of this subject, it may be as well to point out, for instance, one or two tracts which appear adapted for such a location, which must be as in America, on a very extensive scale, or not at all.

The first now given will be the tract of country comprised within a line between Cape Liptrap and the eastern promontory or headland of Western Port as a sea coast line, thence by the ranges forming the southern and eastern sides of the basin of Bass's River to the eastern termination of what is laid down on the maps as Strelecksi's Range ; thence by a hill laid down and formerly called "Mount Ararat" to the dividing range between the Yarra River and the waters which flow into the great swamp ; thence easterly along that dividing range to a point north of Cape Liptrap ; thence southerly by what is laid down as Hoddle's Ranges to Cape Liptrap.

These lines embrace within them a few pastoral stations. As shown already, the purchase of such would become inevitable in carrying out the plan efficiently ; and still more inevitable, the purchase of the stock on them, or of other appropriate kinds of live stock to depasture within the limits of the reserve. The game to be procured in a natural state is insufficient to meet there, as elsewhere in the colony, the probable requirements as food for them ; and after collecting the aborigines in one spot for the purposes of amelioration of condition, failure of plan would certainly ensue, unless the supply of food was both abundant and easily procurable.

Upon even the most superficial consideration of the plan many questions of importance force themselves into notice.

1st. Would not the expense be very considerable to carry it out effectively ? Possibly it might. But it must be remembered that England gave twenty millions for the benefit of the West Indian negroes who never had benefitted the beneficiere, namely, the people of England collectively. It was not twenty millions for value received. But here there has been value received. The colonists have reaped millions by having had pastures on which to rear their flocks, and have taken millions of gold from the soil. The Government has received millions for the land alienated by sale, and have yet to receive millions for the land on which the aborigines dwelt and subsisted, at one time, in a state of independence and health.

2ndly. Would not the congregating of aborigines (as suggested), with whom the disproportion between the sexes is so great now, through contact with the whites, lead inevitably to serious fights and quarrels among the males, and thus tend to diminish instead of to preserve their present numbers ? To obviate that difficulty, it would not apparently be more absurd or ridiculous to equalise the numbers of the sexes at the outset by importations of females from the Polynesian group, where they abound, than to continue the

course hitherto pursued of balancing, as far as possible, the proportion between the sexes of the white race; the white race being decidedly more capable of providing for themselves in that particular, through the medium of correspondence, than these aborigines. This suggestion would be perfectly useless if it is desired not to preserve the race of aborigines, but merely to treat with some show of attention those who are alive, and until they gradually disappear, through that want, joined with others. It cannot have escaped the observation of the first colonists that the men having females and children avoided more than others the haunts of the white man. This trait (if I am correct in my observation) would materially assist in giving efficiency to any plan of location *per se*.

3rdly. Should residence on one or more of such reserves be made coercive on all? I think it should at first, to ensure success. After a fair trial, special permission to reside without the bounds could be given to particular individuals, when it had been found that it would be impolitic not to grant the permission. It would be desirable to have, for many reasons, more than one of such reserves; for if from any unforeseen quarrel or other cause, it became necessary to interfere, the separation of conflicting parties could be arranged more speedily. It might also be found necessary to order change of locality to avert sickness attributed to residence in a particular locality.

4thly. Are there other extensive tracts similar to the one already described which could be also made available for the purpose proposed? Others than myself may be able to state more precisely whether on a line of sea coast between Cape Otway and Warrnambool, and between that line and the occupied tracts on the south of the Barwon and Lake country there exists an available tract; also in the Victoria Range. The best mode of assisting the Murray blacks would be to plentifully supply them with boats, gear, and fishing tackle. A hunting and live stock reserve for them might perhaps be most eligibly situated in an angle at the junction of such rivers as the Murray and Darling.

5thly. How should the cattle and other live stock be distributed? From my observation of the aborigines (which commenced in 1837) I think that the most satisfactory and least expensive mode would be to render the live stock as wild as possible, to destroy every yard and enclosure, to supply arms and ammunition to all capable of carrying and using them, and direct the aborigines to shoot the cattle, &c., themselves, as they required them. The exercise of hunting appears with them to be essentially necessary for the prolongation of life and health. If buildings be erected or maintained on the proposed reserves, and supervision through resident employees be exercised by the Government, I think it very probable that the buildings would be infested with them; attempting to continue the avocation of begging their daily food instead of procuring it as formerly by their own exertions in hunting.

6thly. Would it not be impolitic and attended with some danger to arm the aborigines? It is difficult to see the danger or impolicy. Legislation could provide for and avert any difficulty connected with the supply of gunpowder to them by others than the government, if good ground for the impending danger ever arose. As to the probability of using the arms against each other, if they have made up their minds to attempt the life of another, I think that the offensive weapons of their own manufacture are as likely to be put in requisition on such an occasion. The numbers of the white population are too formidable now for them ever to think of turning the arms against them. When they have become armed to a considerable extent and proficient in the use of the rifle or fowling piece, they might perhaps be of service on some future day as auxiliaries against an invading foe, as in the American war. They have no deity whom they worship, and no religion which they follow or observe; therefore the danger which has arisen of late in the East Indies could not arise here.

7thly. Should missionaries or officers exercising supervision be tolerated amongst them, when carrying out such a plan? I am of opinion that they should not, and that the evil of progressive degeneration attempted to be righted will, if they are placed by themselves as suggested, very soon right itself as to their general health. In succeeding years, when the diseased and decrepid have become thinned out from the main body by death, and the unnatural progress of extinction of race has become to a material degree checked or averted, it will be time enough then to devise some plan of limited education for those susceptible of receiving it to an advantageous degree.

Mr. L. Becker.—

DIVISION I.

6. Yes; and the publicans, if they do not sell ardent spirits, &c., to the natives themselves, ought not to allow that spirits, &c., be given to the aborigines even gratis, either by the landlord, his servants, or customers in the rooms of public houses.

10. I believe they steal, impelled by necessities.

12. Not below the average intelligence of all the other uneducated masses of nations, may they belong to the black, colored, or white races of man.

DIVISION II.

1. Average height, 5 feet 5 inches to 5 feet 10 inches.

2. Not actually disproportioned are the different parts of the body; but generally the arms and legs are leaner than in the negro race; but muscles and sinews are strong. Want of fat is not always a sign of want of strength. If the natives receive sufficient food and shelter during the cold season they improve their external appearance very soon.

3. The prevailing complexion is a chocolate brown. Hair jet black, and when combed and oiled falls in beautiful ringlets down the cheeks and neck. Beard black, strong, curly. Eyes deep brown-black, the white of a light yellowish hue. A peculiar odor is perceptible, but not for want of cleanliness; it is very much like the well known odor observed as coming from negroes, but not quite so strong. It is to me as if phosphorus was set free during the process of perspiration. It is very likely this odor which enables the horses to discover the proximity of aborigines, and thus saving many times the members of exploring expeditions from being surprised. Leichardt, Gregory, and others describe sufficiently the mode in which the horse shows its uneasiness.

For 4 and 5 of Division II. see explanation of the plate.

Mr. W. N. Waller, Wyuna Station, Lower Goulburn.—

DIVISION I.

1. I should estimate the number of natives belonging to the Lower Goulburn to be about thirty souls. This not to include the Murchison blacks, or those of the Murray or Campaspe, who occasionally visit this station.

2. The ages of these natives are similar to those of an average number of Europeans to be found in this country, and the masculine sex predominates over the female, but not in a very remarkable degree.

3. The mortality during the last ten years has been great, arising from war, drunkenness, consumption or phthisical disorders, and venereal affections; which, amongst the females especially, have caused many deaths. With the exception of this latter disease, I am not aware of any complaint likely to be communicated to the white population.

4. At present, nor lately, the aborigines have received neither clothing, food, nor medical attendance from Government. They live principally on opossums, fish, and yams (which latter grow wild), and occasionally

they get kangaroo, and emu, and native turkey. There are no aboriginal reserves near here, nor are there I believe, places adapted for such.

5. I think there would be no difficulty in finding a proper person (resident) who would distribute any supplies, &c., which government might be disposed to grant them.

6. The natives are much addicted to intemperance, and the publicans do sell ardent spirits to them and that too to a considerable extent.

7. It would be beneficial to prevent them from coming near the towns, and in most cases the police would be able to see that the regulation was enforced.

8. There is no doubt, for a proper remuneration, that a medical officer could be found to attend them.

9. The natives are quiet and inoffensive. They are useful to squatters at times and are employed in sheep-washing, cutting bark, making brush fences; and the young boys make good stock-men, and are excellent horsemen, and in many instances live with the whites and receive wages.

10. At no time have they been compelled to steal from the settlers, as the country produces spontaneously sufficient food for their subsistence.

11. Yes, in former years.

12. They are a sharp witted race, and, if taken when very young, would learn aptly, but I should think have not much depth of intellect.

14. I consider that all the population under twenty years of age, would gladly embrace the opportunity of acquiring land and would settle down, provided that their occupation was not laborious. The land should be unalienable; otherwise they would sell it for grog.

DIVISION II.

I should think the height of the males is 5 ft. 7½ in. and of the females 5 ft. 3 in.

2. The legs in all instances are remarkably small, especially the calves.

3. The prevailing complexion is a dull brown copper color, with occasionally a yellowish cast. The hair black, rather coarse, curly, but not like that of an African negro. Eyes large, animated and expressive, and of a very dark brown; and there is a peculiar smell which pervades the whole body.

5. The skull is remarkably thick. A blow which would kill a European would have very little effect on one of them. These Lower Goulburn natives always knock out the two upper middle teeth as a distinctive mark of their tribe.

13. The native language is not known to philologists; it is particularly euphonious, as it is for the most part composed of vowels and liquids.

14. Nos. 1, 2, 3, are expressed thus—wulghuwul, wulthuwul wulthuwul, wulghuwullée; or perhaps spelt like "wultuwul"; and if they want to express a large number, they repeat the word "wultuwul" many times over. The names of places near here are these, viz:—

Wyuna* (* the final "a" soft in all.)	Cotupna
Tathumnāra	Tunāba
Madoula	Oundanja
Embra	Korowa
Toureptca	Gulgyla
Tissica	Cocomo
Lambāna	

Most tribes have different dialects, for the Kilmore blacks differ from those of the Goulburn; and in fact a tribe in the Portland district could hardly understand a word if placed amongst these.

18. They manifest great disinclination to part with their children, and seem to love those which are half-castes still more than those which are purely from native parents.

19. Children do not seem to be exposed; as there are several instances of deformed, which seem to be well taken care of.

20. No.

21. No.

24. At from thirteen to fourteen years, and it is even earlier in the female.

32. Chastity is not cultivated, as most of the native girls for a small remuneration will have connection with the whites.

33. It is generally believed that a woman having borne a child by a white man will not have children afterwards by one of her own race.

35. Polygamy exists, but I think that none have more than two wives at once.

38. They live principally on opossums and fish, with a native yam somewhat resembling a parsnip. They live entirely on what nature provides, and cook almost entirely by roasting on the hot ashes; but at times bake their meat in a cavity in the ground, when they season it with the young leaves of the gum or peppermint tree. They have no fermented or other liquors, and frequently make long fasts of thirty-six hours; but when they have plenty, eat to repletion, and cannot compare with the whites for constant and prolonged exertion. Fire-arms in their hands are harmless, as they have a most wholesome dread of the whites.

39. The sole article of dress was formerly an opossum cloak for both sexes, and when at their own camps they usually sit entirely naked. These are mostly tattooed with bars across the shoulders and breast.

40. The "corroboree" or dance is universal.

42. There are many instances of very old men; and on the whole, those who do not partake of the vices of the whites, attain to a good old age. The men seem to be the longer-lived.

43. The sick are attended by a native doctor, and seem to be well cared for; but he trusts to the effects of charms and spells, than to the virtues of medicinal plants. The prevailing disease seems to be phthisis and liver complaints. The first arising from their habits of sleeping out, and throwing aside the clothes which they may have worn for months, when living near the whites, combined with want of shelter from the changes of the weather.

46. They now generally bury their dead.

49. They believe in the doctrine of annihilation.

50. Their only buildings, if such they may be called, consist of a few sheets of bark placed slanting against a horizontal beam, supported at the ends by forked sticks, and are placed without regard to order. They possess a great number of mongrel-bred dogs, derived from frequent crosses of the native dingo and European varieties, and are used entirely for hunting the smaller species of kangaroo, &c. Each tribe has its territorial rights and adhere to the boundaries belonging to them. They cry out much that the whites have taken away their land.

70. Their numbers are rapidly decreasing, owing to the effects of venereal disease and use of ardent spirits.

72. They adhere in the main to the customs and habits of their forefathers.

74. Not in the bonds of matrimony.

75. Almost every one under twenty-five years of age speaks English, quite sufficient for general purposes of conversation.

76. They are not a quarrelsome race; and the spear, tomahawk, and boomerang constitute their weapons.

These remarks are intended to apply to the natives of the Lower Goulburn, below Murchison, and comprise those of the adjacent country, and bordering on the river.

[Several of the gentlemen to whom "Circulars" were sent having replied in a general way, their answers cannot be classified. Subjoined are extracts from their communications.]

From Thomas Embling, Esq., M.L.A.—In reply to your queries I desire respectfully to state that I have not mingled with the native tribes for some years. 1851 and part of 1852 I spent in wanderings over the north-western portions of the colony, and as often as I could I occupied myself studying the native character, and in affording them professional assistance. During this period I have often been amongst the aborigines, quite away from other Europeans. I have travelled with them as my assistants up and down the distant interior, and have employed them as opportunity offered. When I returned to Melbourne I left the native peoples with the impression on my mind, which I still retain, that they have been and are a cruelly wronged and injured race; that the protectorates, as a rule, have been a gross mockery, delusion, and sham; and that these hapless beings have been ruthlessly dealt with, with the distinct and prevalent notion of hastening their extinction, and the sooner the better. My own judgment of them is, that they are capable of moral elevation, but that the means for their destruction has placed such a prospect almost beyond the bounds of possibility. I found them to be truthful, fully reliable, most grateful for kindness, their gratitude showing itself in almost childlike expressions of delight and confidence. The lubras, I believe, as a rule, and as a fact, taking their view of social life, are very chaste, and dutiful to their coolies. The gross immoralities, the degrading examples and temptations held out to these simple people by some settlers and their dependents, are such as to call for the most firm condemnation. They were (of course I write generally), most atrocious. The aborigines were treated as very dogs; although when, as I have seen, they were treated kindly, they fully appreciated such kindness, and the settlers always found them in such circumstances, most valuable bush allies; and had the bush pioneers been all of the class immediately referred to, so reliant were the aborigines upon the kind white fellows, that some more grateful memories would have thrown their "lights" upon the "shadows" which have shrouded the last days of a dying race; but, as a general rule, kindness was not the prevailing feature of "bush life," and the black fellow is passing away, unheeded by his white brother.

Their language is full and expressive, abounding in consonants, and capable of as much force, beauty, and elegance as are the tongues of Italy, Portugal, and Spain.

Their religious "notions" are chiefly those of a gloomy character. They have "no hope." It is all a shadowy thing without a foundation. I could not find a name for "God." I have often and often held long talks with their doctors and their chief men, and I could gather nothing of moment from them. The chief burden of the language of their most intelligent men was, that "the black fellow would go away because white fellow come." They felt themselves to be a dying race, and that no effort they could make would avert their destiny. They could not comprehend (what I found most difficult to communicate) the rudimentary ideas of sin, of transgression, moral law, and of a hereafter; and these efforts of instruction were made when listeners and speaker alike were as willing to learn as to teach, when some physical ill had been relieved, and a spirit of affectionate confidence fully obtained. Appeals to the glory of the sun, the moon, the violence of the storm, awakened no thought, excepting of the "present." In fact, the lingerings of tradition, although indicating a clear connexion with the thoughts and creeds of the northern nations, yet are almost lost from among these aborigines. A faint idea of a "Flood," of a "Big Fellow angry long while ago," and of the subsequent hopeless degradation of the black fellow from an anterior higher state of existence, and the opinion that the supersession of the black fellow by the white fellow was, as a law of necessity—inexorable necessity, are all I could trace out, and these are but poor and feeble glimmerings; they have no weight on the native mind. Hopelessness is their prevailing feeling.

That they are capable of intellectual elevation cannot be doubted by an impartial mind.

That they will all speedily pass away is also without doubt; that we may anticipate. Disease, often wilfully introduced among them, and drink, which they can easily obtain, together with the absence of the same facilities of roaming free over the interior, are doing their work. Could they, or the children, be isolated from the white man, be well fed and cared for, probably some good might be done; but to secure this their liberty must be infringed upon. The case is one of extreme difficulty. The Moravian mission, I think, has looked at it in the right light, and their scheme I approve of.

Robert Burke, Esq., J.P., Mount Shadwell.—The number of aborigines in the Western Province does not exceed one thousand souls. In my own immediate neighborhood they do not number more than fifty; of this number about thirty are men, twelve are women, and eight children. This number is only the remnant of the tribe, which at one time consisted of several hundred souls; but the decrease has for several years been much in excess of the increase. Diseases, the unavoidable consequences of vice, have impaired the strength of the men and the fecundity of the women. The race is evidently undergoing physical degradation; which, before many years, will terminate their existence as a separate race. The debasing influences are prostitution and intemperance, to which may be added the total want of independent feelings. If it were possible to remove the men from the fatal influence of the public houses, and to deter the women from submitting to an intercourse disgraceful to both races, it would, perhaps, be possible to restore to the natives that feeling of independence which is now all but lost amongst them, and without which they will sink.

As an experiment, I would suggest that some central place in each province should be selected, and that every encouragement should be given to the natives willing to locate themselves upon the reserve. Huts, land, implements, and seed, should be supplied to those who were willing to cultivate the land. If the effort were attended with success, a school and a Christian minister could be added to the establishment. An asylum should be opened to the infirm, the sick, and the aged. If the natives became thoroughly convinced of our desire to benefit them, no inconsiderable number, I think, would take advantage of the opportunity afforded to them of bettering their condition. But it would take some time before they would learn to appreciate our motives, and also before we could hope to counteract the strength of their evil habits. Such measures would not, perhaps, prolong their existence for many years. It may be too late to save the race from the decree of extinction; but their adoption would at least afford us the consolatory reflection that we had adopted measures which we hoped might prolong the existence, and which certainly would alleviate the miseries of a race which owe their present physical and moral degradation to the presence of a superior race.

In my district the natives are perfectly quiet. In former times depredations of a serious character were committed, and many lives were sacrificed.

The services of the natives are often made use of by settlers. I have had natives employed at every kind of station work.

I only know of one aboriginal family who have embraced Christianity in this district.

It would not, I think, be desirable to give clothes or supplies to the natives, unless they could be induced to reside together in some central place. But if the committee should determine upon giving them assistance of this kind, there will be no difficulty in finding proper persons to distribute the public bounty.

As a race, I believe the intelligence of the natives has been much under-rated. The introduction of civilization has not tended to develop their character advantageously; but on the contrary, they have suffered a moral and physical degradation which has re-acted upon their intellectual powers. Had we been able to reclaim them from barbarism without subjecting them to the temptations of evils which have enslaved them, we should have found them an intelligent race. Physically, morally, and intellectually the race has undergone and is undergoing an amount of depression which, according to an invariable law of nature, tends to the extinction of the race; and we should, therefore, form an unfair estimate of the race if we judged them by their present degraded condition.

The natives believe in the existence of an evil spirit which occasionally embodies itself and appears to them. Any misfortune that happens they attribute to the direct interference of this evil spirit. When one of a tribe dies they endeavour to kill an individual belonging to a neighboring tribe, in order, as they believe, to appease, by so doing, the anger of the evil spirit. A young black boy, who has been in my service for many years, told me that, when a boy, he lived with his grandmother, and that one night after they had all retired to rest he rose to go to the fire that was burning in their camp. On rising he saw a tall white figure stand beside the fire, and as he looked at the figure it became visibly much larger. It then uttered words in a tongue which he did not understand. On rising in the morning he told his grandmother, who said she knew the figure well. It was the evil genius of the tribe, and that it came to warn her of the approach of death. She died two days after. I have heard the natives relate many other instances of the supernatural appearance of the evil spirit. I do not think that they have any clear idea of a Creator, but I am inclined to think that they entertain an instinctive idea of a resurrection. When they bury their dead they endeavor to obtain as much tea and sugar and articles of clothing as they possibly can to bury with the dead, for the use of the spirit of their departed friend.

I regret that I am unable to give you any further information upon the subject of your circular; and have merely to express a hope that your deliberations will bring about a change in the condition of the unhappy race now under consideration.

Messrs. T. and C. Pecvor, Langley.—We regret that we are not in a position to reply to your queries, or to give you any information respecting the aborigines of this country. During a residence of eight years in this neighbourhood, we have not met with more than one party of them.

F. Call, Esq., P.M., Carisbrook.—There are not any (aborigines) about this part of the country, and I have it not in my power to supply you with any historical knowledge respecting them.

William Lavender, Esq., P.M., Kyneton.—In reference to your circular, relative to the aborigines of this district, I have the honor to acquaint you that they have long since disappeared, and I do not recollect meeting a single native of any tribe, during my residence (six years) in this part of the country. For many miles round Kyneton, the land is enclosed, and under cultivation; and even in the forests of Mount Macedon, Jeffreys, Seven Mile, and Clowes, extending to Mount Blackwood and Ballan, I never heard of one ever having been seen in them during my time.

John C. Thomson, Esq., J.P., Gisborne.—In reply to your letter, requesting me to forward to you answers to a number of queries respecting the aborigines, I have the honor to state that, in the district in which I am police magistrate, I have not seen one who claimed to belong to it; and with regard to the Western Port district, of which I am Commissioner of Crown Lands, the aborigines live chiefly on the banks of the rivers Goulburn and Murray, the extreme boundaries of my district, which on account of my magisterial duties I have been prevented from visiting, except in parts; so that they have very seldom come under my particular notice.

C. C. Dowling, Esq., P.M., Buckland.—In the district under my supervision no aborigines have been known to exist during the past five years.

P. C. Crespiigny, Esq., Warden, Amherst.—As there are no aborigines in the district under my supervision, I am unable to afford the select committee the information they seek.

T. D. Heron, Esq., P.M., Fryerstown.—I beg to state that there are no aboriginals residing in the district under my charge; and therefore I am unable to furnish any information on the subject.

S. T. Clissold, Esq., P.M., Ballaarat.—During my short residence in this district I have seen but five or six aborigines, and have had no opportunity of judging of their characters, &c., &c.

William H. Gaunt, Esq., Warden, Indigo.—During my residence in the colony I have been exclusively employed upon the gold-fields; and as I have found it necessary in every case where the natives have visited the diggings to cause, for their own security, their immediate removal, I regret that it is out of my power to afford the honorable committee any reliable information.

Henry C. Jeffreys, Esq., J.P., Birnewang Station, Campaspe River.—I have the honor to state that, in the part of the district which comes under my own observation, the number of natives has diminished so much that they can hardly be said to exist as a tribe. The few families that are left are invariably to be found hanging about the neighborhood of the public houses, and are perfectly indifferent to everything but obtaining the price of a glass of spirits. Even this small remnant is fast disappearing. Deaths are frequent and disease prevalent; and in the course of a few years the total extinction of this tribe may be expected. Under these circumstances it is of course quite out of my power to answer questions relating to quite a different state of things.

W. H. F. Mitchell, Esq., J.P., Burford, Kyneton.—It is not in my power to afford you much information respecting the aborigines, who at one time formed no inconsiderable portion of the inhabitants of this part of the colony. I settled in this, the Mount Macedon district in 1842. At that time the natives were numerous, and I have frequently seen assemblages of some hundreds near my present residence, and as many as fifty young children in a party at play. There was, however, a sensible diminution in their numbers before the discovery of gold. I left the district in 1852; I returned to it at the beginning of this year; and it would seem that, since the diggings opened the native race has entirely disappeared. I believe that a few individuals still exist at the protectorate at Jim Crow, but as a race their history is a tale of the past.

Alfred Chenery, Esq., Delatite.—The fact of not having had any opportunity of judging of their (the aborigines) condition for some years past will preclude my giving detailed answers to those questions; but, from former experience of their habits, I may be allowed to suggest that the only chance (in my opinion) of saving a remnant of the aborigines is to take away the children and educate them beyond the influence of their respective tribes; at the same time doing what can be effected to ameliorate the condition of such adults as may be left by serving out to them blankets, flour, &c., where needed.

W. Price, Esq., P.M., Beechworth.—I regret I am not in a position to afford you the information called for, as I do not recollect ever having seen any aborigines of this colony on the gold fields under my charge.

The Bishop of Melbourne.—I regret that I am not able to afford the members of the committee of the Legislative Council of Victoria, appointed to enquire into the present condition of the aborigines, any information that will be of use to them in their enquiries; as my knowledge, derived from reports of others, is not sufficiently definite to enable me to reply to their queries. I would, however, if I may be allowed, suggest one particular, which does not appear to have been heretofore sufficiently attended to, for the consideration of the committee, viz., the enforcement of the law for the protection of the lives of individuals, and for the prevention of war between different tribes. In a recent case two aborigines have been convicted of murder; but I believe that in many other cases no attempt has been made by magistrates for the discovery and punishment of criminals; and not many years ago a tribe in Gipps Land was almost wholly destroyed by another from a distance. It appears to have been forgotten that the law is intended for the protection of life; and that the question for consideration is not so much what degree of guilt attaches to the man who takes away the life of another, as how others may be effectually deterred from following his example.

James Blair, Esq., P.M., Portland.—For the last four or five years my duties have confined me altogether to the town; in fact, I could not absent myself without leave, and with the exception of an occasional stockman or bullock-driver in the service of a settler, I have seldom seen an aboriginal during that period. Seventeen or eighteen years ago, large parties of aborigines used frequently to visit Portland, and were to be met with in almost every part of the district; but year after year their numbers have diminished; and about ten years ago, when the last permanent camp that I saw was formed here, it did not consist of more than thirty individuals of all ages and sexes, and of these six or seven died, within as many weeks. As each death occurred, the body was placed in a shallow grave, lightly covered with earth, and having a quantity of dead leaves and

brushwood heaped upon it, with a view, as it occurred to me, to its being consumed by a bush-fire, and the camp removed a few hundred yards from it. They were all in a shocking state of filth, disease, and pulmonary consumption, which had caused the deaths; and was supposed to have been induced by exposure to wet and cold while under the influence of medicines some charitable person had administered to them.

Foster Fyans, Esq., J.P., Balyang, Geelong.—The only statement I could offer would commence in 1837. This, I think, would be conclusive, as to the rapid decrease of the aborigines. On my arrival here, Governor Bourke ordered me to assemble all the native population, to receive gifts furnished by him. He ordered Buckley, a man who resided in and about this place for about thirty-three years, to render me his assistance. I considered we assembled all the native population within thirty miles, amounting to two hundred and ninety-seven men, women, and children; each receiving clothing, a blanket, and a portion of flour. I consider at the present time there are not twenty of the two hundred and ninety-seven alive; the very few I occasionally meet, even at that time children, and now in appearance old, aged, and infirm. I therefore conclude the race will be extinct in a short time; and I may add, from my experience for many years as Commissioner of Crown Lands in a large extended district, Portland Bay and the Wimmera, that on my numerous visits, in every part, I could perceive the rapid decrease of these poor people. I often had to regret the misapplied funds at Mount Rouse. Had my suggestion met the approval of Mr. La Trobe, I think great good results would have followed. My proposal was to keep the tribes on their own grounds, and the Government supplying the settler with a ration of flour for each individual, and a blanket occasionally. I am of opinion this system would have operated well. I have met with many natives on runs working well and generally useful, and well taken care of by the squatter.

Samuel Pratt Winter, Esq.—

Names and Ages of the Aborigines, male and female, occupying the Valley of the Wannon, from the lower fall to Sandford.

	AGE.		AGE.
1. Pinnoit brunbringil	42		
2. Warbring baugbal	40 =	Mungweeringyar	23
3. Licouerrimin	35	Kalkmerrimin	40
4. Weerungweeroit	40	Youwill	42
5. Mullupmoal	33	Alkingerrimin	40
6. Pookoiweerip	50	Poorgooying	25
7. Bialgoolun	19	Bilprin	45
8. Nechnoallurt	17		
9. Koioket	60		
10. Beegpoonerrimin	10		
11. Yamnawellang	30 =	Coyam	30
12. Bawgerung	30 =	Keringwerangun.	
13. Tureep... ..	19		
14. Cootarung	30		
15. Yillilbrin	30 =	Poorait poonanung	25
16. Tricarait	35		
17. Wirrygomirrimin	28		
18. Corungberrimin	35		
19. Youiwong	40 =	Brucammuc	40
20. Allalooop	50 =	Bondigmingung	40
21. Galgal	32		
22. Whoitnum	21	Woonerriming.	
23. Pripinkapoon	20		

The mark = indicates the women who live with the men whose names are on the same lines. Nos. 10 male and 21 female are the only children in the tribe. The ages given are as near as I can calculate; all under 22 years are correct. The boys Nos. 7 and 8 have lived with me for the past three years, and have conducted themselves remarkably well. They have purchased mares with their wages, and take great interest in their property. The old natives generally live near the public houses, and are frequently drunk. It is commonly reported that they obtain money from the white men for the prostitution of their women, which will probably account for the remarkable circumstance of there being only two children in the tribe—both half-caste. The influenza caused the death of a great number of the aborigines during the winter of 1843. Previous to 1837 they had large well constructed winter huts, which were destroyed by cattle; they never rebuilt them, but lived under breakwinds of bark and boughs; and no doubt the exposure to the cold and damp of the winters of 1842-3 brought on pulmonary disease. From 1836 to 1841 the winters were remarkably dry and mild. I do not believe the aborigines have ever suffered from want of food. The indigenous animals are far more numerous than in 1837. During the winter months the natives obtain food whenever they require it at the settlers stations. There has never been a Government reserve in this neighborhood for the aborigines, and I believe they would prefer their roving independent life to any other. It would be advisable to appoint a medical officer, and provide a hospital and residence for the sick and infirm. Clothing and blankets of some peculiar texture should be manufactured in England, and a law should be framed similar to that which prohibits the public from purchasing the clothing of soldiers. The police magistrate should appoint a trustworthy person to distribute the clothing to natives bringing certificates signed by respectable persons, which should be also signed by the police magistrate. Since the year 1839 the aborigines have been quiet and harmless, and I always found them honest; the depredations committed by them prior to that date were chiefly in retaliation for civil injuries inflicted on them by the whites. The natives do not like any regular or monotonous work. The boys in my employment are generally occupied stock-keeping, an employment they like. No effort has been made to give either secular or religious instruction to the natives, and unless they could be removed from intercourse with white men, and the law prohibiting the sale or supply of intoxicating liquors strictly enforced, it would be impossible to convince the aborigines of the advantages of religious precepts which are completely disregarded by the European population. I think it probable the natives could be induced to send some of their children to school. I observed several very intelligent looking half-caste children with the Lake Condah tribe; I believe them to be fully as intelligent and capable of receiving instruction as white children. When educated, the experiment could be tried of settling them in some industrial pursuit, under the guidance of an European who would have an interest in their welfare.

INDIVIDUAL AND FAMILY LIFE.

The aborigines are remarkably kind to and patient with children, which are allowed to grow as nature designed them. They are instructed very early in swimming and throwing small spears at objects rolled along the ground by their parents. I have never known any instance of the natives having made improper use of fire arms. The present generation have not adopted their ancestors' custom of tattooing. When they have a regular supply of food they do not consume as much as Europeans. About every three months a koiorn or general meeting of tribes takes place, for three or four days hunting, feasting, and amusement. They are kind to the sick and infirm; abstinence is the chief remedy for ill health. The dead were formerly deposited in a hollow tree and covered with bark and sods of earth; latterly, in some instances, they have buried their dead.

Eighteen or twenty years back the natives had an idea that the Europeans inherited the departed spirits of their ancestors, but a further acquaintance with white men dispelled an illusion so uncomplimentary. The natives had formerly a dread of an evil spirit which loved darkness. About twenty years back a large number of natives rushed terror stricken, in the middle of the night, into my hut, and told me that "Weering" had driven them from a spring about a mile off, where they had camped; they described him as having a long white face, glaring eyes, and horns. It proved to be one of my Hereford cows, the light of the camp fire having been reflected from the white face and horns. The natives do not now dread walking about at night.

John Hepburn, Esq., Smeaton.—Although I have been nearly twenty-one years on this station, I am not possessed of any information respecting the natives. On my taking up this country I found it necessary to keep them at a respectable distance, from circumstances not necessary to detail. They have always had great dread of me, the very few that remain even up to this period; however, you must not be led to suppose I have treated them ill; I never injured one of them in any way.

After the establishment of the aboriginal reserve at Jim Crow, near Mount Franklin, I had very little trouble with the natives. I do not think there was any fixed tribe in this quarter; the general resort was further to the north on the Loddon. In the early days there used to be about sixty men, that is the largest number I ever saw, with about half the number of women, and perhaps twelve or fourteen children. This district appears to have been visited principally for hunting by various tribes from different quarters. There still remains what is called ovens, where they cooked their game; and if one might judge from them, this was a great mustering place; and I observed that all those monuments are upon elevated spots, no doubt, to prevent surprise.

Of late years, we have hardly seen a native black, without about Mount Franklin, and occasionally a few drunk about the diggings. For my part, I consider all efforts that have been made to civilize them a perfect failure. I do not think there is a want of capacity or intelligence, but a great want of application. Only yesterday, I heard of a man who I know was brought up in Mr. E. S. Parker's house from a child, and who now, from account, is perfectly lost, from the habit of drinking spirits.

Andrew McCrae, Esq., P.M., Kilmore.—As the queries are numerous, and much of the information asked is upon points that I am not competent to deal with, I beg to answer generally: That having seen much of the aborigines back in the early days of the colony and afterwards, I have always been of opinion that, if properly treated, particularly if faith was strictly kept with an aboriginal, he generally fulfilled his engagement, and in certain kinds of labor, shepherding, stock-keeping, horse-breaking, bullock-driving, and reaping, he frequently proved a most useful help.

In confirmation of this fact I beg leave to refer you to a report furnished by me, at the desire of His Honor Superintendent La Trobe, for the blue book, in the year 1853, if I remember rightly; from which it will be seen, that a party of natives of the Tara tribe, in Gipps Land, worked constantly at reaping for a considerable space of time, and assisted in saving a large quantity of grain; which otherwise, at that time—shortly after the discovery of the gold, when labor was not to be had—would have been lost.

The report above alluded to was sent home by Mr. La Trobe, was printed in the Blue Book, and reprinted in several of the Scotch newspapers.

EXPLANATORY REMARKS ON PLATE.

FIG. 1. Portrait of Billy, a native from Port Fairy. The likeness was taken by me from life in 1854. His age was eighteen years; height, five feet two inches; complexion, light chocolate-brown; flat nose; jaws, very much projecting; mouth, large; lips, sharp, edged with a reddish hue; teeth, complete and pure white; chin, small and receding; well-shaped eyes, the iris nearly black, the white of the eye has a light yellowish tint; eye-lashes, long and black; head, well-formed; forehead, rising nearly perpendicular from horizontal; black and bushy eye-brows; hair, jet black and full. His voice is a fine manly baritone. Chest, broad; neck, short; powerful arms; legs, not very full or fat, but strong and a little outwards bent, so called O legs, in juxtaposition to the X legs. He was formerly in the native police force, and afterwards servant of Dr. Youl, in Melbourne; left his native place when a boy.

FIG. 2. Portrait of Tilki, a native from near the mouth of the Darling River. When I took his likeness, in 1854, his age was twenty years. His general appearance is like the former's, with the exception that the skin is a little darker, the hair more curly, nose shorter, mouth smaller. His height is five feet seven and a half inches. One tooth in front of jaw is missing, in consequence of a ceremony performed on reaching manhood. His tribe does not know the boomerang; their chief weapon is the spear (rocki), thrown with the assistance of the yunka (the woomera of the blacks near Port Phillip), the kalke (waddi), and the shield (woomi). They have only one word for hair, beard, eye-brows, eye-lashes—viz., gras. While I was drawing this well-formed man's profile, I observed that the thumb of his left hand was in a crippled state, and asking him the cause of it, he answered, "I was a child and on my mother's back, when she, with other black women, searched for mussel-fish on the Murray near Mount Dispersion. There some men belonging to Mitchell's exploring expedition fired into us, and a musket ball carried off part of my thumb, which never grew afterwards so well as the one I have left here on my right hand." The historical fact just related by him enabled me to put down his exact age, which seldom or never is known to themselves. Tilki (his native name) was in 1854 at Kalcyne, a station on the Murray.

FIGS. 3, 4, 5, 6. Skull of King John, a chief of the Adelaide tribe. It is a well-preserved skull of a young man. The bones are very much developed and of great strength. The peculiar character of the Australian race is in this specimen well represented.

Parietal diameter	...	...	...	5½ inches
Occipito-frontal diameter	...	...	...	7½ "
Width of forehead between the temples	...	...	...	3¾ "

The zygoma, although very strong, is less projecting and less curved than in the Mongolian race. The upper jaw slants so much forwards that the facial angle is lowered to 85 degrees. In the same proportion the chin falls backwards. In consequence of the obliquity of the jaw, the front teeth are also in an oblique direction, so much so that, after some time, by chewing and gnawing, the teeth are worn away in such a manner as to resemble molar teeth, for which indeed they are often mistaken. The form of the upper half of the cranium, when viewed from behind or in front, has a pyramidal shape, which I found to be the case with all the native skulls I had under examination. This appears to me to be a typical characteristic of the Australian race.

FIGS. 7, 8, 9, 10. Skull of a native from Port Phillip district.

Parietal diameter	...	...	...	5 inches
Occipito-frontal diameter	...	...	...	7 "
Width of forehead between the temples	...	...	...	3½ "

The skull belonged to a very old individual, as will be seen by the disappearance of the sutures, with the exception of some traces left near the occiput, by the alveolæ of all the molar teeth being filled out with an osseous matter, and the few remaining teeth worn down to the roots. The crest of the head shows two peculiar ridges, with an indent of the skull between them, stretching from the occiput up to the middle of the head. Facial angle, 85 degrees.

FIGS. 11, 12, 13, 14, represent a skull of a native of the Warrnambool tribe.

Parietal diameter	...	...	...	5½ inches
Occipito-frontal diameter	...	...	...	7¾ "
Width of forehead	...	...	...	3¾ "

Like the former, a very old head, to which it has great similarity, excepting in the formation of the zygomatic arch, that being greater; and in the formation of the upper jaw, that being shorter.

LUDWIG BECKER.

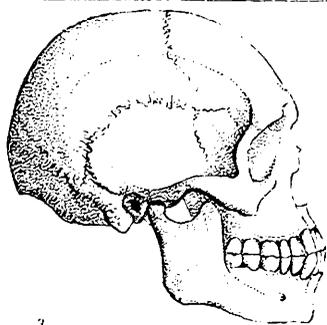
Melbourne, January, 1859.



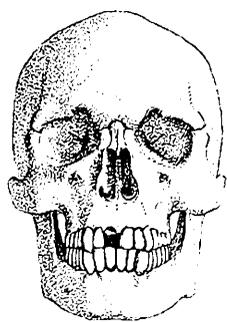
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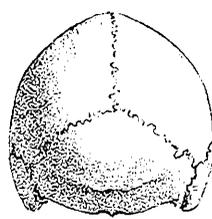
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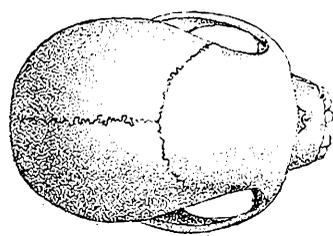
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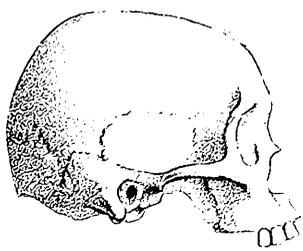
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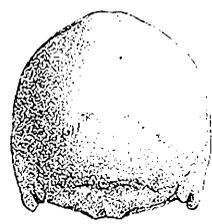
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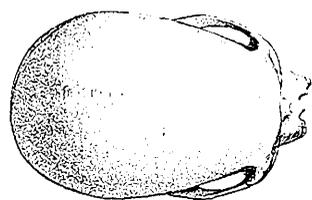
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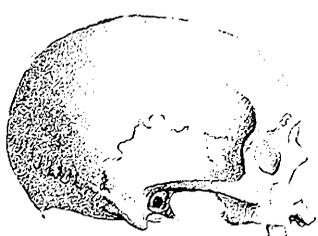
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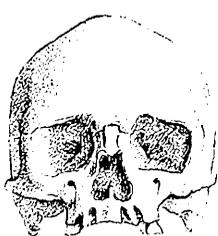
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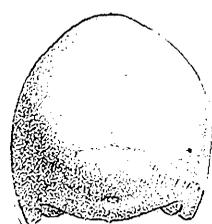
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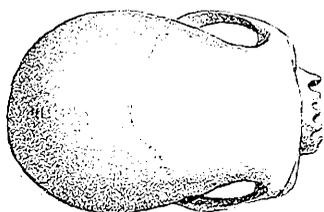
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A P P E N D I C E S .

APPENDIX A.

"POONINDIE MISSION.

"To the Editor of the Register.

"SIR,—I have obtained permission to offer to you, for insertion in the *Register*, the following interesting and authentic account of the present state of the Poonindie Institution, which will, I believe, be gratifying to your readers, and all who take an interest in the aborigines.

"I am, Sir, &c.,

"A. ADELAIDE.

"September 18, 1858."

"Having just returned from Port Lincoln and the Mission Station at Poonindie, where I have been spending a week, I thought you might like to hear what impression has been made on my mind, arising out of personal observation of the natives at the station.

"Mr. Hammond having met Mrs. H. and myself at Port Lincoln, escorted us to Poonindie. We did not arrive at our destination before the night set in; then most welcome was the sight of lights dancing about in the little village as we wound our way through the dark trees, and crossing the River Tod ascended the beautiful slope on the top of which the schoolroom loomed in sight, with the little attendant cottages of the natives. The noise made by the approaching horses caused several doors to be opened, and the bright glare of the sheoak fires was a most cheering and homely greeting for us chilly mortals after our sea-coast ride of twelve miles. We were kindly received by Mrs. Hammond, and after a hearty meal the bell rang for evening prayers. I was particularly struck with the earnest, simple, and reverent manner of the natives during worship. My old friends Konnillan and Tolbuncs (of St. John's Sunday-school) knew me at once, and appeared glad to see me. They always lead the hymns with their flutes; both of these young men read and conduct the services of our Church by turns on Sunday morning, when Mr. Hammond is absent celebrating divine service at St. Thomas's, Port Lincoln. Most of the natives have a good ear for music; their time is correct, and they join most heartily in the responses as well as in the singing. It is most edifying to join in the worship of the Almighty with these dark children of the soil. I felt more gratification and real satisfaction than I have experienced in uniting in worship with many a congregation of white Christians. The behavior of our dark brethren would prove a good example for many a thoughtless person to follow in this respect. I will now attempt to give you a sketch of their week-day course of life. During the present (winter) season the first bell rings at 7 o'clock a.m., prayers at half-past 7, then breakfast; at half-past 9 the people go to their respective employments, some to ploughing, some trenching and draining, &c., others (the boys chiefly) herding cattle, milking the cows, and digging the garden. The women and girls go to morning school, where reading, writing, spelling, and sewing, also arithmetic, are taught. The duties of schoolmistress is conducted by Miss Hammond. Most of the women make their own dresses. At twelve o'clock the men come back to dinner, which is cooked by Mindise. I believe several take the office of cook and butcher by turns. All the meals are prepared in the large kitchen. The children dine first, then the men and women. The bread they bake, made from flour ground out of wheat grown on the station, is capital; there is a large brick oven which will bake a batch sufficient to last for several days. I was much amused at observing the conduct of the "wurley" natives, as they call the Port Lincoln natives, who congregate, especially during the winter months, in the neighbourhood of the station. They treat the Poonindie "settlers" with marked deference, and are literally made "hewers of wood and drawers of water" for their more civilized brethren, in return for which, they are liberally supplied with food, and further rewarded for good behaviour, with tobacco. Our friends at Poonindie evidently look upon them as inferior beings. Seeing two ill-clad natives busy scrubbing out the kitchen, and another occupied in tending the fire and pouring water into a large pot containing rice, hanging over the fire, I asked who they were; the reply I received was, "Oh, only wild blackfellows." These wild blackfellows are often induced to leave their children at the station, where they know they will be cared for. In the afternoon the women, children, and boys attend the school, when the men again return to work, from which they return at half-past three or four o'clock; after tea the men willingly attend the school to be instructed by the Rev. Mr. Hammond in writing, reading, and arithmetic. I was much gratified to find that they all appeared both willing to learn and desirous to acquire knowledge. How many English laborers, after a heavy day's toil, will leave their fire-side to attend school? I believe it has been found that very few English laborers, even if they can, do so. What pleased me very much was, to see the happy contented expression of their faces. It amused me to see the men after breakfast playing marbles with all the earnestness of boys, and laughing so heartily and joking among themselves at any slips, &c. They are capital cricketers, the best in the district. They played a match with the settlers at Port Lincoln, who brought their best players into the field, but the natives beat them easily. An eyewitness told me that, although they seemed gratified at the result, no unseemly expression of exultation escaped them. I begged for a holiday, as a visitor, to be given to the natives, and Mr. Hammond willingly acceded. Mr. Hawson kindly lent us his whaleboat, and accompanied us to the snapper-ground off Tumby Island. We had rare sport. In about a quarter of an hour from the time we commenced fishing we had over three dozen large snapper in the boat. The natives are very fond of fishing, generally spending their holidays in this way. We took bread, salt, and tea with us, and made a good dinner on shore (near Mr. Tenant's place), by cooking the fish on the red embers and covering them over with ashes till they are quite roasted; this is a native mode of preparing fish, and decidedly the best I know of. Whether it arises from the extreme freshness of the fish I know not, but they are most delicious when cooked in this

rough fashion. We returned to our fishing ground after dinner, and caught fish enough to cover the bottom of the boat, then sailed back to Poonindie, entered the mouth of the Tod, and rowed up to the bottom of the large paddock close to the station, where we arrived at eight o'clock in the evening with three sacks full of snapper. I could not help remarking that, during the whole day, while in company with the natives, although the sport produced great excitement, caused by a more than usual run of luck, no unkind word was spoken, or any offensive expression made use of; but hilarity and good humour prevailed throughout the day. When I expressed my gratification at this happy circumstance to Mr. Hammond, he said that there was nothing unusual in it. I must acknowledge that my experience amongst young white gentlemen, when associated with them in similar parties of pleasure, has been of quite a different character. I cannot leave this subject without observing that, during my sojourn at Poonindie, I never heard any swearing or offensive language used by any one there; not that the natives generally are ignorant of that vile habit, which has been acquired through intercourse with careless and profane white men. This is painfully proved by the language used by many of the uncared-for natives of these colonies.

"I read the 24th chapter of St. John's Gospel with the first class, consisting of six men. They read perfectly; and when I questioned them, answered correctly, but timidly, fearing to give a wrong answer. Had I been a perfect stranger to them, they would (Mr. Hammond told me), probably, have remained silent. A great deal depends upon the way of putting a question to them. Mr. Hammond would obtain a reply or draw information from them when others could not prevail upon them to utter a sentence. The Murray River natives, who principally compose the inhabitants of the station, are superior, mentally and physically, to any other tribes I have ever met with in this colony, New South Wales, or Victoria.

"Panulta's wife presented him with a little daughter while we were there, making, I think, the third born since Mr. Hammond has been in charge of the mission. Panulta promised to have it christened Edith Poonindie Panulta. Mrs. Hammond is a very great favorite with the natives. Whenever they are sick they always go to her; she supplies them with medical comforts, and is very kind to the native children, with whom she takes much trouble. There were 45 or 46 natives at the home station, and six out shepherding with wives on different parts of the run. Mr. Hobson superintends the stock and sheep—a gentleman who appears to possess a very considerable amount of practical knowledge—and under him a Scotch shepherd, Robinson, with wife and three children. Mr. Hammond has made an excellent garden, and is growing large quantities of turnips, cabbages, onions, &c. The natives are very fond of vegetables; it is a most valuable addition to their diet. Mr. Hammond intends to encourage them to plant small gardens for themselves. I will conclude, only observing that what I saw may be summed up briefly thus, viz.:—a village of civilized aborigines living happily together, employing their time in cultivating a magnificent estate, and while providing, by their own labor, for their temporal wants, not neglecting their all-important spiritual necessities, but daily seeking to acquire a further knowledge of their Creator and Redeemer, and striving to worship Him in spirit and in truth; they all appeared cheerful and contented. The station possesses a good woolshed, carpenter's workshop with a supply of tools, grinding mill, brick-kiln, stockyards, and dairy, &c. God has, indeed, blessed the efforts of that good, self-denying man, the Bishop of Perth. When I reflect upon the difficulties that he must have had to contend with, it seems so evident that the trials of temper, patience, and anxiety in establishing such an institution could only have been borne by means of God's grace strengthening him, and from a faithful love for his Redeemer. I felt happy that I had been associated with the institution at its commencement.

"I remain, with respect,

"My dear Lord Bishop,

"Your faithful servant,

"G. W. HAWKES."

APPENDIX B.

RETURN of ABORIGINES attending the Aboriginal School at Mount Franklin, showing their Age, period of stay at School, and present Educational Progress.

NAMES.	Age.	Period of stay at School.	Social Relation.	Progress in Education.
MALES.				
Morpoke ...	15	Occasionally for six years	Has an aged mother living	Can read and write, and has some knowledge of arithmetic.
Warbourp ...	15	Occasionally for six years	An orphan ...	Can read and write, and has some knowledge of arithmetic.
Weregoondet ...	13	Two years and a-half ...	An orphan ...	Can read and write.
Willie ...	9	Two years ...	Half-caste ...	Can read and write.
Denny ...	14	Three months ...	Half-caste ...	Can read and write.
Fred ...	9	Two years ...	An orphan ...	Can read and write.
Robert ...	4½	Three months ...	An orphan ...	Can read.
FEMALES.				
Alice ...	13	Three years ...	Half-caste ...	Can read and write, and has some knowledge of arithmetic.
Helen ...	9	Four years ...	Father and mother living	Can read and write, and has some knowledge of arithmetic.
Mary Jane ...	adult	Occasionally for five years	Married ...	Can read and write.

CHARLES JUDKINS,
Schoolmaster.

EDWD. S. PARKER, Visiting Magistrate.

APPENDIX C.

RETURN OF CHILDREN formerly attending the Aboriginal School at Mount Franklin, period of attendance, and how long since left.

NAMES.	Period of Attendance at School.	How long since left.	Age.	Present Abode and Occupation, if any.
Boys.				
Billy Green	One year	Two years	10	The Avoca.
Jacob	One year	Two years	12	The Avoca.
Babadur	18 months	Two years	14	The Avoca.
Donald	Six months	Two and half years	8	McCallum's Creek.
Bing-bing	One year	Four years	18	In service.
Mid-bally	Six months	Five years	17	In service.
Juan Jibbito	One year	Two years	12	The Avoca.
Captain	Six months	Three years	14	The Avoca.
Sergeant	Six months	Three years	15	The Avoca.
Gellibrand	Three months	Nine months	6	Clunes.
GIRLS.				
Caroline	Six months	Nine months	8	Clunes.
Victoria	Six months	Nine months	7	Clunes.

CHARLES JUDKINS, Schoolmaster.

APPENDIX D.

SUCCINCT SKETCH OF THE ABORIGINAL LANGUAGE.

By WILLIAM THOMAS, Esq., GUARDIAN OF ABORIGINES.

GRAMMAR.

FROM observations I have been led to make, and attentively noticing their expressions, I am led to conclude that, like many of the civilised languages, much is abridged by the use of prepositions and terminations, which gives a musical tone to savage languages, not to be found in civilised tongues. Such has been observed in the South Sea Islanders, and generally among other barbarous nations; in fact, every aboriginal is a true child of nature,—and nothing more than what is actually required will be found in their language. Reduplication is a feature in the aboriginal language of the two Melbourne tribes, which renders it at one and the same time simple and harmonious. The degrees of comparison in the adjectives are generally formed thus—Worbrinun, tired; worbrinunun, very tired; worbrinununun, excessively tired—regularly done. Nerrebrunin, hungry; nerrebruninun, very hungry; nerrebruninunun, regularly famished; and so on, though they sometimes say kungee nerrebrunin, excessively hungry.

ARTICLES are seldom used, the numeral adjectives answering fully their purpose. The article is always used (though at the termination) when describing any part of the human frame, and that in an elegant manner. Arter, the; thus—Myng, eye; myngarter, the eye; tallan, tongue; tallanarter, the tongue. They however often use the particle *o* for the, as—tenung, foot; tenungo, the foot; myngo, the eye, &c.

PLURALS are generally formed with the numerals, though sometimes (quite an original method) by *ge* to the end of the first singular, making both the substantives plural, thus—koolin, man; bagrook, woman; koolinge-bagrook, men and women: and often dispensing with the conjunction altogether; thus—wein, fire; parn, water; wein-parn, fire and water.

VERBS are more regular; in fact, they appear one and all upon one general footing, like the French, but destitute of the irregular and reflective. Their verbs invariably terminate in *eit*. The *eit* cut off and the verb may be conjugated; though I could never go through or find out, as in the French and English grammar, the whole of the tenses. I select a few of the principal verbs.

Banganeit	to have	Paarthrabuneit	to steal
Burgoneit	to spear	Tunganeit	to eat
Bouldoneit	to fall	Toewangeit	to go
Boundoneit	to bite	Tomboneit	to enquire
Gnolbuneit	to carry	Toomdereneit	to talk
Gormurgeit	to cover	Tiowoneit	to be sick
Komargeit	to get up	Umoneit	to throw
Koonaneit	to hold	Koomoneit	to bury
Mardoneit	to cry	Wolwooneit	to run
Monkeit	to make or do	Weagolaneit	to die
Marngoneit	to mend	Wongoruneit	to be stupid
Narngoneit	to hear	Yemoneit	to dwell
Ngarneit	to see	Yaarkoneit	to look for
Nobeaneit	to drink	Yarwoneit	to swim
Pundarroneit	to dig up	Yannoneit	to walk
Purrumboneit	to rub out	Yangowlaneit	to go away

Thus—bangan, have; banganerdon, I did have; yarwon, swim; yarwonerdon, I did swim; tanganaraka did I eat? bouldonerdon, I did fall; and so on. Since they have been with the white people they however use the pronouns I, you, &c., thus—murrumbek yarwon, I swim; murrumbinner tanganan, you eat; &c., &c., &c.

PRONOUNS are also subject to reduplication by abridging or annexing to the terminations, thus—

Murrumbek	I or me	Murrumbinner	Thou or you
Murrumbiek	Mine	Murrumbianner	Yours

ADVERBS in like manner, as—

Ganbo	One	Bengero	Two
Ganboden	Once	Bengeroden	Twice
Ganbony	First	Bengerodenum	Second

PARTICLES are seldom used separately, and are so strangely interwoven with verbs, adverbs, and the other parts of speech, that, in a brief sketch like this, it would be useless to enter upon.

CONJUNCTIONS they have but few; but all that is necessary.

I will now give a list of the principal adverbs, particles, prepositions, conjunctions, &c. The verbs have been briefly given, and the adjectives will come in the regular vocabulary.

ADVERBS OF NUMBER.—Ganboden, once; tindee, only; tindee bengero, only two; tindee bengero-gammel, only three.

ADVERBS OF ORDER.—Ganbony, first; ganbronun, first time; bengeroudin, second; telutkin, before; kurrengerin, after; wunadak, behind; werneit, last; mingo, beginning; toloma, middle; moibo, end.

ADVERBS OF PLACE.—Karbe, here; temon, there; mihi, these; notto, here; winda, where; windowring, whither; monkir, thither; karboit, above; kubberdon, below.

ADVERBS OF QUANTITY.—Bullito, much; kertherba, together; wyebo, little; nogee, enough; uungo, more; bullitodebar, too much; wyebo-debar, too little; wootunno, abounding; nungutbudin, how many; nunggubduddin, how much.

ADVERBS OF TIME.—Netbo, now; wombo, sometimes; moloco, presently; yellowä, to-day; baboreen, to-morrow; mola molok, yesterday; mologuan, by and by; yerramboot, day after to-morrow; yellingout, another day; banban cram, morning; kurren munnebo, noon; krungine ngervein, evening; borun, night; gnanbo, long time; tutanbo, short time; nierbuddun, never; nunnelliner, then; borundut, midnight.

ADVERBS, NEGATIVES.—Nier, nay; utur borak, no.

ADVERBS, INTERROGATIVES.—Wener, which; winnerdon, which one; windower, to which; wener, what; winnerer, what is; winda, where; windart, where did they; kunne, this.

INTERJECTIONS.—Ki! ki! surprise; ur! ur! hush! hark! yarka! grief, pain; wa! wa! look out!

PARTICLES AFFIXED, &c.—Ut, in; oot, on; dap, in; wea, in the; wa, to, at; arter, the; o, the; burnin, at; ter, add; teno, at the.

CONJUNCTIONS.—Bar, and; ge, occasionally, and; tey, also.

PRONOUNS.—

<i>Singular.</i>		<i>Plural.</i>	
I, or me	Murrumbeek	We	Murramaner
Thou, or you	Murrumbinner	You	Murrumbinner
He, or him	Munniger, kargee	They	Murrumnnuller
<i>Possessive.</i>			
Mine	Murrumbieek	Us	Nurnin
Yours	Murrumbianner	Them	Murthiger
Ours	Murrumbunarter	Myself	Ganieek
His	Kargeeieek	Yourself	Ganninner

N.B.—It will be necessary here, in order to give an idea of the use aborigines make of these small particles, to give examples, thus:—Ut, in; beek, ground or earth; beekut, in the ground. Willum, house or miam; willumut, in the house. Dap, in; koorong, boat; koorongdap, in the boat. Wa, in the; weing, fire; weingwa, in the fire. Wa, to or from; Sydneywa, to Sydney. Oit, to or at; Melbourneit, to Melbourne. Arter, the; tallanarter, the tongue; myngarter, the eye. O, in the; weingo, in the fire; &c., &c.

The aforesaid will, I trust, be to the Committee and philologists some clue to the language of the two Melbourne tribes, comprehending no small extent of country along the coast and inland to the Goulburn, Ovens, Broken, and Devil's Rivers, which may serve as a key (as far as my experience goes) to a chain of communications throughout Victoria, and upon the same rule, throughout the whole of New Holland. I leave this sketch and my remarks for what they are worth, and now proceed to the vocabulary.

SUCCINCT LANGUAGE.—MORT NOULAR.

ADJECTIVES.

Bitter	Ballin	New (fresh)	Tur-den-den
Broad	Yerringooden	Old	Wag-ga-bell
Big	Bullitto	Poor	Wa-wat-tun-ner
Blind	Toutmyng	Proud	Tou-lup
Bad	Nillam	Pretty	Bourn-dup
Black	Woorkoordin	Round	Pi-o-bu-bur-din
Blue	Wookurrerble	Round (as tree)	Piou-bur-rin
Clean	Kurrebully	Rough	Te-rip-te-rip
"	Worrework	Rotten	Brun-guit
"	Woorrebully	*Rich	Narn-get
Dry	Kuubebel	Red	Be-bet-ur-nin
" (dead)	Bidderup	Short	Mort-ku-ding
Deaf	Toutweing	Sweet	Bab-ber
Dirty	Woogurrin	Strong	Pal-lect
"	Woogulbunna	Sloping	Kur-nurm-bil-ber-ding
Dark	Boorundara	Square	Purk-bun
Deep	Mer-rim	Stupid	Naw-lun-nin
Deeper	Mer-rim-er	Sound	Pal-let-ku-ding
Flat	Koy-eon	Sick	Tarn-der-bun-in
Fat	Marm-bull	Sick (not well)	Toy-yon
Free	Poo-tun-uk	Sick (very)	Gee-gee-ry
First	Gan-bro-nun	Straight	Ur-din
Good	Mar-na-meeek	Smooth	Barm-bur-din
Good (very)	Boon-dup	Slow	Port-be-uk
Greedy	Bul-let-garn	Stinking	† Buun-koon
Giddy	Lar-lun-en-et	Sweet	Lal-lee-woon
Hot	Num-mun-in	Tall	Kur-nile
Hot (as fire)	Tou-nar-bon	Thick	Bun-neet
Heavy	Bern-bern	Thin	Lal-lum
Hungry	Ner-re-brun-in	Thirsty	Kurn-brun-in
Hoarse	Kiel-bul-un-in.	Tired	Wor-brun-in
Industrious	Tar-tuk-ur-nup	Ugly	Nil-lam
Idle	Tour-nur-nin	Upright	Murm-bull
Lazy	Tour-lin-tab-lun	Upright (as a stick)	Ter-ree-dee
Lazy (very)	Tour-nur-ne-nun	Wet	Toln-go don
Lazy (sluggish)	Tal-lun-der-ner	Wet (as damp)	Tul-gru-min
Long	Ner-rim	Weak	Bo-rup
Light (weight)	Bul-ler-bul-ler	Wicked	Me-ung-o-wor-gile
Little	Wye-bo	Wicked (bad)	Nil-lam
Lame	Nar-boon	Well (not ill)	Ko-rum-din-in
Last	Van-neite	White	Tarn-der-din
Long	Ner-rim	Wise	Narn-ger-bon
Mighty	Bool-ut-pall-ect	Wide	Wyl-gul-ter
Nasty	Nil-lam	Young (male)	Yan-yeen
Narrow	Win-nin-koo-dip	Young (female)	Mon-mon-deek
New	Moo-lo-good	Yellow	Ki-er-lin

* Not in our sense—wealth; but estimation—eloquence, advice, or war.

† A nasal long drone.

SUBSTANTIVES.

Parts of the body.

Body	Mur-rum
Hair	Yarra
Hair (of the head)	Yar-ra-kow-an
Head	Kow-an
Head (crown of)	Troot-toop
Skull	Turp-turp
Brain	Tourn-tourn
Forehead	Myng-nin
Bone over eyes	Tourn-a-myng
Ear	Wer-ring
Eye	Myng
Eye brows	Yar-ra-myng
Eye lashes	Yar-ra-de-myng
Eyeball	Woor-wor-ri-mer
Nose	Gaarn
Nostrils	Myng-gaarn
Mouth	Kun-der-ner
Mouth (open)	Um-ble-bun-ark
Lips	Woor-roon
Teeth	Lee-ang
Tongue	Tal-lon
Cheeks	Woung
Cheek bone	Tourt-woung
Chin	Un-duk or nun-duk
Jaw	Eurt
Beard	Yar-ra-nun-duk
Moustache	Yar-ra-mon-tu-be-run
Neck	Kourn
Shoulder	Buck-ur-er
Arm	Ter-ruk
Elbow	Ko-rum
Armpit	Won-gu-ruk
Wrist	Un-ung
Hand	Mun-ung
Hand (palm of)	Ber-ring-ber-ring
Fingers	Mun-nong
Finger (first)	Won-mun-mill-uk
Finger (little)	Won-mun-mill-uk-wye-bo
Thumb	Bar-bin-bar-bin
Nails	Tir-re-bee-mun-ung
Breast	Bar-um-boom
Breast (nipple of)	Brem-brim
Bosom	Ber-ring
Belly	Bourt
Naval	Tour-luk
Back	Bun-nin-bun-nin
Backbone	Nilgn er-ur-ruk
Ribs	Nilgn-e-tur-min
Posteriors	Bill-ake
Hip	Kow-an-hour-no
Thigh	Ngar-ke-ter-rang
Knee	Bur-din
Leg	Lour-ko
Leg (calf of)	Lourk
Ankle	Tour-rum-ke-kun-uk
Foot	Te-nan
Instep	Ngar-te-nan
Heel	Pern
Toe	Kow-an-te-nan
Toe (big)	Bar-bun-te-nan
Toe (little)	Wye-bo-te-nan
Skin	Tar-bo
Bone	Nilgne-ka-rook
Flesh	Ngar-huk
Windpipe	Tur-tur kur-rum
Lungs	Nin-nin-e-bourt
Heart	Toor-oor
Breathing	Ang
Throat	Tum
Gullet	Tal-ler-be-goörn
Stomach	Tur-rum-ber-lin
Guts	Moon-mur
Liver	Boür-doo
Kidney	Woor-ror-marp
Kidney (fat of)	Marm-bul-lä
Bladder	Mour-rut
Urine	Bul-gi
Vein	Gour-uk

Sinews	Pee-reep
Blood	Kul-mul
Marrow	Dee-dit
Sweat	Moor-run-moor-run

Of the Heavens, &c.

God (or first cause)	Pundgyl-Marman
Devil [some tribes have]	* Bull-gen-kar-nee
Heaven	Woor-woor-rer
† Hell	Moo-cep-nall-ook
Soul	Moor-roop
Spirit	Nar-roon
Ghost	Moor-roo-bull
Apparition (of one dead)	† Lam-bar-moor
Sun	Nger-wein
Moon	Myn-cam
Star	To-py-rum
Cloud	Lark
Sky	Woor-woor
Morning star	Woo-to-ko-rook
Evening star	Mar-be-ang-rook
Dew	Boo-re-arn
Fog	Ng-err
New moon	Burm-bo
Half moon	Bul-go
Full moon	Tu-an-de-boop
Thunder	Woon-du-ble
Lightning	Moor-rin-no
Ice	Tarn-bulk
Snow	Kab-bin
Hail	Tu-dee-war-ree
Rainbow	Brin-beal
Storm	Ko-reen
Wind	Morn-moot
Whirlwind	Burt-ko-reen
Hot wind	Weet-mul-lin
Rain	Parn-min
Spring	Moo-dee-e-ram
Summer	Mer-rim-Nger-wein
Autumn	Moo-dee-Nger-wein
Winter	Per-ring-Nger-wein

Cardinal Points.

East	Kul-lin-bi-rem
West	Nut-bro-ki
North	Bur-gee
South	Koor-reen

Sea	War-reen
River	Woor-neet
Spring (rise water)	Gan-noon
Creek	Kun-nung
Waterhole	Täm-boore
Waterhole (temporary)	Pun-pun

Four Elements.

Earth	Beek
Air	Ngrn Tou-rä
Fire	Weing
Water	Parn

Five Senses.

Taste	Bar-ro-muk
Smell	Ngar-o-buk
Feel	Purn-boo-nuk
See	Ngar-noon
Hear	Ngar-goön

Face of Countries.

Mountain	Bun-null
§ Ranges	Noo-ur-or-ur-rook
Hill	Wye-bo-Bun-null
Rise	Mill
Flat	Taul
Swamp	Bull-ook

* My blacks state, this only means ugly.

† They have several terms for the abode of bad souls. This is the most impressive, continued descending through a narrow opening, and never stopping.

‡ A long solemn drone.

§ Every range has its name; likewise every mountain has its particular name; so that blacks can state the precise mountain or hill in an extensive range where they will meet. I have upwards of 200 names of mountains in the Australian Alps. Aborigines require neither latitude nor longitude; plain nature by day and the stars by night.

	<i>Stone, Clay, &c.</i>		
Stone	Larng mong	Kul-bul-ling-ur-rook	Native tomahawk, made from a blue flat pebble stone, found in certain ranges. The blacks had great labor to get them to cut; the handle was bent wood
Flint (white)	Oo-work	Min-der-min	Native nails or pegs made by hardening wood in fire
*Red (ochre)	Wee-rup	Pee-reep	Native thread
White (ochre)	Nar-rum-ble	Moo-gra-moo-gra	Kangaroo bag, in which the black holds all his wealth but his spears
Brown (ochre)	Ter-reel	Be-lang-be-lang	Native bag, made of grass
Brick	Der-re-kul-mul	Bin nuk	Native basket, made of native flags of grass
Clay	Nut-kun-tare	String (Europ.)	Woo-gle-woo-gle
Gravel	Ter-rec-beek	† Looking glass	Woor-un-dul-min
Coal	Lourn	Gun	Trang-bul-la-bill
Charcoal	Kun-nun-dare	Powder and shot	Mor-ra-doo
Sand	Kar-ga-ruk	Flint (of gun)	Pel-lin [or] oour-uk
Ashes (dust)	Mun-nip	Knife	Kul-pen-kul-pen-gee-up
	<i>Kindred.</i>	Fork	Kal-lup
Man	Koo-lin	Spoon	Tourn-der-ry [made of bark]
Woman	Bag-rook	Bason	Ko-ron-er
White man	Hom-mer-geek	Box	Lil-le-ry
Black man	Woor-gur-din-koo-lin	Brush	Wor-oor-wort
Old man	Wag-a-bil-koo-lin	Dish	Wel-len-wel-len
Old woman	Moon-deg-rook	Pannican	Pan-ni-can
Infant (male)	Wye-bo-Bo-pup	Candle	Marm-bull
Infant (female)	Wye-krook	Hammer	Num-bert
Child	Bo-pup	Chisel	Beum-bean
Girl	Mon-mon-dik	Saw	Pinder-bul-lup
Young man	Yan-Yean	Axe	Num-be-mon
Young woman	Mon-mon-dik	Gimblet	Man-mure-bul-lup
Husband	Nan-go-ron	Spade	Bel-ler-er
Wife	Bren-bun	Hoe	Wye-bo-bal-ler
Son	Mum-mum	Ship	Bul-li-to-koo-ron
Daughter	Man-gip	Boat	Wye-bo-koo-ron
Father	Mar-man	Paddle (as canoe)	Kun-ne-ko-lon
Mother	Par-pun		<i>Animals.</i>
Grandfather	Ner-bun-ger-ron	Kangaroo	Koo-im
Grandmother	Ko-kung-e-up	Wollaby	Wym-bir
Sister	Leur-rookong	Wombat	War-reen
Brother	Woon-do-l	Bear	Kur-bur-rcr
Elder brother	Barn-gun	Bandicoot	Boe-ung
Elder sister	Lun-dun	Opossum	Wal-ler-Wal-lert
Uncle	Kurn-kurn	Flying squirrel (three kinds)	Eur-run
Aunt	Bum-boon	Smaller kind	Ku-an-bo
Niece	Pa-ren-ger-roon	Very diminutive	Tu-an-tu-an
Nephew	Nar-bung-ur-roon	Kangaroo rat	Ber-uke
Half-cast	Tree-be-mur-rum	Rat (common)	Ty-ung
Friend	Kor-ki	Ringtailed opossum	Be-min
	<i>Clothes, &c.</i>	Mouse	Bar-rut
Coat	Woor-kud-der-bil	Dog	Wer-run-un
Trousers	Ta-rang-ar-look	Dog (wild or native)	Wer-ren-wil-lum
Shirt	Ta-run-a-look	Cat	Urn [or] yurn
Shoes	Te-nan-a-look	Water mole	Tu-la-or-ong [or] Pal-la-rale
Hat	Kum-bra-kow-an	Platterpus	Mur-rin-moor-roo
Mur-ri-guil	Worn over secret parts of males till married	Hedgehog	Kow-an
Nour-rite or Kiar-yeun	Worn over secret parts of females till married	Horse	Kul-ken-tur-nuk
Leek	Band round forehead, worn by male and female	Bullock	Bul-gan-ner
Mur-rur-kul-lim	Band neatly made of thread	Sheep	Eu-ep
Til-bur-nine	Fine apron made of emeus' feathers, goes all round the waist, worn by females in a single dance		<i>Birds.</i>
Mur-ri-kle	Strips of opossum skin worn to hide the fundament in males when in a dance	Bird (general term)	Koy-up
Kourn-but	Necklace made of reeds	Emeu	Bur-ri-mil
Kourn-ur-run	Fine necklace, made of the sinews from emeus' legs	Native companion	Kur-ur-rook
Wal-ler Wal-lert	Opossum rug	Turkey	Woon-mar-bel
Yel-ler-ne-bre	A blanket	Pelican	War-gill
Yell-un-cet-tur-ruk	Band round the arm to strengthen arm	Swan	Koon-war-ror
Ber-buk	Belt round the belly to keep off hunger	Mulligan	A large bird of prey, lives only on birds and fish by the coast
Mi-am or wil-lum	A house or place to lie down in or live	Eagle (very large)	Pun-dyl
Yel-low-dung	Sapling from one end to the other of the miam	Eagle (smaller)	Ber-pip
Lee-an	Forked sticks to support the sapling of miam	Sparrow hawk	Par-rite
Tourn-der-ry	Thick bark with which the blacks make miam	White hawk	Kab-bin
Bol-loom	Thin bark which blows off trees, kindles in an instant	White do. (very small)	Tur-ter
Tar-nuk	Native bucket, made from the elbow or wart of trees	Lyre bird	Bulln-bulln
		Nankeen bird	Kar-warn
		Pigeon	Moon-go-bra
		Cockatoo	Gnur-uile

* These ochres are used promiscuously in painting their bodies for corrobberies, &c.; but two of them for sacred purposes; viz., the white for mourning; red, for joy when a victim has been offered up for their dead.

† When white people had regularly made a footing at Port Phillip, one, Budgerry Tom, was noted for giving names to European things and animals. These names are mostly of his giving.

Black cockatoo	Gnur-nan
Cockatoo parrot	Kar-mile
Parrot (general name)	Tan-dun
Ditto (Magella)	Bro-gil
Ditto (Blue Mountain)	Lar-guk
Ditto (king)	Uu-gup
Ditto (very small kind)	Nel-la-woon
Satin bird	Ngar-ran
Whip bird	Yan-yan-gak. So named from its noise, like the cracking of a whip
Wattle bird	Yan-guk
Leather bird	Be-rat-be-rat
Mawpoop	Goor-koom (night bird)
Cuckoo (noiselike)	Woork-woork
Magpie	Per-er-warn
Gean-gean	A bird between a crow and magpie. [The natives have strange superstitious notions of it]
Crow	Warn. [Superstitious of this]
Laughing jackass	Tour-ur-rong. [Called the bushman's timepiece]
Bell bird	Trin-war-reen
Redbreast	Tee-ung
Fowl	Bowl
Duck	Tou-loom
Kor-rung-un-un	Very large water fowl
Goose	Nup-nup
Quail	Tre-bin
Snipe	Kruk-wor-rum
Soldier bird	Bill-bill-man-nere. [So named by the whites from its always being on the <i>qui vive</i> , and alarming the forest, to the great mortification of the sportsman]
Tug-gan-kow-an	A small bird, makes a howling distressing noise
Bat	Pol-ly-ong
<i>Fishes.</i>	
Tu-at	General name of fish
Whale	Pet-ti-heel
Shark	Tal-lan-nur-run
Porpoise	Bar-bar-kā
Salmon (a kind of)*	Kur-nur-guil
Cod (in Goulburn and Murray)	Mal-lun
Lobster	Kur-rite
Craw fish (fresh-water)	Tar-luk-purn
Craw fish (salt-water)	Toy-yon
Oyster	Tou-at
Mutton fish	Woor-din
Cockle	Mur-yoke
Muscle	Mur-bone
Pennywinkle	Pid-de-ron
Sprat (a kind of)	Tal-li-bal-li
Herring	Tar-uk-war-ra-bil
Leech	Ter-rum-be-leet
Frog	Nar-rut
<i>Miscellaneous.</i>	
Insects (general term)	Kam-kam-koor
Locusts (green wings)	Tee-een
Locust (a large kind)	Karl-kal. [The dung of this insect is sweet; it is generally termed mannā, though not generally known to be the soil of this insect; but such is the case. I have gathered as much as a quart from the targon (or box tree), at its base of a morning]
Moth	Bar-lum-ber-lun
Butterfly	Bol-lom-bol-lom
Grasshopper	Nar-rite
Fly (common)	Kow-urk
March fly	Kurm-bur-ra
Mosquito	Koor-gook

Flea	Man-nun
Louse	Noo-noon
Lizard	Eu-roke [or] Tun-per-rim
Ditto (small kind)	Nur-rung
Ditto (very large)	Per-ren-un. [At the Ovens and Broken River; and to the north they run to four, five, and six feet long. I have measured one five feet]
Ditto (another kind, very fat, but small)	Pudg-gen. [Eaten by the blacks generally]
Snake	Karn
Ditto (black)	Tar-run-del
Ditto (diamond)	Koon-mill
Worm	Tur-ror
Grub	Ver-ring. [Very large and fat; blacks eat them raw. Said by Europeans to be fine eating, when roasted or fried]
Grub (smaller)	Bear-uk
Grub (very small)	Yeour-ong. [Not bigger than a small maggot. I have seen quarts and pecks of them got from near the roots of the trees. The blacks mix them with charcoal, and thus separate them from the rotten tree and eat them]
Centipede	Ter-run-mur-ruk
Ant (common)	Murrub
Bull ant	Ocur-rong. [Awfully sharp bite]
<i>Trees, Shrubs, &c.</i>	
Tree (general name)	Tur-rung, kulk
Tree (blossom of)	Kurn-brook
Tree (seed of)	De-ran-dell
Tree (root of)	Wea-eu-ruk
Tree (trunk of)	Wee-reep
Branch	Ter-ru-galk
Leaves	Mur-run
Veins	Mur-rer-mur-uk
Sap	Tu-un-no
Bark	Tourn-der-ry
Gum tree (red)	Be-al
Gum (white)	Yar-ra-bin
Be-nup (a gum)	[Grows stately, but very irregular in its branches; pure snowy white bark. From the elbows of this tree the blacks formerly made their tarnuks or water buckets, which appear by a kind Providence to be designed for that purpose]
Box tree	Tar-gan
Ditto (bastardy)	Beet
Stringy bark	Bun-ger-look
Ditto (inferior kind)	Way-out
Light or black wood	Burn-nar-look
Ditto (spurious)	Marn-gan-noy-an
Peppermint	Eur-look
Honeysuckle	† War-rak
Sheoak	Tur-run
Turpentine (tree)	Vi-al. [The oozing from this tree the natives use as a plaster for wounds]
Wattle tree (common)	Kur-run
Ditto (silver)	Moy-yan
Ditto (marmoza)	War-our-e-rup
Ditto (dwarf)	Eurt
Cedar (bastardy)	Wy-gout
Cherry tree	Poo-lyte. [The stone grows outside, and not inside, as in Europe]
Fern tree	Kum-ba-da
Ditto (short ditto)	Ku-der-ron
Cabbage or grass tree	Kum-be-deek
Pivit (shrub)	Kar-ran
Myrtle (native)	Tid-e-am
Strawberry (native)	Koo-gor-ruk

* Shoals of these in muddy rivers at Western Port.
 † Tree generally stunted, not more than six or eight inches in diameter; but on the Ten Mile Beach, between Moody Yallock and Mount Eliza, between the two first inlets of the sea, on mere sand, they grow as high and in diameter as a huge gum tree.

Rush	Bourt-bourt. [Good substitute for candles in the early history of the colony; grows a fine size at Western Port, and used by the primitive settlers there for candles]
Flag (many kinds, principal)	Kur-ra-wan. [Black lubras make fine baskets and mats of them split]
Fig (native)	Bung-bur-rulk or Kum-me-ree
Butter-cup	Kurm-bur-root
Convolvulus (three kinds)	Nur-rur
Grass	Bo-curt

Vegetables (indigenous), &c., eaten by Blacks.

Tal-le-rup	Grows 3 feet 6 inches high on the rich land and swamps; they eat it raw; tastes like cabbage
Yep-pere	Small sweet bulb
Mur-nong	A nourishing bulb, grows on poor loomy soil; blacks very fond of it
Kurn-ger-rer	Tapering root, like a carrot; eaten raw, or thrown into the fire
Boo-yeat	Grows high, like Kum-be-duk. They bruise the outside, with which they make a kind of dough; eat the inside raw
Kur-run	Gum; a valuable portion of aboriginal diet. In dysentery they use it as a medicine made up into pills—a good medicine too
Kurrn	A small maggot; eaten in thousands
You-urn	Larger kind; eaten also
Knu-nal	Eggs of ants
Nurm-nurp	Large vegetable, grows in rich land and swamps, as high as celery and not inferior

Bourt-deet A superior fibrous vegetable; blacks eat it raw or cooked

N.B.—It would be well here to state, that these roots are all indigenous, and were in abundance before the whites came among them. Civilized, or tamed, animals and enclosures have much diminished their dependence. All were eaten by the blacks. To avoid touching upon the like subject again, I may state, that all animals, except the snake and a few other animals, were eaten by the two Melbourne tribes; and tribes to the westward—even the Geelong blacks—used to eat snakes and bodies of large moths.

European Food, &c.

Bread or flour	Ner-rong
Rice	Kur-ran
Sugar	Gaem gaem
Meat (general)	Win-gar-um
Beef	Bul-gan-ner
Mutton	Eec-up
Pork	Tal-lum. [I must remark that, when I first came among the aborigines, they would not eat any part of the pig. I soon found, however hungry a black might be, that he would not partake of a rasher of bacon. They could not explain why, only "no good pig." They, however, have long got over this prejudice, and now enjoy it much]
Biscuit	Pal-let-ner-rong
Soup	Lil-le-bro
Tea	Mor-an-doo
Butter	Brim-brim-o
Milk	Brem-brem
Herbs	Par-rum
Carrots	Kam-bo-duk
Tobacco	Kun-ang-ner-ro-men
Spirits	Bal-lam
To drink spirits	No-bi-an-bal-lam
* To get drunk	Bul-li-to No-bi-an

A FEW LEADING SENTENCES.

Come here	War-ra-Wee	Take it	Koon-uk
Go away	Tan-na-To a	Go and fetch	Yan-na-no
Give me	U-mar-leek	Cut it	Ti-buk
Lend me	We-am-be-kan	Put it down	Mar-buk
Bring me	Won-da-nun	Sit down there	Nor-lum-bee-not-to
Send me	U-ro-ma-kun		

Come here to-morrow, and cut me some wood, and me give you white money.

What for you stupid, and get em big one drunk; by and by you die like it another one black fellow.

Will you go with me?
Where are you going?
This way, that way.
What going for?
To look out kangaroo.
Where are your spears?
Here, in my miam.
No good spear. Very good gun.
Now, let us go.
Me see kangaroo; no you make noise, me shoot him.
Go on fire. Ah! tumble down dead.
No dead, only gammon; you see run away that one.

Big one stupid. Now, go look out opossum.
† Me see tracks up the tree.
Black fellows' corroberry to-night.
No; too much tumble down rain.
You tell 'em black fellows to corroberry, and me give them white money.
Black fellows big one stupid, no corroberry.
What for black fellows no corroberry?
Black fellows die last moon.
Black fellows' corroberry to-morrow night.
Yes, big one corroberry; all black fellows dance.
Don't you know another one moon come?

Ba-bo-ring mur-rum bin-ner wo-man, bar til-ben-er kulk, bar murrumbeek umarleek white money.
Kundee vener wong runain murrumbinner bar bul-lito nobean ballam molocho weakon tandowring uungo koolin.

Tan-na-noul? †
Winda lingo murrumbinner?
Temon-o, temon mihu.
Kundee vener?
Kundee koim.
Winda tarren-o?
Mihu Willumut.
Nillam tare Marnameek tranbulla-bel.
Yan-na-wat.
Narnardun koim nier bunner tomboonner murrumbeek vioner.
Mangkonuk vioner wa trantublulneit.
Borak weakoner, tindee moyup, murrumbinner ngarren woolwoor.
Nowlununartun, warrentenu, kundee waller wallert.
Nangerdon munnung kalligi myngnoit.
Koolin ngargunner borundut.
Utur, bullito parn-min boldoneit.
Tombannerreunun ngargun, bar murrumbeek umal-len white money.
Kooliner, wongrunin bullito, borak ngargun.
Kundee vener borak ngargee kooliner?
Koolin weakun ninneam verneit.
Baborin borundut kooliner ngargee.
Yea, ngargoon waga-bil, umarko koolin yeilve nier.
Mangeit mincam uungo womon?

* The first black I ever saw drunk was of the Goulburn tribe—a man in years. Poor fellow! He was brought up to my tent by his wife and others, to know if he would die—had he been poisoned. He cried, staggered, and lay down in my tent: this was early in 1839. I believe, such was their innocence at that time, that the blacks thought he had been poisoned. Alas! now they crave this poison.
† This "noul," at the termination of the verb go, answers to "will you with me?"
‡ Blacks can tell by the bark if an opossum is up, by claw marks.

DIALOGUES.

ON RISING IN THE MORNING.

Awake; get up, get up, get up.
I will get up directly; stop, stop, my trousers are wet.

Get up and make the fire; the sun is high.
You are lazy; get up; chop some wood; the sun is up; dry your trousers.

What for you tell 'em lie; sun only little up. Where tailwork?

Tailwork not dry; name who leave it on the ground last night.

Now it is dry; go on, turn away. Ah! I see smoke; fire soon come.

Very good now, big one fire; now sit down and smoke your pipe.

All good white men when they get up, say their prayers, and thank God for taking care of them all night.

Big one stupid me and all black fellows, no like it white man.

Ngiemuk; kommergee, kommergee, kommergee.
Murrumbek kommergee tudan; burra, burra, murrumbiek tarrunarlook tulgunner.

Kommargee werigut vein; ngervein karboit.
Tandnm murrumbinner; kommagee; tilberner kulk; ngervein karboit; biderup tarrunarlook.

Wenerrer wa moyutpin murrumbinner; ngervein tindee wyebo. Winda tailwork?*

Tailwork nier bidderup; perrero wclain narlumboon nge, bukerborin molomolac.

Netbo bidderup ure purrumbon. Ah! ngeren port molocho vein woman.

Marnameek netbo, bullito vein; narlumby prombean pipe.

Bondup kommergee-ker nerdoit kommergee pardogurrabun, bar thank Pundgy'l marman, tuduk kununner nerrembee borundut.

Wongrunin murrumbek bar koolinner, nier tadowring hommageek.

ON GOING A JOURNEY.

Now, my blackfellows, make haste and get your breakfast; we will be going.

Where are the bullocks?

Over there, behind that hill.

Did you see their tracks?

Yes; I saw them this morning.

Where did they bed last night.

By the big tree, don't you see their dung?

Go and fetch them, that's a good fellow; I will lend you my horse.

Very well; where?

Bridle and saddle, I will go and fetch them; put my bag in the cart.

Now get the things together. Where are the pannicans? Don't leave anything behind.

Here are the bullocks. You are a good fellow Bugup; here is a stick of tobacco for you.

Now blackfellows, hold up the pole of the dray, and two of you hold on the back of the cart.

There now, that will do—stop, let us see if anything is left behind, look about.

Eur barbullin kunarkut yanner bullen kunnee wat, kunnee wat.

Winda wottering bulganna?

Karbering miring bunnul wā.

Narnadarta parren teno?

Yer; Narnnerdonerun banban eram.

Windart kudunger borundut?

Narnnarlonniart karlto kuddalling tarrung kunar?

Kungargewat wallarboyun nullinner, kulkelturnegiek.

Kungargewat?

Worong kukedo nunnieek pelan minebuk ngargee karber voit.

Perkart yarrite ketherbā, windowring tarnuk tumart nowvolumberner yarrite

Mihu pinnuk tudeyoul. Kungewā boundup Bugup; moode yanner kunnunne murromanner.

Netbo tarmbar karteekulgo, bengeronewat mummedo karter.

Nogeeballing, nageeballing tudan, yartkun nut terreee yarrite ngarreen.

OF EATING AND DRINKING.

Put the pannican on the fire. Where are the tea and sugar?

There is no water. Tell the lubras to get some water; pannican in miam.

I cannot see the pannican; it is not in the miam; I have looked all about.

Oh! big one, stupid me, it is behind the miam by that gum tree.

Wash the pannican. Very good clean, no good dirty.

Me big one hungry. Where is the kangaroo, the opossum, and the bandicoot?

There they are, also the bear, wollaby and wombat; put them all to the fire. Plenty of food in the bag. Sit down to-day; no look out, only eat, sleep, and sing.

Here piccaninny, give that to the lubras, and tell them when they have eaten to go and look out gum for blackfellows to eat.

This kangaroo is very good, it is a joe; here is another, young lubra, ah!

The water boils, put in the tea, and give some to the children, and they fetch us more water.

You too much greedy piccaninny; you give some of that kangaroo to that piccaninny out there.

Now let us sleep, big one stupid; white man work every day, no like 'em this. No you make a noise piccaninny; play out there. Big one bellyful me.

Korourk pannican veinait. Winda morrador bar gaem gaem?

Nier parn. Toom bergee bagrook wantagu parn; pannican willumut.

Nier ngerren pannican murrumbek, miring wilum, nier yarkunner.

Oh! wongurrinin murrumbek, monkir willumut karbe nge beal turrung.

Kurworbun pannican. Marnameek kerwoneit, nilam kunnit pin.

Nerrebrunin bullito murrumbek. Windowring koem, waller wallert, bar boong?

Notto nangeit, bar wimbi, warren, turnanook umarko, bar kurborā, bullito tanganan narlumby woollaminin, quombā yellinewā, utur, koondee, tinde tanganan, yemen bar yengerk.

Wā! bopup kunuk kunnee bagrook, tombanna bagrook, tinderbuk tanganan, dado koondee kurruntuduk koolinner bullito tanganan.

Kunne koem marnameek, joe kargee; bar unngo marnameek, monmondeek, ki!

Parn touloppun, quambā morador, bar umarleek bopup, tudun bopup wantagee parn uungo.

Bullito garn murrumbinner bopup, umerleek bopup monkyne nge, tanganun koem tudan.

Netbo mallyemena, bullito wongorunin hommageek mongan yellenwa yellenwā, nier tadowring ngenier bopup tillutkerin monkyne nge, bullito marp murrumbek.

PLAYS AND DIVERSIONS.

What shall we play at first?

We will play at ball, you make it up, very high don't you see one. Very good that one, go on kick.

Come, come; me get it; make haste.

Take care of the child; no me throw it down; no me stupid.

Throw it out again; out further. Call the boys outside.

Wener ganbony tillutkerin?

Mangut marnameek, mongun ganbony murrumbinner, marnamuk kunnup, ure kurruk ngerin karboit.

Kolly-warree, wolley kungardon.

Tartbuk bopup niup badan umite nier wongrunin murrumbek.

Umark worreder, weatbuk, marnameek, tombargee bopup millarree.

*When I first came among the blacks, not an adult male or female were without their tailwork—a wood from which they procure fire; not by friction, as the Sydney blacks; but perpendicular, as working a drilling-bow.

7006

Take care of the stumps, take care now, you go on too fast.

No more ; that will do ; the ball broke ; sit down.

Play at soldiers. Come here. Stand up. Hold up your head. That will do, that will do.

Right about face.

Stand at ease.

Attention.

Quick march.

Another one day get 'em guns.

No more play now, it is too hot. When go down sun, then play at wavoit.

Now koolin, where wavoit? Come all blackfellows.

Now let us see who throw out the farthest. Throw it out.

You can't catch me. No you take it, my wavoit. This is mine. No, no ; me give it you.

All done play. Dark now. Come on, come on. You walk and I will run.

Sit down. Where pipe? Outside, inside miam ; make haste and get it.

Sit all around. Stop, just stop.

Warregerry kulk, warregerry kulkerbrook, kulberlin woovoneit murrumbinner.

Nogee, nogee, mangut tinderbeck, narlumby.

Tillutkerrin policemen. Warrä wee. Terridee, kommergally, berunggally, nogee, nogecmee.

Pierup koodelly.

Tilbert mununinner.

Tilbert terreninna.

Yanna uree.

Uung yellenwa kundu trangbullabil.

Nogecmee woodu ngervein tournaboon, nerdoit narlumby ngervein, wavoit.

Netbo koolin, winda wavoit? Womenderrewat.

Malnangyer, wida umeit warreete, umuk perperduuk.

Nier benerak bunner, nier paarthrabun, wavoit murrumbiek, kunne murrumbiek, utur, nier urbanan umanner.

Tinderbeck tillutkerrin, borun netbo, warra-wee murrumbinner yannon, murrumbeek woovon.

Narlumby. Winda pipe. Kiering mihu willum ; ure urebuk.

Wanwan broodewat. Pingoody, pingoody.

ABORIGINAL LANGUAGE.

TRANSLATIONS.

THE CXXI. PSALM.

1. I will lift up mine eyes unto God ; from Him cometh my help.

2. My help cometh from the Lord, who made the heaven and the earth.

3. He will not suffer thy foot to be moved ; He that keepeth thee will not slumber.

4. Behold ! He that keepeth Israel shall neither slumber nor sleep.

5. The Lord is thy keeper ; the Lord is thy shade, upon thy right hand.

6. The sun shall not smite thee by day, nor the moon by night.

7. The Lord shall preserve thee from all evil ; He shall preserve thy soul.

8. The Lord shall preserve thy going out and thy coming in, from this time forth, and even for evermore.

1. Murrumbeek woorunderoneit mynginiek kuding Pundgyl Marman ; weda womonner nunlbeunnul.

2. Murrumbiek nunlbeunnul womoner Pundgyl Marman, wellainer monkeit woorwoor bar beeker.

3. Kargee nier malbodoneit murrumbiek tinan ; mungither wellainer koonark murrumbinner nier yemoner.

4. Wa ! Mungither wellainer Koonark murrumbinner nier yemce nier yemoner.

5. Pundgyl Marmon kunark murrumbinner ; Pundgyl Molariek ulbinner munung.

6. Nier ngervein tilbunner murrumbinner yellanwä nier mineam boorundut.

7. Pundgyl Marman nulworthun murrumbinner ; nier nillam woman mungither moorupick nulworthuninner.

8. Pundgyl Marman nerdoit murrumbinne yannon nulworthun, bar nerdoit womoneit nulworthun murrumbinner, netbo bar wootunno yearamboot tille mille nanbo.

* THE FIRST CHAPTER OF GENESIS.

1. In the beginning God created the heaven and the earth.

2. And the earth was without form and void, and darkness was upon the face of the deep. And the Spirit of God moved upon the face of the waters.

3. And God said, let there be light, and there was light:

4. And God saw the light that it was good, and God divided the light from the darkness.

5. And God called the light day, and the darkness he called night; and the evening and the morning were the first day.

6, 7. And God said, let there be a firmament. And God made the firmament; and divided the waters which were under the firmament, from the waters which were above the firmament, and it was so.

8. And God named the firmament, heaven ; and the evening and the morning were the second day.

9. And God said let the waters under the heavens be gathered together unto one place, and let the dry land appear ; and it was so.

10. And God called the dry land, earth ; and the gathering together of the waters, called he seas : and God saw that it was good.

1. Ganbronin Pundgyl Marman monguit woorwoorer bar beek.

2. Nier beek nowdin netbo, beek tandowring tarkate; nier boit, nier mill, nier taul, nier turrong, nier uungo; bar boorundara kormuk bumile. Bar Moorup Pundgyl warrebonuk narlumbanan parn.

3. Bar Pundgyl Marman tombuk, womear yangamut, bar yangamut woman.

4. Bar Pundgyl Marman nangeit yangamut, bar tombak boundup nge, bar Pundgyl Marman borungnergurk yangamut boorrundara.

5. Bar Pundgyl Marman nerreno yangamut yellenwo, bar borundara borundut; bar krunguine bar banbaneram nerreno ganbronin yellanwä.

6, 7. Bar Pundgyl Marman tombak, malwomear firmament. Bar Pundgyl Marman mongeit narng; bar borungnergurk parn kubberdon beek, bar nungonuk parn kuding karboit tandowring nowdin netbo.

8. Bar Pundgyl Marman nerreno firmanment woorwoorer ; bar krunguine bar banban eram nerreno bengerrowlin yellenwa.

9. Bar Pundgyl marman tombit, malwo mear parn kubberdon woorwoorer kundee ganbony tombor. bar malwomear palletdebuk ; bar nowdin netbo.

10. Bar Pundgyl Marman nerreno bidderup beek (earth), bar wotonno parn nerreno warreen-warreen; bar Pundgyl nangeit kooding nge marnameek.

* Abridged in some of the verses, in order to simplify the chapter to suit aboriginal capacity ; but the full purport is retained.

11, 12, 13. And God said let the earth bring forth grass, herb and trees, whose seed is in itself, and it was so; and God saw that it was good. And the evening and the morning were the third day.

14, 15, 16, 17, 18, 19. And God said, let there be light above, to divide the day from the night, and let them be for lights to give light upon the earth, and it was so: and God made two great lights: the greater light to rule (or make) the day; and lesser light to rule (or make) the night. He made the stars also. And God saw that it was good. And the evening and the morning were the fourth day.

20, 21, 22, 23. And God said, let the waters bring forth abundantly of fish, great and small. And fowl that may fly above the earth. And God saw that it was good. And the evening and the morning were the fifth day.

24, 25. And God said, let the earth bring forth all living creatures after its kind; and it was so. And God made beasts of the earth, and all cattle after its kind. And God saw that all was good.

26, 27. And God said let us make man in our image. And God made in his own image, man; in the image of God created he him, male and female created he them.

28, 29. And God blessed them, and said, increase and replenish the earth; and have power over the fish of the sea, and fowl of the air, and all living things. And God gave man every tree and herb bearing fruit and seed for man's food.

30, 31. And God gave every living thing to man for food: and it was so. And God saw everything that he had made, and behold it was very good. And the evening and the morning were the sixth day.

11, 12, 13. Bar Pundgyl Marman tombit, warra wee boit, bar kunnulderbil kurrennon, bar, terrung willainer kooding nge; bar Pundgyl Marman ngerren bar tombak marnameek. Bar krunguine, bar banban eram yellingwā bengero ganmel.

14, 15, 16, 17, 18, 19. Bar Pundgyl Marman tombak, malwomear yangamut karboit, bar nungonuk yellenwa bar borandut, tuduk yangamut beeker; tandering netbo: bar Pundgyl Marman monkeiit bengero bullito yangamut; koonge bullito nargate yellenwa, bar wyebo yangamut nargate borundut. Mungither monkeiit wotunno topiram nowdin netbo. Bar Pundgyl Marman nangeit koodin marnameek. Bar krunguine bar banbaneram bengero bar bengerowlin yellenwā.

20, 21, 22, 23. Bar Pundgyl Marman tombak, malwomear tuat wootunno; wyebo bar bullito narlumbunner parn. Bar koyup woolwoin karboit beeker. Bar Pundgyl Marman ngerreen boundup nge. Bar krunguine bar banban eram, bengero bar bengero ganmelrowing yellenwā.

24, 25. Bar Pundgyl Marman tombak, mallongener beek, wantagee umarko kunup togan nge; bar tandering nge. Bar Pundgyl Marman monkeiit tukin. ungut tandering nge. Bar Pundgyl Marman nangeit marnameek kuding.

26, 27. Bar Pundgyl Marman tombak, mallun monkeiit kooling tandering murrumbunick. Bar Pundgyl Marman monkeiit tandawring kargeeiek koolinner,—nowdin kargeeiek monkeiit munniger—kooling bar bagrook monkeiit murrumnuller.

28, 29. Bar Pundgyl Marman tombit boundup murrumnuller; geanboon koolinge bagrook bar wootunno bopup kuding beeker; bar umanaro umarko tuat kuding warreen, koyup worworrow bar umarko yeareit togan. Bar Pundgyl Marman uminarā koolin umarko turrung, bar umarko uungo tunganan koolinge bagrook.

30, 31. Bar Pundgyl Marman umanarer kunnulwarable tuduk tunganan: kuding nge. Bar Pundgyl Marman ngarren umarko kargee mongon, bar wā tombak koongee boundup. Bar krunguine bar banban eram, nerreno bengero, bengero, bar bengerowlin yellenwā.

THE CREED.

I believe in God the Father Almighty Maker of Heaven and Earth; and in Jesus Christ His only Son our Lord; who came down from heaven to save man, and die for his people; who was by wicked men killed and hanged on a tree; who was dead and buried; who rose again the third day from the dead, and ascended into heaven, and sat down at the right hand of God the Father; from whence He shall come again and make all mankind stand before Him; and separate the good from the wicked.

I believe in the Holy Ghost, the resurrection of the body, and the life everlasting.—Amen.

Murrumbeek nunurrunkella kuding Pundgyl Marman koongee palleek mongeit woowoorrer bar beeker; bar kuding Jesus Christ Tindee mummum murrumbuninner Lord; wellainer burrawee woowoorrer mongonner koolinge bagrook marnameek; wellainer nillam koolingtilbuk weakit bar berbuk, narlumboon burrung; wellainer weagoulaneit bar numbuk; wellainer tinderbeek bengero ganmel yellenwā, kuding commargee numnumo, bar kubboweer woowooroit bar narlumby ulbinner munung Pundgyl Marmanieek; Uungo yellenwā Jesus Christ nerlingo mongoin umarko koolinge bagrook terridee kargeeiek; bar pindoner boundup bar meungo.

Murrumbeek nunurrunkellā Boundup Moorrup, commargee murrum, bar moorrup, tillee millee nangbo.—Amen.

THE LORD'S PRAYER.

Our Father who art in heaven; hallowed be Thy name; Thy kingdom come; Thy will be done on earth like it in heaven. Give us this day our daily food; and forgive us our bad deeds, as we forgive them that do us bad; and keep us from sin this day, and from all evil.

Only Thou O Great Father can keep us now and ever.—Amen.

Marmanellā Marman wellainer narlumboon karboit; nerrino murrumbinner koongee boundup; woman trangbulk murrumbinner mongon tandering beeker. Umarleek nurnin yellenwā tunganan; bar narlarnarny nurnin nowdin murrumarter narlarnarny ungo; bar kunark nurnin watticar koolin yellenwā nier nillam womeit.

Tindu Murrumbinner, Boundup Marman, nulworthen nurnin Netbo bar nanbo.—Amen.

FROM CHURCH SERVICE.

My dear blackfellows,—God's book tells us in many places to acknowledge and confess our many sins, and that we should not hide them before the face of Almighty God, but confess them with sorrow, that we may have forgiveness of them through His great goodness; and though every day we ought to tell God our sins, yet more so on Sunday, when we all meet together; to thank Him for all His goodness; to hear His good book; and to ask all good for our bodies and souls. So let us all, as many as are now here, fall upon our knees, and pray to our Great Father in heaven, saying—&c. &c.

Murrumbick koolin,—kunne paper wā Pundgyl Marman tombak wongonon, dado pardogurrabun tomboon nillam nurnin koonge meungo, bar nier euletbee nillam nurnin tuduk nier wongrunin pallat Pundgyl Marman, tindee mardon mallun tombak mongderrewat mardoneit kunnup Pundgyl Marman yangally narrite umarko boundup rige; bar nelwā pardogurrabun banban eram bar krunguite Pundgyl Marman, nerdoit bullito Sunday womon wotunno pardogurrabun narlumby umarko; thank Mungither tuduk umarko boundup narngon kargeeiek berkerk; tombarlarnon yarrite boundup murrum bar moorup; netbo, malpardogurrabun umarko, marlumbunun mihi bullito Pundgyl boundup Marman narlumboon karboti tom-der-run-en-er—&c. &c.

* HYMN TO OLD HUNDRED.

- 1 Pund-gyl Mar-man, bar mar-na-meek
Nun-guk kub-ber-don mur-rum-beek
Mong-der-re-wat koo-lin net-bo
Tan-dow-ring koon-gee mur-rum-bo.
- 2 Mal-yeng-erk par-do-gur-ra-bun
Tu-duk yar-rite ko-dun-un-un
Ner-rem-bee bo-run, yel-len-wa.
Nul-wor-then bo-pup Koo-lin-ner.
- 3 Ner-doit ye-men-ner mur-rum-beek
Lack-boo-ding myng-ner kar-gee-ick
Bar ner-doit yan-na-ner war-reet
Kar-gee nger-ren-er mur-rum-beek.

&c., &c.

CATECHISM.

Q.—Tell me, my child, who made you ?

Q.—Tombannerek murrumbiek bopup, wellainer mongeit murrumbinner.

A.—The Great God who made the heaven and the earth.

A.—Pundgyl Marman weda mongut woor-woor-er bar beeker.

&c., &c.

APPENDIX E.

In addition to the answers given to the queries, the language and translations, I would submit the two enclosed documents as well worthy your honorable committee's consideration.

No. 1.—“ Proposed Plan for the better treatment of the Aborigines,” by John Hunter Patterson, Esq., a Squatter. June, 1842.

No. 2.—Colonial Secretary's Despatch to the Superintendent, Port Phillip, on the breaking up of the Protectorate, January, 1850; with Dr. O'Brien's Suggestions for Medical Attendance upon the Aborigines. Although I do not identify myself as acquiescing in the whole of the Colonial Secretary's Despatch, particularly with the ninth clause, and though some of the humane suggestions of Dr. O'Brien can never be carried out, yet the document is well worthy your honorable committee's consideration.

COUNSEL FOR ABORIGINES.

Counsel for aborigines appears wholly to have been lost sight of in the queries and evidence taken; which I would solicit your honorable committee, ere you close your labors, to give the subject your humane consideration. From the date of the appointment of a judge at Port Phillip the aborigines have had an authorized counsel and solicitor; but, on the arrival of Sir Charles Hotham, standing counsel for aborigines was discontinued.

WM. THOMAS,
Guardian of Aborigines.

To the Honorable Chairman of Select Committee on Aborigines.

PROPOSED PLAN FOR THE BETTER TREATMENT OF THE ABORIGINES OF AUSTRALIA
FELIX. BY JOHN HUNTER PATTERSON, OF MELBOURNE, PORT PHILLIP, 7TH JUNE, 1842.

Although much has been done by the Government and enterprise of individuals to advance the interests of this Colony, it is a matter of general complaint, that no efficient means have been adopted to restrain the predatory habits of the Aborigines. At the same time it is universally admitted that, unless these are restrained, and the colonists furnished with a reasonable guarantee for the security of their persons and property, the resources of the country can neither be fully nor speedily developed.

It now appears to be established beyond the reach of dispute that the extensive occupation of the territory has produced a scarcity of those plants and animals which constituted the staple articles of their subsistence,—and this view is confirmed by the fact, that the depredations of the aborigines have been hitherto committed with the sole purpose of obtaining *food or clothing*.

In these circumstances it is sufficiently obvious that, before any system can be devised for ameliorating their condition, an adequate provision must be made, for supplying them with the first necessaries of life; for it is idle to talk of reforming, or even of restraining, by punishment or otherwise, *a starving population*. Nor is this a mere matter of expediency. If the occupation of the country by our flocks and herds has had the effect of depriving its natural possessors of their customary supplies of food, we are bound on every principle of justice, either to provide them with an equivalent, or patiently to submit to their irregular excursions, whatever be the individual annoyance, or positive detriment arising out of them.

It is from a want of attention to this fundamental principle, we conceive, that the measures resorted to by the Government have proved so notoriously ineffectual. For, without entering into unnecessary details, it is admitted even by those who are disposed to give the greatest credit to the measures adopted by the local authorities, that those stockholders who are more immediately under the eye of the district protectors have invariably suffered the greatest amount of injury from the depredations of the blacks.

In respectfully submitting the following details to the consideration of the government, I would be understood then to take it for granted, as an essential pre-requisite to any radical or permanent improvement, that the native population be, *in the first instance fed, and fed gratuitously*, let the cost and sacrifice be what they may. This in my opinion, would be best effected:—

1st. By appointing Sub-Protectors to *each tribe*, whose duty it should be to accompany them in all their excursions, and to inform themselves accurately of their numbers and names. In this case, no one could absent himself from his tribe without the knowledge of his superintendent; and it would be easy for the latter to ascertain in what manner absentees had been employed, without resorting to measures calculated to lessen their confidence. And although everything like harshness or severity ought in the first instance to be studiously avoided, the very fact that their movements were observed and known would have a salutary, because a restraining tendency.

2nd. It should be considered the first duty of Sub-Protectors to see that every individual receives an adequate supply of wholesome food. They should therefore be authorised to draw rations of meat and flour from the settlers in their respective districts for some specified period *ad libitum*. Nor should the allowance be curtailed on account of the misconduct of the natives, or from any other cause. After a relish for the food and conveniences of civilized life had been acquired, it might be found sufficient to establish one, or, at most, two depôts for each tribe, in such situations as might be considered most eligible. Rations might then be distributed only to those who remained in the vicinity of the depôt, and encouragements held out to such as chose to cultivate the soil, or engage in some useful employment; but coercion, in the first instance at least,

* The black children at Merri Creek school used to sing this admirably.

ought on no account to be permitted; for it should never be forgotten, that indolence, or neutrality on the part of the aborigines, is infinitely preferable to active and open hostility. They would thus be gradually weaned from their roving and unsettled habits, and though it might be found impracticable to effect any permanent improvement upon the condition of the present generation, the children would be brought within the reach of discipline and instruction, which of itself is of the first importance, but at present confessedly impossible.

3rdly. The Sub-Protectors should be instructed to report weekly as to the state of their respective tribes; the number absent; their names and description; how employed; and in general everything calculated to throw light upon their manners and habits.

4thly. That a Chief or Managing Protector be appointed, with an office in Melbourne, to take cognizance of all the details connected with the working of the system, and more especially the conduct of his agents. It would be his duty to register and systematize the information contained in the periodical reports; to visit and inspect the different tribes; to appoint, suspend, or remove the sub-protectors, when he considered it necessary; to receive the suggestions of the colonists; secure their co-operation; redress their grievances; and generally to exercise an active and minute surveillance—so as to maintain the efficiency of the system: and, as success would depend in a great measure on his zeal and personal ability, a sufficient salary—say from £400 to £500 per annum, should be guaranteed, in order to secure the services of an individual possessed of the requisite qualifications.

5thly. That Colonists be prohibited to harbour the aborigines, or offer them any encouragement to remain at their stations, and in case of disobedience, punished by fine, loss of licence, or otherwise.

The above plan possesses one great recommendation—that it does not supersede or interfere in any way with the measures already instituted and sanctioned by the Government. The whole of the machinery necessary to its immediate and efficient operation may be said to be already in existence. There is already a Chief Protector, invested with nearly similar powers, and subordinates stationed in different districts, in direct communication with the blacks. **IT DOES NOT CREATE A NEW MACHINERY; IT ONLY CHANGES THE DIRECTION OF THE OLD.**

It may indeed be objected that the expense of such a plan must effectually prevent it from ever being adopted; but where this is met by a generous tax upon the Colonists, the hardship on individuals would be scarcely felt; and as the largest item of expense would be incurred for rations of flour and meat, the tax might be collected IN KIND. From the calculations which I have made, I am almost satisfied that the tax, if levied in this way, would not greatly exceed in amount the outlay at present imperatively necessary on the part of stockholders for the protection of their flocks—especially when coupled with the losses to which they are subjected from actual depredations.

It will be observed that the great object of the above plan is to restrain the roving propensities of the blacks, and to protect the lives and property of the colonists; hence the necessity of maintaining a strict watch by night and day on all their movements. No one individual of course could be expected to do this; but it would be requisite to support the sub-protectors, by a sufficient number of assistants or overseers, so that no considerable party could be detached from the main body without being observed.

It might be found necessary, also, to modify the details in particular circumstances; for it is obvious that no system, confessedly elementary, as the present is, could be persevered in with any prospect of usefulness, after the objects contemplated by it had been gained. To effect the permanent amelioration of the native tribes, their treatment must vary with and be adapted to their progressive improvement. The present plan ought therefore to be regarded only as preparatory. After the blacks have been converted, through its operation, from a fluctuating into a stationary population, a higher and more advanced system might be advantageously introduced, and no better data could be furnished for its construction than the information embodied with reports of the subordinate agents, concerning the manners and habits of the different tribes.

APPENDIX.

Being unable to obtain any correct information relative to the numbers, ages, and sexes of the aborigines, immediately under the superintendence of the Protectors, the following calculation is made from a careful examination and a colonial experience of twenty years' standing.

1000 Men, Women, and Children, 1 lb. of meat and 1 lb. of flour per diem						
at 3d. per lb. each	...	...	...	...	...	£9125 0 0
2000 suits of clothing	...	...	...	...	...	1500 0 0
1000 pair of blankets	...	...	...	...	...	500 0 0
Tea, sugar, tobacco, and soap, given for good conduct	...	...	...	...	...	500 0 0
Tools and other contingencies for three establishments	...	...	...	...	...	300 0 0
Salary of Chief Protector	...	...	...	...	...	500 0 0
Clerk to ditto	...	...	...	...	...	120 0 0
Three Surgeons at 5s. per diem	...	...	...	...	...	273 15 0
Three Sub-Protectors	...	...	...	...	...	900 0 0
Twelve Overseers	...	...	...	...	...	600 0 0
Medicine and medicinal comforts	...	...	...	...	...	200 0 0
						£14,518 15 0

ESTIMATED EXPENSE UNDER THE PRESENT SYSTEM.

Salary, provisions, &c., &c.	...	...	...	...	...	£8000 0 0
Half of the Mounted and Border Police charged to the blacks, which would be unnecessary under the present plan	...	...	...	...	...	4905 12 1
Balance to be raised by taxation, in money or kind, (or supplied from squatting licences and assessment)	...	...	...	...	...	1613 2 11
						£14,518 15 0

50 | 266
50 | 45

[COPY.]

Colonial Secretary's Office,
Sydney, 29th January, 1850.

SIR,

Reverting to the subject of the formation of reserves of Crown land, and other measures for the amelioration of the aborigines of this colony, which either directly formed the subject of, or was incidentally alluded to in your Honor's several despatches noted in the margin, I am now instructed to state that, after a mature consideration of the voluminous reports and papers bearing on this question, His Excellency the Governor, with the advice of the Executive Council, has arrived at the following conclusions, which I am to request that your Honor will cause to be carried into effect, so far as regards the district of Port Phillip.

1. The native police force should be increased throughout the colony to the utmost practicable extent, and beyond the settled districts a certain proportion of aboriginal natives should be attached to the ordinary police.

18th Nov., 1848,
No. 1148.
21st Feb., 1849,
No. 35.
21st Feb., 1849,
No. 129.
20th Sept., 1849,
No. 587.

2. Throughout the country lying beyond the settled districts, a suitable number of reserves of moderate extent should be made for the use of the aborigines.

3. The reports of the several Crown commissioners throughout the colony have been referred to the surveyor general, in order that he may offer such remarks as he may think necessary, respecting the sites which those officers have proposed, and respecting the extent of land which would be sufficient in each case to meet the object in view.

4. In making the last-mentioned reference it has been explained to the surveyor general that the Council fully concurred in the correctness of Earl Grey's conclusion that the system of large reserves for the aborigines is inapplicable to the circumstances of this colony, and that they could not approve of such extensive tracts being set apart for the use of the aborigines as are proposed by the commissioner of Crown lands for the district of the Murrumbidgee.

5. The Council likewise fully concurred in the opinion expressed by your Honor, that these reserves, when brought into use, should remain under the direct control of the Executive Government, and that it would not be advisable to invest them in trustees, as is suggested in Earl Grey's despatch.

6. They also adopted the opinion that the reserves should be placed under the charge of a medical officer, if possible, and they suggested that an arrangement of this nature may be brought into effect at the station of the Protectorate, in the district of Port Phillip, when the present establishment is broken up.

7. Every commissioner of Crown lands should be instructed to act in his magisterial capacity as protector of the aborigines within his district, and he should be under obligation to afford them every assistance in his power. He should also be constituted the official visitor of all aboriginal reserves in his district, and as such should be required to render periodical reports, giving a brief summary of the state of things at each reserve, as noticed by him at his visits of inspection, and exhibiting as nearly in a tabular form as the nature of the subject will allow, the actual use made of the land, the resort to it by the natives, the amount of food and clothing (if any) distributed there, and any other particulars admitting of such recapitulation.

8. The Commissioners should further be required to furnish annual returns, showing the number of aboriginal tribes within their respective districts, and the number of individuals in each tribe, according to the best information which it is in their power to obtain. These returns should be accompanied by reports setting forth the general habits of the several tribes, and the disposition shown by them towards the European settlers, and giving the fullest possible information as to any services which may have been rendered by the aborigines to the settlers, the degree of perseverance shown in the performance of them, and the nature of the remuneration which formed the inducement to their being undertaken.

9. As respects the issue of food or clothing from the reserves or other Government establishments, it is considered that it would be highly inexpedient to give anything gratuitously to the aborigines, except in cases of extreme emergency. It should be an established rule, to be departed from only in cases of clear necessity, that no aboriginal native should receive anything from a Government institution, which he has not earned by some moral or physical exertion.

10. The Council deeply regretted that they could see no sufficient prospect of success to justify them in advising that the Government should incur the expense of establishing an experimental school at Melbourne for aboriginal children, as suggested in your Honor's letter of the 21st February, 1849, No. 129. In the correctness of this conclusion the Council inferred that your Honor was prepared to concur, as, in your last letter on the subject, in which you report the result of the experiment at Adelaide, you conclude by observing, "the question naturally arises, what can be the real advantage of education reaped by the individuals, or its influence upon the tribes to which they belong, when that education terminates by a return to the degraded habits of a savage life."

11. I have already expressed to your Honor the concurrence of the Governor and Council in your Honor's suggestion, that the reserves made use of for the benefit of the aborigines should, as far as possible, be placed under the charge of medical officers; but it appeared to the Council to be the duty of Government to make some general provision for the medical attendance of the aborigines, more especially considering the diseases which have been engendered amongst them by their intercourse with the European population. Wherever, therefore, the services of a medical practitioner can be procured, arrangements for the attendance of the aborigines beyond the settled districts should be made in accordance with the suggestions of Dr. O'Brien, as explained in the annexed paper, which appear to be complete and well adapted to effect the object in view at a reasonable cost. Within the settled districts the aborigines can of course be admitted to the benefit of all public hospitals and dispensaries, on the understanding that the expenses incurred on their account in those institutions will be defrayed out of the territorial revenue.

12. In reference to a suggestion made by the surveyor general, that, within the settled districts, reserves should be made and set apart for the use of the aborigines at any places known to be still frequented by them, either along the sea coast, or on streams where they are in the habit of fishing or encamping, I beg to state that that officer has been requested to report such places of this description as may from time to time fall under his notice, so that a decision may be given on each as to the expediency of reserving it for the use of the aborigines. It is possible that, in the Port Phillip District, it may in like manner be deemed expedient to act on this suggestion.

I have, &c.,

(Signed) E. DEAS THOMSON.

His Honor the Superintendent,
Port Phillip.

[COPY.]

DR. O'BRIEN'S SUGGESTIONS.

Medical attendance upon the Aboriginal Natives in the districts beyond the boundaries.

1. The sum of £20 a year to be paid to the surgeon as a fee for his services as medical attendant upon the aboriginal natives in his district.

2. The annual sum of £5 per hundred (as ascertained from the commissioner's returns) to be allowed to the surgeon for medicines to be supplied to the sick aboriginal natives.

3. The surgeon to be in attendance at his own residence one day (say Wednesday) in each week, for the purpose of giving advice and medicines to such sick aboriginal natives in his district as may require medical aid.

4. In the event of an aboriginal native suffering under any illness that would require medical comfort as well as medical attendance, the commissioner to procure for the sick person such suitable accommodation, &c., as can be obtained, and as near as possible to the residence of the surgeon, who will be expected, under such circumstances, to visit the sick person.

5. For the performance of any capital operation upon an aboriginal native the sum of £5 to be paid to the surgeon, the commissioner giving a certificate that such operation has been performed.

6. The surgeon to send in to the commissioner of his district, for the information of the Government, quarterly returns of the sick aboriginal natives treated by him.

APPENDIX F.

EXTRACTS OF AN EXCURSION TO WESTERN PORT.

(FROM "BUNCE'S WANDERINGS IN THE AUSTRALIAS.")

HAVING been introduced by one of their number to a tribe of aborigines, I formed the intention of proceeding to the Dandenong ranges, and thence to Western Port. Among the natives were Derrimut, Yammabook or Hawk's-Eye, and Benbow. The latter is he who gave information of an evil design which some of his companions had conceived, and thus prevented what might have been a fatal encounter between them and the first white settlers. Benbow invariably rejected all solicitations to partake of spirituous liquors, and is the only teetotaller I ever met with among the aborigines. In a corner of Mr. Batman's garden, Benbow and his wife, Kitty, dwelt in a small hut of his own constructing. Within everything was cleanly, and in good order. Benbow was often consulted by the settlers concerning various matters; and he was always willing to impart what information he possessed. He was not only an intelligent native, but a really worthy fellow: an evidence that the aborigines of Australia are not, as has been so frequently stated by various writers, incapable of being civilized.

* * * * *
 We encamped the first night between Gardiner's and Babe Jim creeks, where the country was extremely rich, undulating, thinly-timbered, and thickly-grassed. Our camp was about the distance of four miles from the southern bank of the river, on which was then a station belonging to Messrs. Walpole and Goggs.

* * * * *
 This was the first time I had ever camped for the night in company with aborigines. Having at that time but a very imperfect acquaintance with their language and customs, my first impressions concerning these singular and inoffensive people were by no means favorable. It being clear and star-light, we were sufficiently sheltered for the night by a few branches from the neighboring gum trees.

As an additional protection for me, my new friends covered the spot where I was to lie with a sheet of bark, supported upon wattles. They cooked an opossum for our evening meal. Although delicate in appearance as an English rabbit, the flesh was not so agreeable as I had been led to anticipate, it being very strongly tinged with the volatile peppermint smelling oil, common to the leaves of the *eucalyptus piperita*, or peppermint tree, in which tree the opossum finds its chief food.

In searching for and catching the opossum, the natives display acute observation and much skill. Indications of the presence of their game, quite imperceptible to the white man, are by them instinctively recognised. They examine cursorily all the large trees likely to afford shelter to the animal. If, from observation of any particular tree, the hunter has conceived it probable that the opossum has taken refuge amongst its branches, he, by making a series of notches in the bark for his feet, ascends to what altitude he pleases. Should the opossum have taken refuge in a hollow, a small stick is used to dislodge him. On emerging from his retreat, he is caught dexterously by the tail, and swung rapidly round twice or thrice, until his head is made to come in contact with the tree and stunned.

After retiring to my berth, I lay awake a great part of the night, watching the natives, who were seated around the camp fire, endeavoring to catch the meaning of the language in which they conversed cheerfully with each other.

We were afoot again by early dawn. At my request, my companions tarried a short time, while I collected specimens of the *flora* of the place; and as soon as they perceived the reason of our delay, rendered willingly what assistance they could, by bringing to me various leaves, herbs, &c. They had names for many of them, which I carefully noted, for future reference. When the sun was fairly up, the short, rich notes of the native thrush, the sweet warble of the magpie, and the jocund cadence of the laughing jackass, reverberated through the woods. We made for Mount Koronth Marabool, a small mountain divided from the main chain of ranges. Pursuing our journey over the gently undulating country, we stayed for refreshment beside a small streamlet, known as Babe Jim Creek.

* * * * *
 Upon reaching the creek, some of my companions walked into a neighboring lagoon for the purpose of catching eels (*eeolke*). With a small spear in his hand, the aboriginal eel-catcher walks slowly and cautiously about the shallow water, until he has trodden so gently upon the object of his search as not to awaken its attention. Although half-buried in the mud, its position is judged with such accuracy, that, with one blow, the eel is pierced by the native. Immediately he takes it out of the water, and disables it by giving it a crush between his teeth. We arrived at the foot of the mountain about sunset. In reaching it we had been delayed while some of our friends secured a fine kangaroo, which was shot by one of them, named Jemmy, in a small patch of grass. It would appear that the kangaroo cannot, or does not, notice objects directly ahead; and by Jemmy, with his gun under his arm, cautiously creeping, under cover of a large bough, which he carried in his hand, (some others having placed themselves in the rear), he was allowed to approach, shoot, and secure his prey without difficulty. It was a noble specimen, although not full-grown, and was carried in triumph to the camp over the shoulders of Jemmy. In skinning the kangaroo, one of the natives made his feet serve him very usefully. I have often had occasion to remark how dexterous these people are in making use of their feet. The kidney-fat they ate as soon as the entrails were taken out. The hinder part roasted made us an excellent evening meal. The tail, which is regarded as a great delicacy, was cooked separately; and I do not remember ever having eaten anything with greater gusto than the two joints of tail which fell to my portion. The fore-quarter was given to the dogs, and the bones and other portions of the tail, which the black fellows could not eat, were thrown over their shoulders, and caught by their wives, with less concern than they observed in feeding their canine companions. The ladies received these scraps with a quiet humility, which it was really quite charming to observe in them, although I could never see such indifference manifested on the part of the blacks towards their wives without aversion.

Our camping-place was on the rise of the mountain, behind which flowed a small gurgling brook, with banks lined with the tree-fern, *billarderia*, and which the blacks call Quambee Jack. The heart of the tree was cut out and eaten by the natives, in the same manner as we have subsequently seen the aborigines in north-eastern tropical Australia appropriate the crown or heart of the *corypha*, palm-tree, as well that of the larger fern-tree, *alsophilla elegans*, which in those parts assumes a height and size of stupendous magnitude. Here we stayed for the night. Rising earlier in the morning than the rest, I took a stroll up the valley of the creek, among a forest of fern-trees. Occasionally the climbing plants, which were thickly interspersed with ferns, with the *doxonea*, *sassafras*, *leptospermum*, and *ozothamnus*, formed scrub so dense as merely to leave a small opening, enabling me to take a sidelong peep, at intervals, into the valley of the creek below. In most cases, I observed that the ground had been torn or scratched up. On our visit in company with Jemmy, we afterwards learned that this was the work of the Bullen Bullen, or lyre bird, in its search for large worms, its favorite food.

* * * * *
 The native women sometimes went out by themselves, and returned with a quantity of liquid amber gum, which exudes from the *acacia decurrens*, or black wattle tree. This gum they call *korong*. They prepare it as a relish for their food in the following manner: having formed, of a sheet of wattle bark, a trough to hold water (*willum*), the women soak the gum until it assimilates with the water, and forms a thin glutinous liquid; a little sugar or manna is then added to make it palatable.

Some of the women brought large white grubs, the larvæ of the gigantic moth, which they considered as a dainty not easily to be rejected. These grubs were slightly grilled before being eaten. Some long tuberous roots of a composite plant were also brought, and of which we partook. These plants produced a bunch of tubers like the fingers on the hand, from whence they were called *myrnong-myrnongatha*, being the native word for hand.

As we were returning towards the camp one evening, Jemmy captured a native bear, or sloth, from among the branches of a huge gum tree. None but a native would have observed the creature, as the color of its wool so nearly resembled that of the bark of the tree.

During the excursion our diet consisted chiefly of opossum and kangaroo, varied occasionally with the flesh of the porcupine and wombat. The heart or crown of the fern tree slightly roasted, furnished us an acceptable dish, the taste of which reminded me of the flavor of the cocoa-nut. Native potatoes, or roots of the *orchidaceæ*, were not wanting; those of the *gastrodia sessamoides* were especially plentiful, large, and well flavoured. On evening we took three wombats, and next day the natives held a banquet, preceded as a matter of course, by a grand corroboree.

Proceeding upon our journey, we crossed several creeks and streams, and eventually ascended the highest part of the Western Port ranges. Each day I was enabled to add some fresh varieties to my herbarium. The western mountains abound in healthy timber. In this locality, too, there is plenty of a light white wood, which the natives call *weenth kalk kalk* (fire-stick), as they obtain a light from it, by means of friction, very readily. This kind of wood is also called *thaal kalk* (sounding stick), because a solid ringing sound can be produced by two round billets being beaten together. When the natives hold a corroboree, a festival in which dancing forms the chief element, those who do not join in the dance beat time with the sounding-stick, while they sing continually, "Yah-yabba, yah-yabba, yah."

We determined on our return the following morning, by way of Dandenong Creek, near the station then belonging to the Rev. Mr. Clowe, but now the property of Mr. Beilby. Unfortunately, shortly after sundown, there were signs of rain, the sky became overcast, thunder was heard in the distance, and forked lightning played among the branches of the trees. The women were busy with their tomahawks in stripping large flakes or sheets of bark from the stringy-bark trees, and setting forks and saplings whereon to place the bark for the erection of willams, or dwellings, as a shelter. The only parties disengaged were the black fellows, whose duties appeared to be to pray for fine weather by a continued melancholy chant. This office they continued for a short time after the rain commenced, and when all the rest of us had retired under shelter; but finding that their good divinity, in the present instance was deaf to their appeals, they exclaimed "Marmingatha bullarto porkwadding: quantheeneera?" "Marmingatha is very sulky, and why?" and commenced throwing ashes in the direction in which they believed she resided; and saying, "Tesece waugh!" an exclamation of contempt and defiance, they returned to the willams. In this instance they did not believe in her. The storm raged for a short time, but like all other occurrences, whether of divine or human agency, ceased, and towards midnight all was again calm, and a clear moon and brilliant starlight night succeeded. Sleep had sealed the eyes of most of our party, when a gruff "Noo-jee, noo-jee" (Anglice, "That will do, that will do") was heard in response to the sharp whizzing bark of poor old "Go away," the dog, upon which the camp was fully awake, and greeting the new comer. Our nocturnal visitor was "Big Jack" (a notice of whose death from cholera was noticed a few weeks since in the Melbourne journals), the husband of the plump, curly-haired, pleasing, and musical-voiced Mary Anne, of Yore, but now decrepid with pains at Moordy-Yallock. After helping himself, without "By'r leave," to a plentiful supply of the various viands, he coiled in, and we were soon all asleep.

Shortly after breakfast all the older men disappeared, leaving me and Jemmy and two or three youths to take charge of the camp and its interesting and astonishingly lovely female occupants. On this occasion my desire to acquire a knowledge of their language appeared to have been observed, and little Sally Sally, the affianced bride of Jemmy (two most faithful likenesses of whom we observed the other day in a window in Elizabeth street, by Mr. Haseldon), undertook the part of instructing me, and I consequently commenced taking my first lessons in the language. My clumsy attempts at pronouncing their soft Italian, although somewhat guttural, idiom, was the occasion of loud bursts of laughter from Sally Sally, in which she was joined by the other females, and occasionally by the young men.

The first lesson consisted, as usual, in making me acquainted with the names for the various parts of the body; and commencing first with the head, "Myrnong-atha"—foot, "Geenong-ah-tha"—leg, "Thorrong-ah-tha"—the boots, "Geenong-alook," or covering for the foot—trowsers, "Thorong alook, or covering for the legs—gloves, "Myrnong-alook"—head, "Cowong-atha"—hat, "Cobbera Cowong"—eyes, "Myrring-ah-tha"—mouth, "Worong-ah-tha"—ear, "Kidnong-ah-tha"—hair, "Yarra gondackaltah." We observed that every substance of a flowing character was accompanied by the word "Yarra," in its various forms and modifications. The name of saltwater, rolling in on the beach, was "Yarrain"—the river Yarra Yarra, "flowing flowing"—the beard and whiskers, "Yarragondook," &c. For further information touching their language the reader should refer to my work on the aboriginal language, printed at the *Argus* office in 1851, the production of which work was the result of the present lesson. This morning we observed that they practised some little amusements among themselves, and some were playing with a puzzle made of string—"cudgi, cudgi"—made from the fibre of a tree (*sida pulchella*) common on the banks of the mountain streams, as well as occasionally on the banks of the Yarra. This puzzle was played between two individuals, and required two pairs of hands, in the same manner as the juvenile game of "cats' cradle," common to our own country. Many opossums had been caught during our excursion, and the skins were now pegged out on sheets of bark, and stretched to their fullest tension with wooden pegs of the *pomaderris apeta'a*, or dogwood. The points of the pegs had been previously scraped with a piece of broken bottle and hardened with the fire, so as to enable them to act as a substitute for European tacks and nails; and a quantity of them was the never-failing accompaniment of the "Baggerooks" or black woman's basket, or "Beenack." After the opossum skins are sufficiently stretched and dried they are very curiously marked, the work of the men—animals, kangaroos, emus, as well as the human figure, are frequently represented by a piece of broken glass bottle, or when not to be obtained, the bowl of a metal spoon with one side filed sharp for the purpose of scratching the skin when in the soft state. Prior to the introduction among them of needles and thread they used the finer tendons and sinews of the kangaroo and opossum for thread, and the sharp-pointed bone of a fish or kangaroo for a needle, in sewing their rugs. In those days they needed not the aid of foreign ornament, but were amply adorned with strings, and a necklace called "coornburt," composed of a number of short pieces of reed strung together and hanging pendant from the neck. Through the septa of the noses of the young dandies of the male sex were large pieces of bone running transversely through, and forming a kind of sprit-sail-yard. The young ladies wore around them a kind of bustle, composed of a ropeyarn-like substance, which hung in pendant waves half-way down to the knees. With their hair they took great pains, and to judge from the extreme anxiety observed in carefully using and putting by into their baskets every string or other decorative material, it would seem to have been connected with one of their rude superstitions; and as I subsequently discovered, such was the case. Pomade and grease of opossum fat was rubbed abundantly on the hair, a piece of gaily-colored rag being afterwards tied round the head. Fortunately for us, we had taken our first day's lesson in languages before their elaborate toilette of the day, otherwise we should have committed a breach of aboriginal etiquette in leaving a neighborhood whose perfume resembled not the aroma of the mignonette or jasmine.

Towards sundown the old warriors returned, as warriors of any nation should, with shield, helmar, spear, jagged geraor, and the "wommer" or throwing stick, an instrument necessary in giving the proper

impetus to the spear. The helimar, with many other of its ornamental companions, is now extinct. It was made of the thin piece of wood which may be occasionally seen forming protuberances from the large trees ; and in being removed the outer portion of the bark was taken off and the whole affair finished into an excellent shape, with a handle through the middle of the under portion, whilst on the outer surface was cut or carved a number of zig-zag characters or stripes, on which, in whatever way the spear of the enemy alighted, its point was caught. Our friends had brought with them, in addition to the shields, a plentiful supply of some other particularly formidable-looking implements of warfare. They appeared to be in a high state of excitement, as compared with the usually philosophic and well-bred bearing which in general characterised this sooty generation. A hive of native bees had been discovered by one of the children—a yan yean, or boy—who had caught one of the little insects, not much larger than a musquito, while dipping its little proboscis into the blossom of a native honeysuckle, *banksia*, extracting from the nectaries of the flower its sweet juices. The little fellow was caught and marked by the boy with the feather-like seed of a composite plant, and followed to its home in a neighboring gum tree ; thus betraying the little industrious community of which it formed a member. The boy returned to the camp and communicated the result of his discovery, when two large hollow sheets of bark were procured, thus forming bowls, which were carried to the tree and speedily filled with pure honey.

The native bees are very small, half the size of the common house-fly, and are stingless.

The bellicose intentions of the warriors appeared to lead them in the direction of the Plenty ranges and the Goulburn river, as they took that direction on leaving the camp ; and as I had not yet visited that part of the country, I determined upon prevailing upon Jemmy and one or two of his companions to accompany me in that direction.

My desire met with a ready response, and the next morning was determined on as the time for setting out. The warriors made their exit simultaneously during the silence of the night, as is their wont. In taking the direction of the ranges we were in some measure actuated by a desire to see to what use they would apply the spears at the fight, if fight was intended ; and we had now gained sufficient knowledge of the natives as induced us to place the strictest reliance upon their good faith of respecting our claim as a non-combatant, to prevent any fear of being compromised in the results of the campaign.

* * * * *

We soon reached what was afterwards called Thomson's Station (now Frencham's), near the Anderson's Creek diggings. We camped here for the night, and after travelling a few miles the following day in the direction of the ranges, learned that peaceful overtures had been made by the Plenty blacks, and accepted by our advanced plenipotentiaries. We again returned to Thomson's Station, and from thence commenced our final return to the settlement. Passing through the scrubby ground and thinly timbered and undulating country about Heidelberg, we reached the settlement, after an absence of a few days.

7/4/14

1858-9.

VICTORIA.

PROGRESS REPORT

OF THE

SELECT COMMITTEE OF THE LEGISLATIVE COUNCIL

ON

THE MANAGEMENT

OF THE

BOARD OF LAND AND WORKS;

TOGETHER WITH THE

PROCEEDINGS OF COMMITTEE AND MINUTES OF EVIDENCE.

ORDERED BY THE COUNCIL TO BE PRINTED 10TH FEBRUARY, 1859.

By Authority:

JOHN FERRES, GOVERNMENT PRINTER, MELBOURNE.

7716

EXTRACTED FROM THE MINUTES.

TUESDAY, 2ND NOVEMBER, 1858.

MANAGEMENT OF BOARD OF LAND AND WORKS.—The Honorable G. Urquhart, in accordance with notice, moved, That a Committee be appointed to enquire into the present management of the Board of Land and Works, and to report on the measures which may be required for the more efficient and economical working of the same, such Committee to consist of the following members, viz. :—The Honorables Messrs. Miller, Strachan, Hervey, Patterson, a'Beckett, McCombie, and the Mover.

Debate ensued.

A ballot being required, the question was divided.

Question—That a Committee be appointed to enquire into the present management of the Board of Land and Works, and to report on the measures which may be required for the more efficient and economical working of the same—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 President to be the members of Committee, viz. :—The Honorables G. Urquhart, H. Miller, J. H. Patterson, T. T. a'Beckett, M. Hervey, T. McCombie, J. F. Strachan, and W. Highett.

TUESDAY, 9TH NOVEMBER, 1858.

MANAGEMENT OF BOARD OF LAND AND WORKS.—The Honorable G. Urquhart, with leave of the Council, without notice, moved, That the Select Committee on the Management of the Board of Land and Works be empowered to take evidence.

Question—put and passed.

MESSAGE TO THE LEGISLATIVE ASSEMBLY.—The Honorable G. Urquhart, with leave of the Council, moved, without notice, That a Message be taken to the Legislative Assembly to request that the Honorable Charles Gavan Duffy, a member of the Assembly, may have leave to attend the Committee of this House sitting on the Management of the Board of Land and Works.

Question—put and passed.

TUESDAY, 23RD NOVEMBER, 1858.

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

MR. PRESIDENT,

The Legislative Assembly acquaint the Legislative Council that they have given leave to the Honorable C. Gavan Duffy, 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 to enquire into the management of the Board of Land and Works.

Legislative Assembly Chambers,
Melbourne, 16th November, 1858.

FRANS. MURPHY,
Speaker.

WEDNESDAY, 26TH JANUARY, 1859.

MESSAGE TO THE LEGISLATIVE ASSEMBLY.—The Honorable G. Urquhart moved, with leave of the Council, without notice, That a Message be transmitted to the Legislative Assembly to request that leave be given to Archibald Michie, Esquire, and David Moore, Esquire, Members of that House, to attend and be examined before the Select Committee of the Legislative Council on the Management of the Board of Land and Works.

Question—put and passed.

THURSDAY, 27TH JANUARY, 1859.

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

MR. PRESIDENT,

The Legislative Assembly acquaint the Legislative Council that permission has been granted to Archibald Michie, Esq., and David Moore, Esq., Members of this House, to attend to be examined as witnesses before a Select Committee of the Legislative Council, "to enquire into the present management of the Board of Land and Works, and to report on the measures which may be required for the economical working of the same," as requested by the Legislative Council.

Legislative Council Chamber,
Melbourne, 26th January, 1859.

FRANS. MURPHY,
Speaker.

THURSDAY, 10TH FEBRUARY, 1859.

MANAGEMENT OF THE BOARD OF LAND AND WORKS.—REPORT OF SELECT COMMITTEE.—The Honorable G. Urquhart, as Chairman of the Select Committee appointed on the 2nd November, 1858, to enquire into the present management of the Board of Land and Works, and to report on the measures which may be required for the more efficient and economical working of the same, brought up a Progress Report from the Committee, and moved that the same be received and printed.

Question—put and passed.

The Report was read at the Table by the Clerk.

The Honorable J. Hood moved, That the Evidence taken by the Committee be printed.

Question—put and passed.

PROGRESS REPORT.

THE SELECT COMMITTEE, appointed to enquire into the management of the Board of Land and Works, and report on the measures which may be required for the more efficient and economical working of the same, have agreed to the following Progress Report:—

Your Committee have prosecuted the enquiry to a very considerable extent, and the evidence which they have obtained will convince your Honorable House that the investigation was not uncalled for. They have not been able to conclude the investigation, but trust that it will be again taken up by your Honorable House during the ensuing Session.

Your Committee may remark that the Government, by dividing the Department of Land and Works, have forestalled them in one of their intended recommendations.

GEO. URQUHART,
Chairman.

818/7

PROCEEDINGS OF THE COMMITTEE.

TUESDAY, 9TH NOVEMBER, 1858.

Members present :

The Honorable G. Urquhart, in the chair.
The Honorables H. Miller, J. H. Patterson, T. McCombie, T. T. a'Beckett.

Committee deliberated.

Ordered—That the President of the Board of Land and Works be invited to attend to give evidence.

Committee adjourned until twelve o'clock on Wednesday, the 17th instant.

WEDNESDAY, 17TH NOVEMBER, 1858.

Members present :

The Honorable G. Urquhart, in the chair.
The Honorables T. McCombie, J. H. Patterson, W. Highett.

Committee deliberated.

Ordered—That the Honorable C. Gavan Duffy be invited to attend on Tuesday next.

Committee adjourned until Tuesday, 23rd November, at one o'clock.

TUESDAY, 23RD NOVEMBER, 1858.

Members present :

The Honorable G. Urquhart, in the chair.
The Honorables T. McCombie, J. H. Patterson.

The Honorable C. G. Duffy, M.L.A., was examined.

During the giving of evidence by the Honorable C. G. Duffy, the Honorable W. Highett entered the Committee Room.

The Committee adjourned until twelve o'clock on Tuesday, 30th November.

TUESDAY, 30TH NOVEMBER, 1858.

Members present :

The Honorables G. Urquhart, H. Miller.

A quorum not being present, no business was transacted.

TUESDAY, 7TH DECEMBER, 1858.

Members present :

The Honorables G. Urquhart, H. Miller.

A quorum not being present, no business was transacted.

WEDNESDAY, 8TH DECEMBER, 1858.

Members present :

The Honorable G. Urquhart, in the chair.
The Honorables J. H. Patterson, T. McCombie, M. Hervey.

Mr. Ligar was examined.

Captain Pasley was examined.

Mr. John Steavenson was examined.

The Committee adjourned until twelve o'clock on Tuesday, 14th December.

TUESDAY, 14TH DECEMBER, 1858.

Members present :

The Honorable G. Urquhart, in the chair.
The Honorables J. H. Patterson, T. T. a'Beckett.

Mr. Ward was examined.

Committee adjourned until Tuesday, 18th January, 1859, at twelve o'clock.

TUESDAY, 18TH JANUARY, 1859.

No Members present.

WEDNESDAY, 9TH FEBRUARY, 1859.

Members present :

The Honorable G. Urquhart, in the chair.
The Honorables J. H. Patterson, T. McCombie.

Committee deliberated.

Adjourned until two o'clock next day.

THURSDAY, 10TH FEBRUARY, 1859.

Members present :

The Honorable G. Urquhart, in the chair.
The Honorables J. H. Patterson, T. McCombie.

The Honorable C. G. Duffy's evidence was submitted to the committee, and the corrections allowed.

Draft Progress Report read paragraph by paragraph and adopted.
Chairman ordered to report same to the House.

WEDNESDAY, 16TH FEBRUARY, 1859.

Members present :

The Honorable H. Miller, in the chair.
The Honorables J. H. Patterson, W. Highett.

The evidence of Mr. Ligar, as corrected by him, submitted.
Ordered—That Mr. Ligar be informed that no substantial alterations can be permitted to be made.

MINUTES OF EVIDENCE.

TUESDAY, 23RD NOVEMBER, 1858.

Members present:

The Honorable G. URQUHART, in the chair;

The Honorable W. Highett
„ T. McCombie

The Honorable J. H. Patterson.

The Hon. Charles Gavan Duffy, President of the Board of Land and Works, examined.

1. *By the Chairman.*—The purpose of the committee is to ask you to suggest to them the best way of arriving at the information they desire to obtain. I will therefore read to you the resolution passed by the Legislative Council, appointing the committee—[*The chairman read the resolution*]—I am tolerably familiar with the working of the department under my charge, and shall be happy to answer any questions. If you ask me general questions, so as to enable me to know at what you wish to arrive, it will perhaps be the best method.

The Hon.
C. Gavan Duffy,
23rd Nov., 1858.

2. *By Mr. McCombie.*—Are you entirely responsible for the department under your charge?—Yes, I am the sole responsible minister. An Act passed in the last session, by which, in my absence, a vice-president becomes possessed of the same powers as I possess.

3. As your deputy?—As my representative.

4. But he is not parliamentarily responsible?—I think not.

5. Is he paid out of the sums placed on the estimates in schedule D?—He has not been paid hitherto. On the Estimates it is proposed to give him £1500 a year.

6. By vote of supply?—One thousand is proposed to be paid in that way, and £500, which is an unappropriated portion of the salaries in schedule D.

7. Do not you find the department too much for one responsible minister to manage?—I have not the least hesitation in saying it cannot be efficiently managed by one minister. This is the state of the case: the department comprises now what were formerly three separate departments, which were represented by three distinct heads—the Commissioner of Public Works, the Commissioner of Crown Lands, and the Chairman of Roads and Bridges. Since that time, in every division the work has increased, so that in one branch of the department—that of Roads and Bridges—the correspondence is four times greater than it was previously to the amalgamation. In addition to those three departments there is another one—the Railway branch, which has grown up since—a very important one, as the committee know, and having under its control an immense expenditure. I have no hesitation in saying the work of the department is too heavy, and that no man who desires conscientiously to perform his duty can do it and maintain his health.

8. And therefore no one man can, in fact, be responsible?—I presume you mean by that, if you give a man more to do than he can possibly perform, you cease to hold him responsible. I think it a most dangerous position of things.

9. And therefore it would be better for the public interests if those departments were broken up into three, and responsible ministers appointed over each of them, in order that they might overtake the work, and be responsible?—I have no doubt it would be better to divide it into two or three branches, so that each minister would be morally and politically responsible. It would not be necessary to alter the present Act, constituting a Board of Land and Works, for you might have the board as it is, and a political officer in charge of each department.

10. Do you consider the Board of Land and Works of any service, considering that it is overgrown?—I think it is a board of advice, and as the political officer or minister will generally be a politician and not a professional man, it is necessary to have professional men in the department to assist him.

11. The head of the department could only apply to the professional head in professional cases. Does not that arrangement prevent the political head obtaining the best professional assistance—for instance, in the railway department, you would necessarily depend upon Mr. Darbyshire's advice, even if you knew there were two or three professional men in the colony who could give you better advice—you are bound to have his advice?—That is true only in a limited sense. Questions of a professional nature arise constantly in the railway branch of the business. When such a question arises, I immediately ask the opinion of, say Mr. Ligar, a professional man, but I do not feel bound absolutely to follow his advice.

12. Then you think the Board of Land and Works is of service?—I do.

13. Who has the classifying and arranging the lands for sale?—The surveyor general, Mr. Ligar.

14. Under your direction?—He brings to the board, in the first instance, a schedule of the lands proposed to be sold, and shows where they are situated in relation to the masses of the population. I inquire, "What has induced you to propose to sell those lands?" what applica-

72922
 The Hon.
 C. Gavan Duffy,
continued,
 23rd Nov., 1853.

tions there have been, or what papers have been prepared for the board. To each schedule the particular correspondence relating to the land is attached—memorials for land to be sold, for example, and letters from the local surveyor; so that I or any other member of the board could turn them over and come to conclusions with respect to the reasons that had induced him to recommend the sale. Afterwards, I bring it before the Executive Council for their approval.

15. What is the principle you act upon—is it to raise a revenue by the sale of land, or to supply the public wants, or both?—Both. What I inquire is, into the demand for the land. I am anxious in the first instance to supply the demand, but it is essential to keep up the revenue; and if land is not sold, you cannot do that.

16. You must sell a certain amount?—Yes. If the parliament has any objection to do so and says, "You shall not sell so much:" when the parliament has decided, the minister has simply to carry out that decision.

17. Does that come before both houses?—Questions of revenue do not. The first page of the Estimates shows the income of the coming year, and the sources from which it is to be raised, and then a statement is made of the expenditure; but you will always find on the first page the various sources from which the revenue is to be raised. Then, when it is introduced into the Assembly, there is usually a debate upon it. For example, if the Government are going to put a duty on some commodity, "We object to that," the opposition may say; and if too much or too little revenue is proposed to be raised from the sale of land, they express their views upon it.

18. But ministers have a certain discretionary power in selling land?—Of course they have.

19. There is another ingredient to which I wish to draw your attention; I mean the effect which those sales have on the general finance of the colony?—We are bound to take that into account, and not to bring into the market too much land at a time; and, as that question has arisen in the other house, and is before the public, I am happy to give the fullest information.

20. Mercantile men are afraid there is again to be a crisis in consequence of putting up too much land; it is an increase on the usual amount?—The quantity of land proposed to be sold by the Government this quarter is less than was sold in the corresponding quarter last year.

21. *By the Chairman.*—That is in quantity?—In quantity and amount of money. The quantity and value are less than the corresponding period of last year.

22. *By Mr. McCombie.*—Is there not more Melbourne land offered than last year?—Yes; but I lay upon the table of the Assembly this day a report from the surveyor general on the whole question; and one of the facts exhibited in it is, that the quantity is less than last year. The treasurer has a return in relation to the expenditure. I have not examined it minutely; but he told me that the financial facts corresponded.

23. I am only speaking of general principles—you make distinctions between country and town lands; that is to say, that you sell country land as soon as you can, and delay the town land, so that it should not be too soon sold?—If they are sold at legitimate prices they cannot be too soon sold; but if not, or if the sale would disturb the balance of trade, it would of course be considered by the board.

24. Do not you think there might be too much forced into the market at one time, so as to disturb the balance of trade?—Certainly; I have limited what should be sold on that account.

25. I should like to know whether you do not make a distinction between land in the country for actual settlement, and the sale of land in Melbourne for speculation?—I do not think the sale of land in Elizabeth-street is for speculation.

26. But what quantity of land do you propose to sell in the neighborhood of Elizabeth-street?—We advertise what we have for sale in the papers of to-day. I have withdrawn one-third of what was proposed to be sold: first, because I was not satisfied with the prices; and, secondly, because it was urged that some of it might be reserved for the ornamentation of the city. I therefore consented to withdraw the land until the question was considered.

27. Do not you think it would be wise policy to sell it gradually?—Undoubtedly it would. When I came into office I appointed a new surveyor general, and stated to him the policy I wished to adopt; that is to say—to bring lands into sale so as to get actual cultivators on the land, instead of its passing into the hands of speculators. He found a considerable quantity of land surveyed, and the committee might ask why it was not brought into market. The reasons were, in the first place—there were about 200,000 acres which appeared to be auriferous, and which, in consequence, it would have been bad policy to sell, as it would either have been rushed, or subject to contracts detrimental to the miners; so that all this auriferous land I thought it my duty to withdraw.

28. *By Mr. Patterson.*—Was that land all surveyed and planned out?—Yes, before I came into office, and has been withdrawn, because it was reputed to be auriferous.

29. With regard to bringing so much land into the market—if you limit the quantity, will not that have the effect of raising the minimum price?—I should say it would; but I do not limit the quantity so as to starve the market. I was explaining the reasons why the land surveyed was not sold. Another reason was, that a considerable portion of that land lay in such vicinity to the proposed railway stations, that it was thought it would be very prejudicial to the public interests to sell that, lest people should buy it on speculation and sell it again at high prices, which is not a wise national policy to encourage.

30. *By Mr. McCombie.*—Does not that force you to sell a certain quantity of land at any prices?—No.

31. Would you consider yourself justified in withdrawing the land, provided the sum could not be realized which parliament expected?—I should certainly feel justified, if falling short of the sum proposed, rather than make sales at undue prices.

32. But still a certain sum must be realized?—Yes.

33. *By Mr. Patterson.*—Do I understand you, that if land is put up at a minimum price, if it does not go beyond that, you are not allowed to sell?—The land is put up at an upset price—an arrangement of which the committee are aware. If I found in any particular district that large quantities of land went at the upset prices, I should withdraw the rest, and say there is no competition here, and it is sacrificing the land.

34. Would not that prevent the people getting the land at the price fixed by the Executive Council?—If the land sold fell into the hands of a large number of small proprietors, I should not do so; but if it fell into the hands of a small number of capitalists, I would consider it a sufficient reason for a withdrawal.

35. But does not that interfere with the right of a man to spend his money as he thinks proper?—I should interfere, as it diverts the land of the country from legitimate occupation.

36. If the Executive Government has fixed the minimum prices, are you of opinion that the land should be withdrawn if it does not go beyond them?—If the land in a particular locality is falling into the hands of one or two capitalists, and not into the hands of cultivators, it would be a legitimate exercise of my authority to withdraw it, rather than sell it.

37. *By Mr. McCombie.*—In cases where land was sold at £8000 an acre, and so on, would you interfere there?—Yes.

38. Do not you expect to raise the greater part of that sum of money from Melbourne lands?—I stated, I propose to withdraw one-third. I was proceeding to state another reason why the land surveyed was not brought under sale—it was surveyed in large blocks—too large for actual settlers to buy. That is to say, from 200 to 500 acres. Under my direction, no allotment larger than 200 acres has been offered for sale.

39. Then you had to subdivide them?—Yes.

40. But that would not occupy much time?—Yes, that did occupy time. I will state specifically that neither I nor the Government have withheld land from sale. We brought it into the market for sale as soon as practicable.

41. Has there been carelessness in selling river frontages?—At a former period there undoubtedly was; but I have not allowed a monopoly of water in any shape whatever.

42. Has any damage been done in that respect?—I think so. I made a return to the Assembly, showing the large proportion of water frontages formerly disposed of.

43. Do not you think the Government could interfere to compel the cutting out roads to these water frontages?—That I should think reasonable.

44. On a fair valuation?—A fair compensation, bearing some relation to the prices paid for the land. I think that would be perfectly legitimate. I do not think any man has a right to monopolize all the water in a district, and thus to render valueless large tracts of country.

45. There is a great outcry that there is not sufficient land surveyed for really legitimate occupiers to settle on. Do you believe that is the case?—By the Land Sales Act the land must have been offered for sale before it can be open for selection.

46. Is there sufficient land surveyed and not sold for selection by *bonâ fide* occupiers?—I am not sure that there is; for when you offer land fitted for *bonâ fide* agricultural uses, in small quantities, occupiers purchase it; and if you offer it in large quantities, speculators buy it; so that, between Scylla and Charybdis, it is difficult to know how to hit the mean. It would be advisable to bring it under the hammer, if it would pass under the hammer; but the probability is, it would not; but be sold to speculators.

47. Do you know anything of the American system of survey?—Yes.

48. Do you think it would be practicable to survey a large tract of country on that principle?—That is just the principle we have submitted to the other house.

49. In appropriating money for public roads throughout the Colony, is it you who appropriates the money?—Mr. Stevenson, the commissioner of roads and bridges, makes out a scheme of expenditure, which he submits to me for approval. What I did last year was to submit the plan, in the first instance, to the Board of Land and Works; I then brought it to the Executive Council and took their opinion on the expenditure.

50. Then it is in fact your board that proposes the expenditure?—There are four branches in my department. The head of each branch makes a proposal for the expenditure to me personally. I need not bring it to the board, but must bring it before the Executive Council.

51. But it is the political head of the Land and Works Department that makes *de facto* the appropriation, though he may, if he thinks proper, take advice?—Yes, there is a professional head of the public works department, Captain Pasley; of the land, Mr. Ligar; of roads and bridges, Mr. Stevenson. Each gentleman sends me his scheme of expenditure for his branch of the department. I sanction it of course, if I approve of it. I sanction it or not, in the exercise of my discretion.

52. You believe there is very fair play in that respect, and that no one part of the country gets more for public works than another?—As far as my knowledge goes, they do not most assuredly get any unfair advantage.

53. Do you believe that the staff in your department is extravagant, that it is beyond the working requirements of the department?—One of the things I did after I came into office was to make a careful investigation on that point, and I found in the Roads and Bridges, that the expenditure has been gradually diminishing since the creation of the Central Road Board, so that it is not much more than half in 1858 what it was in 1854, and while that expenditure has diminished, the amount of business has considerably increased; so that the correspondence is greater than in 1854, while the salaries are not much more than half the amount of that year. The occasional assistance, which in the estimates looks a considerable sum, is simply appropriated in a specific vote, because I wished to submit all salaries to the action of parliament.

7224
 The Hon.
 C. Gavan Duffy,
continued,
 23rd Nov., 1858.

The same identical sums were last year taken out of votes for particular services. The practice has been hitherto, if a vote was authorised for the Point Nepean road, for instance, it not only paid the contractor, but the salary of the officer. I did not think that was a proper system, and I therefore brought into the estimates a specific vote for salaries paid in that way.

54. Did the house allow that?—They allowed it last year.

55. That system then is altered?—Yes, this year. It was allowed formerly, inasmuch as it is a temporary employment, and the salaries ceased to be paid when the work was done. But although it be temporary, I thought it better and fairer to have the votes brought out as they are now.

56. Have you any idea of the expense of working your department?—Yes; take for example the branch of Public Works. I looked carefully into what per centage we pay for professional superintendence, and I found it amounted to $2\frac{3}{4}$ per cent. on the money expended, while the committee is aware, I presume, that a professional architect is paid 5 per cent. for plans and superintendence of private works; so that whether there be extravagance or not, the Government get their work done for little more than half what it costs a private individual. The same explanation applies to public works as to roads and bridges; that is to say, I have all salaries brought out definitely which were formerly charged on particular votes; for instance, the architect for this house was getting £1200 a year, but yet you could not ascertain that from the vote. I therefore directed it to be brought into the form of a specific item, so that the Assembly might see whether it was too much or too little. And the Patent Slip in the same way—the salaries were paid out of the sum granted for the work. I have brought them out specifically.

57. Then, on the whole, you think the Government work is done as cheaply as it can be done?—I should be sorry to say that. I have always felt the expenditure of the Government service might be lowered. It may be reasonably asked, "Why do not the present Government propose a reduction?" In the first place, for the period we have been in office, we have done a great deal of work. If we carried out a reduction of the various staffs, and dismissed men right and left, there is not a set of people on earth that would have made a greater clamor than members in parliament. What we want is the support of the Legislature. Let this committee report that there ought to be a new system of economy adopted, and we will try; but if we did it now, there would be endless clamor.

58. But do not you think it might be altered. Since the present scale of salaries was fixed, an alteration has taken place in business, which is not now so good. Clerks in private houses, merchants, and farmers are not making so much; and therefore, as far as practicable, salaries should be reduced. Not that heads of departments should be lowered, but that new men entering offices should do so at reduced salaries; for, although you were not here, I recollect that those salaries were run up cent. per cent. when the diggings broke out: salaries of £300 were raised to £600, and then an addition was made for house-rent; but house-rent and other expenses are less, though salaries are not reduced?—The allowance for house-rent is discontinued altogether. I must say generally that, while it is impossible to dispute what you say, the tendency of the Assembly in dealing with salaries is not towards decrease.

59. What is the lowest salary in your department?—One hundred a year.

60. Up to?—Up to £1000 a year. The secretary of the railway department has £1000 a year. He brought a letter from my predecessor in office, stating that he was to have £1000 a year when the railway works began; and accordingly we have proposed that sum to parliament.

61. There are three classes of clerks, are there not?—They are not classified. There was a proposal to classify them, but it has not been done. But since I came into my department I proposed a scheme of promotion in the civil service, which I submitted to the employées in the department, and which will be gazetted shortly, and will, I think, tend to institute a fairer system in future.

62. Is there one class of officers that draws out plans for public buildings, and one for bridges?—They are as absolutely separate as the two Houses of Parliament.

63. Has the man that plans a work the superintendence of its execution?—Not necessarily; for it might be inconvenient to send a man out of town, sometimes to distant parts of the country.

64. Do not you think there is a great deal of negligence in reference to your department? I will give an instance: there is the jetty on Schnapper Point?—I am afraid there have been instances of that sort, and therefore I put on the estimates a proposal to have one of the clerks of works constantly travelling and inspecting the various undertakings in operation.

65. Is there not an inspector of those out works?—Not a travelling inspector.

66. *By the Chairman.*—Does not the inspector general travel?—He visits particular districts to see what works are undertaken; but that refers merely to roads and bridges, and not to works of the nature you have referred to.

67. I suppose you are aware that the jetty at Schnapper Point was half washed away?—Yes; and the jetty at St. Kilda also.

68. *By Mr. McCombie.*—With reference to legal assistance in your department, I see an appointment of Mr. Sievewright as solicitor to the Water Commission?—My department has nothing to do with that.

69. I thought that was in your department?—The commission is placed nominally under my department, but they are independent. Their appointments are at their own instance.

70. Then each department appoints its own legal adviser?—The Board of Land and Works has hitherto had none; but it is essential to have one, for there will be large sums of

money paid as compensation for private lands for the railways. Before I came into office Mr. Moore or Mr. Michie was in communication with a solicitor, to appoint him, giving him fees. Those fees might amount to £4000 or £5000 a year. I thought that too much; and I therefore proposed to appoint one at a salary. This was not arranged when I was taken ill, and the gentleman who was to have been appointed declined.

The Hon.
C. Gaven Duffy,
continued,
23rd Nov., 1858.

71. Would not it be better to appoint one solicitor for the whole?—There is one, the Crown Solicitor, who does both the civil and criminal business; but the work lies weeks and months in the office. He has too much to do.

72. Then, in fact, the appointment by the Sewerage and Water Commission is in the commissioners' own power?—I might interfere, but I consider it in their own power.

73. There are great complaints of deeds and Crown grants not being given out immediately after the money has been paid for the land?—I have proposed a scheme to give them out immediately. The only addition I have made to the staff was one clerk, at £100 a year, to assist in getting out deeds immediately.

74. Providing your department was broken up, how many departments would you advise to substitute?—It might be divided into two, but I think three would be better—The Commissioner of Crown Lands, of Railways, and of Public Works. I think the railways are of so much importance, that it would be desirable to have a responsible minister at the head in parliament.

75. *By Mr. Patterson.*—Would there be three boards?—I think one board would do. When I came into office there was practically no board at all. Mr. Moore came and sat down with the head of any branch and asked, was there any business? But I have instituted a fixed mode as to time and place, and the work is transacted under certain rules. I may venture to say I systematized it.

76. The board would be increased by those ministers of State?—I think the ministers ought not to sit together. They ought to sit with the professional officers, when the business of their respective branches was under consideration—the Commissioner of Public Works, the Commissioner of Crown Lands, and the Commissioner of Railways. Those three would form a permanent board, a minister presiding.

77. Would it not give rise to disputes as to what branch a particular work belonged to—there would be debatable ground?—I do not think there would. The difficulty would exist at present, if it would exist under the proposed change. At present the secretary of each branch brings up a schedule of the work to be submitted to the board on each day, with a blank space after each item, in which the president writes the decision of the board; but no difficulty has ever arisen as to whose schedule any particular work ought to appear in.

78. Would you give any Executive minister the title of president?—If the department were divided into two branches, I would keep it as at present, as it would be unnecessary to repeal the existing Act. If there were three departments, I would make a Minister of Public Works, Railways, and Crown Lands.

79. I think, in a matter between the Public Works and Railways, there might be a dispute. Supposing there was a railway going over a road, and the Public Works were forming a bridge over the road, might there not be a question of debatable ground before the board?—It is conceivable there might, but it is no reason against the existence of a board, as a board comprising all the departments would be exactly the tribunal to deal with it. I would not advocate, however, all the ministers sitting together, as a minister has enough to do in his own department.

80. I can see objections to compelling one only to be president for the time being; but I think it would be better for all to be members of the board?—I see no objection.

81. *By the Chairman.*—Do not you think the system of boards screens a great many officials who would otherwise be amenable to public opinion?—I do not think I understand the question.

82. Do not you think the system of boards, in general, screens a number of officials from being amenable to public opinion?—I do not know in what way. Will you instance in what way?

83. Say there is something occurring in your department—you have seen the officer at the head of the department, and he agrees with your views. He says, "I must decide now." He decides as it will come before the board who will confirm the decision, though you afterwards found the question ought to have been decided otherwise?—The professional officers cannot decide without the consent of the political head. I do not think a board ought to be a place for political debates. A board does not screen the minister. I should not feel justified in saying, when a decision was complained of, "I did not agree with it;" for, if I did not agree with it, I would not permit it to be done. Here is a question, for example, that I do not allow a sufficient quantity of land to be brought into the market. If I permitted the board to overrule my decision, parliament might on that very point turn the Government out afterwards. I am responsible for everything done at the board, and on any question of policy I would not allow anything to be done contrary to my wishes. I have less hesitation in alluding to the subject, as the necessity has never arisen for me to say, "I am responsible, and cannot permit this."

84. *By Mr. McCombie.*—You say you are the sole political head?—Yes. I do not think the board ought to be a shelter for the political officer; for the board is simply a board of advice. Nothing is done that the president or vice-president does not concur in.

85. You would never think of asking them on a point of policy?—No.

86. *By the Chairman.*—You mentioned that 200,000 acres of auriferous land was withdrawn; who reported it to be so?—The surveyor general stated that the local officer reported it

The Hon.
C. Gavan Duffy,
continued.
23rd Nov., 1858.

auriferous. I therefore adopted his report. I did not know of my own knowledge that it was auriferous.

87. There was a large quantity that you caused to be subdivided, was that left to the district surveyor or to the surveyor general?—It was my decision that allotments over 200 acres should not be offered for sale. It was their business to carry out my instructions.

88. Was that done without any reference to the quality of the soil?—It was. The instructions were general, that allotments should not exceed 200 acres. For that I am solely responsible.

89. *By Mr. McCombie.*—You got that carried out at as early a period as you could?—I did. There was no intention of delay in selling land.

90. *By the Chairman.*—Do not you think those departments could be simplified by making permanent secretaries; so that when a change was made, they might be able to post them up in all that they ought to be made aware of?—There are already four permanent secretaries in the four branches of the department, and they are responsible for carrying out the decisions of the board, and are ready to give any information to the responsible head that he may call for in reference to the department.

91. Are they all heads of those departments?—No; each department has a head also, excepting the railways. In the branch of public works Captain Pasley is permanent head, and Mr. Balmain is the secretary. In the Crown Lands, Mr. Ligar is permanent head, and Mr. McDermott is the secretary, and so on with the others, excepting the railways. I refrained from appointing a commissioner of railways, because I thought it advisable to place that branch under the control of the Legislature, through a political head.

92. Do you consider that all those heads of departments are subject to the political minister of the day?—Undoubtedly; I consider they are to carry out his decisions, and removable by him when they fail to do so. That is the meaning of governing by parliament. Ministers are responsible to parliament; the officers of their departments are responsible to the ministers.

93. *By Mr. Patterson.*—Who looks after public buildings—for example, at St. Kilda?—There is a clerk of works that takes the Melbourne district. Mr. Wood is the resident clerk, and draws the plans. There is another gentleman, whose business it is to inspect the works; and, in addition, there is a foreman of works, a mechanic, to see them carried out.

94. Is it supposed that Captain Pasley, the head of the office, goes to see those works?—It was intended that he should, but attendance on the board occupies a considerable part of his time. There are two meetings for business, and one day for receiving deputations, during the week; and there is a good deal of office work. I do fully believe he has as much work as any officer can do well.

95. Is there no complaint made in regard to the public works at St. Kilda—I refer to the jetty?—I heard a complaint about the jetty. The first complaint I heard after my recent recovery was, that the sea had washed part of it away; and with regard to buildings, I think great want of taste has been evinced in them.

96. If the jetty at St. Kilda was improperly constructed, who was responsible?—There was a clerk of the works in charge of it.

97. *By Mr. McCombie.*—Is he supposed to be an engineer?—He is generally so. The carrying out of the works belongs to the clerk of the works.

98. *By Mr. Patterson.*—Would it not be desirable that a more able head should be got than the clerk of the works to superintend them?—Yes. I am sorry to say in various jetties mistakes have been made; for instance, at Warrnambool and Belfast. A mistake was made at Warrnambool, because proper precautions were not taken to have the piles shod before being driven. I wish I saw a way to avoid errors of this kind.

99. *By Mr. McCombie.*—Is it not to be expected, unless you have a better class of men?—I proposed to employ a professional travelling superintendent to inspect all those works.

100. *By Mr. Patterson.*—I think the St. Kilda jetty is of such a character, that you should inquire who planned it. I have seen 100 loads of earth thrown in one day, which have all gone the next; and they were actually putting sand and lime on, such as you would put on the garden walks. I have seen hundreds of loads filling up the very bay that was intended to be made?—I will inquire into it. The work had commenced before I was in office; but some damage occurred during my illness.

101. *By the Chairman.*—The system at present is to leave marking out the roads of the country, where land is not surveyed, to ordinary district surveyors. I find, by past experience, those men look out to survey roads to suit themselves more than the public, and when the country is populated, it costs immense sums to have proper roads made?—I believe it is undeniable that a system of that sort has existed. I have taken precaution that, in future sales, roads should be reserved, especially to water frontages at certain distances, on a specific plan.

102. Should you think it advisable before the land was sold, that an engineer should be sent to mark out the roads?—Certainly; I may say that is a principle of our system of survey, and this additional advantage will arise out of that, that we purpose to have the country contoured to ascertain the heights; so that, when water falls at high levels, we can ascertain where it can be saved and stored.

103. *By Mr. Patterson.*—Have you found, from the variance of the true north with the magnetic, it would be necessary, on the system you pursue in making out a base line, to show the variance by a line upon the plan?—We are laying out the base line at present and marking it off on the surface of the country.

104. *By the Chairman.*—But you are required to survey a good deal of land not

The Hon.
O. Gavan Duffy,
continued.
23rd Nov., 1858.

available for man or beast under that system?—If you survey the whole country, you will, of course, have to do so. There are wastes in all countries.

105. I see, on some of the maps, the surveyor has put down as remarks, as agricultural land, grazing lands, and so forth. Has the Government issued any instructions to those men to be correct in what they publish?—There is a map of the whole country prepared by Capt. Clarke, in which the character of the country—that is, the agricultural or pastoral character—is distinctly marked. I presume it is a copy of those conclusions already arrived at.

106. I find a number of small blocks of land have been purchased as agricultural, not adapted to agricultural purposes. The owners have been there some years, and this year they have to abandon them. After some years of labor, after spending all they have, I look upon those men's labor on that land as loss to the country. My object in asking is, that the surveyors should be guarded in stating what is the character of the land?—I think it would be a serious wrong to small purchasers to describe as agricultural land what is not so; but of course it is a debatable question "What is agricultural?" We have all in our own gardens land that, though its character as soil is not agricultural, has been made very productive. With regard to purchasers who have been misled by the Government, I have never had a single case brought under my notice before. Where did it happen?

107. Near Greenhills.

Mr. Duffy.—I may mention to the committee, among the alterations I made, I have adopted a system of competitive examination, to secure the best professional assistance which could be had for the department, and I think that the system has worked tolerably well. I shall be happy to answer any questions in respect to it.

108. *By Mr. McCombie.*—Are all your appointments made on that principle?—I have never made any appointment contrary to it since it came into operation; but it was necessary to do this, since the last competitive examination. Temporary assistance was applied for immediately in the railway branch, and I said, "You cannot have it without a competitive examination." I was assured it would be injurious to the public interests to delay, and I therefore did this—I took the engineer who was next on the list at the last competitive examination, and gave an appointment to him, and also to one that was in the public service at the time. Two cases have been named in the public journals; one was absolutely without foundation; the other appointment was made before the system came into operation.

109. You refer to that at Williamstown?—That is one of them. It was made during my illness by Mr. Horne, and according to the rule of the office. The competitive examination had at that time received the concurrence of my colleagues, but had not come into operation.

110. Do you examine candidates professionally, or on mathematics and classics?—Professionally; they are examined by a professional board. I reserved the right of presiding at the board myself, for the purpose of exercising a discretion in relation to their moral qualifications. A man might be an eminently good surveyor, for example, and totally unfit to recommend what particular lands should be sold or allotted for a special purpose. In fact, he might not be trustworthy. There is something in the bearing of a man which, were you intending to take him into your own employment, would influence your decision. I may say also that I have recently prepared a system of promotion in the department, which I think will work well.

111. By merit?—By merit and service, but not alone on simple seniority, which hitherto has chiefly been the course.

112. Could you make any suggestions to the committee in regard to carrying out this inquiry?—I think you ought to have the professional heads of departments examined, and after you have examined them, I should prefer being examined again. In the matter of public works, it may be necessary to ask the opinion of architects outside. In the matter of survey, it would be impossible to survey more economically than is proposed on the Estimates for 1859.

113. At present, the surveys are going on as before?—I have not the power of doing otherwise; money is voted for the salaries of certain persons, and we cannot take that money from them to carry out a system of contract.

114. *By the Chairman.*—Have the present surveyors got notice?—Yes, they have, or they might have required compensation.

115. *By Mr. McCombie.*—The reduction will be from 5s. or 6s. an acre to 6d. or 8d.?—The contractors will not get more than 6d. an acre, and there will be a small addition for inspection. The surveyor general undertakes positively to do it for 6d. an acre.

116. That is as cheap as the American surveys?—Cheaper, I believe. It is carrying out the system adopted in New Zealand, where they have to purchase land from the natives, and sell it afterwards to settlers at a low average, so that the most economical system of survey is absolutely necessary.

The witness withdrew.

WEDNESDAY, 8TH DECEMBER, 1858.

Members present :

The Honorable G. Urquhart	|	The Honorable M. Hervey
„ T. McCombie	|	„ J. H. Patterson.

Charles W. Ligar, Esq., Surveyor General, examined.

C. W. Ligar, Esq.,
8th Dec., 1858.

117. *By the Chairman.*—How long have you been surveyor general in this colony?—About seven or eight months.

118. Can you state the number of acres of land surveyed and not sold when you took charge of the survey department?—I cannot say, without reference to documents in the office.

119. Can you state what number of acres are now surveyed and not sold?—No; not with any degree of accuracy, without reference to books in the office.

120. Will you forward those statements to the committee?—I shall be very happy to do so.

121. Do you leave it to the district surveyors themselves to survey such blocks of land as may appear good to them, on the examination of the country; or, are there any regulations connected with the office in regard to what is to be surveyed?—The way it occurs is, they recommend certain portions of land, which they consider are required for settlement. In that case their recommendation is generally carried out; but if, on the other hand, the office finds there are other lands fit for settlement, they have orders to survey. They have no power to get up surveys without reference to the office.

122. Do you depend upon their judgment, whether it should be cut up or not?—No; on the general rule prevailing in the Government at the time, whether it shall be small or large lots. The land is sub-divided according to the general policy of the Government for the time being. Not a foot of land would be sub-divided for sale without some order.

123. Who marks the descriptions on the published maps of the colony?—The surveyor.

124. Is the published survey inspected at the office in Melbourne?—Yes; checked.

125. Do you expect that they should perform a certain amount of work every month, or quarterly?—They send monthly returns of progress, in which they insert the time they went to work, the time they left the camp, the time they arrived at their work, and the time they left their work, and went back to the camp. They state the distance they travelled, the number of chains they have measured, the number of angles they have taken, the nature of the country, and the state of the weather.

126. *By Mr. Patterson.*—That is in the shape of a journal?—In the shape of a monthly journal, which they send us. Those are collected together, and their monthly progress is sent in in miles and chains. Then, when the survey is completed, we can see the whole amount of work performed. But there is another check which I have instituted, which is, that they send each month a small sketch or diagram of the survey in progress.

127. *By the Chairman.*—Monthly?—Monthly; and distinguished by red lines showing what they have done last month.

128. *By Mr. Hervey.*—Is this kept as a daily log?—The surveyor keeps it as a daily log, but I get it monthly.

129. There is no particular form for filling their returns up?—Yes; it is a printed form which they fill up.

130. *By the Chairman.*—Can you inform the committee whether any reduction has taken place in the general survey during the last eight months?—Yes, there has. The surveys are not yet in a complete state; but within forty miles round Melbourne the surveys have only cost 5½d. per acre; and it is one of the most difficult descriptions of country to survey possible.

131. *By Mr. McCombie.*—What part of the country is that?—About the Yarra and Western Port.

132. *By Mr. Patterson.*—Within a range of forty miles round Melbourne?—Yes. I have not yet made any alteration in the system; in fact, I am carrying out the old system I found in use.

133. *By the Chairman.*—Does your estimate of 5½d. per acre include the reduction made by Mr. Moore when President of the Board of Land and Works?—What reduction?

134. I see he has reduced each surveyor £100 a year; and I see by Mr. Moore's report that that reduces the cost of survey 2¼d. per acre?—They get £200 each for expenses, from which they find tents, tools, conveyance, equipments for themselves and men over and above their regular salary. Their salaries range from £300 to £600 a year; so that surveyors are receiving from £500 to £800 a year.

135. *By Mr. Hervey.*—And the outfits are all allowed at one rate—that is, £200 a year?—Yes.

136. *By the Chairman.*—Have you ever practised the geodetic system of surveying, which report says is about being adopted by the Government in this colony?—The geodetic system of survey means surveying large portions of the earth's surface; whereas, the old surveying system was to survey in small portions.

137. *By Mr. McCombie.*—Do you mean a geological survey?—No. A geological survey is not related to a geodetical survey.

138. *By the Chairman.*—I believe you have tried it in New Zealand?—I have been surveying about sixteen years in New Zealand, and have tried this system there.

139. Was it the same system you propose to adopt here?—Yes. I propose to adopt the same system by contract. I propose to map the country into large portions by my surveyors, and set out the minute sub-divisions by contract. I propose to have, by this means, so certain a check that there can be no possible error. I propose, also, to run a diagonal line, so that it must meet each survey on the ground.

C. W. Ligar, Esq.,
continued,
8th Dec., 1858.

140. *By Mr. McCombie.*—Have you adopted that system in New Zealand?—Yes. When I went out to New Zealand I brought out five parties of surveyors, and I carried on the survey for two or three years. Then I found that the system of watching each surveyor in remote places was very unsatisfactory, and that surveys were costing high prices; and I conceived the idea of doing a great portion of that work by contract; because I consider that a great portion of the surveying is a mere manual labor, especially in New Zealand. I therefore commenced by contract. I then went further, and got respectable men to take those measurements and lines by contract; and instead of paying them by salary, I paid them by the mile, chain distance; and it is from that I fell upon the plan. Whenever I wanted a survey, say about 30,000 acres, I should leave the external boundaries, mark out the villages or towns, and roughly delineate the features, draw the necessary roads they were to leave, and then give instructions to cut it into minute portions.

141. Is that the system pursued in the United States?—Nobody can tell what the system pursued in the States is. I have understood it is a very careless system of survey.

142. When did you propose to introduce that system you speak of?—The beginning of next year.

143. And what district first?—The Kilmore district and round about Sandhurst.

144. Have you made up your mind to what extent you will carry the survey first?—To that district of Kilmore, and about Sandhurst, because it is the portion of country now most in demand. It is that on which I shall get the principal meridian laid down.

145. Do you think the geodetical system correct for internal measurements?—Yes.

146. As correct as the old system?—A great deal more so. Some persons would have reasonable ground for supposing that a meridian line might be a few feet out of its position. I mean to avoid that. I intend to use the usual trigonometrical stations, and by measuring a base to have those meridional lines trigonometrically determined. I hope to have them exactly determined, and I shall also be certain of fixing them in their relative positions.

147. But in order to do that, would not the peculiarities of surface interfere sometimes?—No. I shall also be able to measure all the arcs of the meridian, and by that means to ascertain the true spherical character of the earth in this part of the world, which is a matter of very deep interest.

148. Has not that been done to some extent by writers on magnetism, such as Strezelecki and others?—It has. I believe that, at the Cape of Good Hope, the measurement of the arc has been done very carefully by trigonometrical observation.

149. Was it not done by Herschell?—He was there and commenced the work, but I forget the name of the man who was left to carry it out. I hope also to have some great interest attached to the magnetic lines. Professor Neumayer has agreed to work with me, and I shall be able to lay down the lines of the magnetic currents on this geodetic survey.

150. I believe you have tested the accuracy of that survey in New Zealand?—Yes. After landing there, in two or three years I adopted the plan of surveying the outer boundaries, and surveying by contract all minute surveys. I believe, in America, they have got some very carefully ascertained meridional lines, but the general surveying is very roughly done.

151. Did not Sir Thomas Mitchell make such a survey in New South Wales?—He made a trigonometrical survey—I may state this in favor of using those artificial lines. In a new country artificial lines must be created: it is quite different from the survey of an old country. In the survey of an old country, a trigonometrical survey is all that can be required; but when I am obliged, in a new country to create a series of artificial lines I may as well put them where they can be made available with regard to time. I must commence somewhere, and I shall be able to determine their actual longitude—that is, referentially, one with another.

152. *By the Chairman.*—How do you propose to render the geodetical survey a check upon the original survey?—I can only connect the original surveys together by means of it.

153. Have you ever considered the quantity of unavailable land comprehended in those large blocks?—I have done that, and I purpose not dealing with those until the mass of the work first required is done.

154. You will take the available land first?—Yes; I may state that I have got the 145th meridian laid out as far as Kilmore, by a gentleman I have employed as a district surveyor, and all the meridians of longitude will be ascertained from Williamstown, the longitude of which is based upon 500 observations. I believe the exact longitude of Williamstown is better fixed than that of Sydney. I therefore purpose using that as a starting point. The exact longitude of a place is very difficult to ascertain, but the differences of longitude are more easily ascertained, especially with the assistance of the electric telegraph.

155. What reduction do you anticipate such a change from the old system to the contract system will make?—I consider that 6d. an acre would amply pay the people on the field, and 3d. an acre for my own supervision and drawings.

156. That would be 9d. an acre?—Yes.

157. Would that include advertisements and everything?—Over 5,000,000 acres, it would cover every expense; for you can readily conceive that a large quantity of land operated

730
 O. W. Ligar, Esq.,
 continued,
 8th Dec., 1858.

on, it would cover all the incidental expenses. They would never be felt. One thousand pounds would never be felt in it.

158. I see in some of the returns here, that it has cost 5d., 6d., and 7d. for the local survey of large tracts?—Three pence three farthings it has been done for by a gentleman of the name of Cooper, but he had a very easy country.

159. Into what sized sections do you propose to cut up this new country?—In lots of about eighty to 200 acres. Nothing exceeding 200 acres, except the Government should wish, in pastoral parts of the country, to make the sections larger. I should be guided in that by instructions from the Government.

160. *By Mr. Patterson.*—I should think it would greatly depend on whether it is agricultural or pastoral land?—Yes. I do not think it would be advisable to cut up pastoral land in small pieces. It would be useless to divide it too much.

161. *By the Chairman.*—Was not a great quantity of land sub-divided into smaller sections?—Yes. A great quantity of land was divided into too large portions, according to general opinion. They are now cutting them into lots not exceeding 200 acres each.

162. That is, as regards the same country?—Yes. The rich portions are cut into the smallest pieces.

163. Does the Government approve of the general reports made by the surveyors as to the agricultural and pastoral character of the soil? do they think they are generally correct?—I think so. I have never heard any complaint as to their accuracy.

164. *By Mr. Patterson.*—Do not you think it is objectionable to put the quality of the soil on the chart?—No, I do not think so. It is a new feature. I never did it myself before I came here.

165. Do not you think it is likely to induce men unacquainted with the soil, who know that the chart has been drawn out by the Government, to buy land without seeing it?—It has that tendency.

166. Do you not think it has a bad tendency to buy land unseen?—A man may not have time to go and see it. The part I dislike most, is the responsibility the description of it throws on my shoulders. But if it is faithfully done, it must be of some use. The only thing I dislike is, that I take the responsibility of the description. In case of misdescription it would be like a bad measurement, and the Government ought to make restitution. I should be glad to recommend it in the same way as if I had given too small a quantity. It might be a mistake—the surveyor may not be to blame.

167. Would you not compel the surveyors to have some knowledge of agriculture, in order to describe the qualities of the soil and the capabilities of the land?—No; I think the surveyor measuring it over carefully will tell the quality of it; that is to say, if the land is of the class that is generally accepted in the country as good. For instance: if he were surveying across a basaltic country, he would know that the rock gives character to the soil. If he were surveying along the banks of a river and saw a black soil, he would have no hesitation in saying it was good agricultural soil.

168. *By the Chairman.*—Is the committee to understand that you look forward, after this change of system of survey, to the reduction that you anticipate will take place?—Yes.

169. In this change, will it be necessary to reduce the staff?—More than half.

170. Will it be necessary to reduce the staff in the town?—No, I cannot; if I bring on the survey of a large quantity of ground, there will be so many plans to draw. By having one uniform scale, and by sending in plans on that uniform scale, I shall not have the trouble of reducing plans from one scale to another.

171. What benefit does your position confer upon you in being in communication with, and, I believe, one of the Board of Land and Works? does it facilitate your operations?—I think so.

172. Will you intimate to the committee how?—Particularly with regard to roads and bridges, my communication with that board perhaps facilitates the settlement of many questions. In most countries, where land and works are not combined, there is generally a good deal of reference backwards and forwards from the survey department to that of roads and bridges. I meet the commissioner of public works at the board, and in various other ways I think it is for the convenience of the public that there should be an intimate connection between all the three branches of the Government; that is to say, as far as the working of those departments goes. But there is another question—whether the binding up, as it were, all the responsibilities, is a good feature in it; but taking the working of the departments one with the other, I think it is a great advantage to all to meet together, and all be bound together under one general head.

173. What further benefit does it confer upon you—could you not meet with the commissioner of roads and bridges, or the commissioner of public works, elsewhere than at that board?—Certainly, I could meet them, but it is a question whether I should meet them so regularly, and whether we should be in that state of mutual interest one with the other; because, in some colonies, and in some places, and at some times, there is a want of unanimity between those departments.

174. Do you feel your responsibility bound up with them?—I do; because in everything relating to the land my recommendation or disapproval is on the face of the document.

175. That document is not a public document?—It is, when called upon by the Houses of Parliament. But those three or four gentlemen meeting together can advise with one another and converse over a subject I think with very great good to the public interest, for the subjects are so intimately connected.

C. W. Ligar, Esq.,
continued,
8th Dec., 1858.

176. As a public officer, do you consider yourself bound by the decision of the board or not?—By the decision of the board in all matters between myself and the public.

177. So that your individuality is lost?—Between myself and the public my individuality is lost, as regards the board, but in everything in departmental affairs I am responsible; and the board would have no control with any departmental arrangement I might make. But when I meet the public or individuals out of the department, I merely meet them as a member of the board—I consider that the difference.

178. Do you think that it is advantageous to the public welfare, that you have to fall back on the board and not on yourself in many instances?—I do not feel that there is any advantage in falling back on them in that kind of way. I think there is an advantage in mutual advice, either strengthening your own opinion or altering it.

179. Do you fancy the commissioner of roads and bridges or the commissioner of public works knows anything of surveying, especially on the geodetic system?—That is a thing he would not interfere with—I will tell the distinction. The board has the determining the size of the allotments, and generally agree on the land to be surveyed, but they never interfere with me in carrying those decisions out.

180. It appears to me that those gentlemen should be totally unconnected with your professional business?—Quite unconnected with my professional business.

181. You do not consider that the board screens you from public observation?—Not at all; because the public would know that the board came to that determination on my recommendation.

182. Has your recommendation invariably, without any reference, been carried out?—Not invariably; but I think, where my mind has been made up on any subject, the board generally agree. When I am in doubt myself, the board assist me in forming a decision. The board would object of course to anything I might recommend that was not in accordance with their views.

183. The system of reduction commences on the first of January?—Yes: but it is altogether dependent on the votes of the Legislative Assembly.

184. And you are quite confident as to the ultimate success of your plans?—Quite so. It is not a reduction in money that will take place, but in the number of the men employed under the Government. I propose reducing the number of laborers and surveyors more than half, and to employ contract surveyors instead of those I dismiss, and to ask of the Government for £60,000 or £70,000 more to extend the survey.

185. *By Mr. Hervey.*—For the same money?—For about one-third more. At present you can, in particular districts, and under favorable circumstances, with hard working young men, get work done as cheap as by contract. The advantages of the contract system are, that you get a larger quantity done, and you get it done at a fixed price per acre.

186. You cut the country into certain lots?—Supposing £125,000 voted for the survey of the country, and you were to set a number of surveyors and laboring men on, the trouble and expense of looking after them is greater than doing it by contract. You do not look at contract surveying until it is completed. The government surveyor then looks it over, and approves it, and adopts it as his own.

187. *By the Chairman.*—You would have inspecting surveyors?—Yes; who should have a liberal salary. The check will not be merely a mental affair, but an actual physical thing. If it were a matter of my own convenience, I should prefer the old system, and no responsibility; but in this system there is something that will give me an immense deal of trouble, and I hope a great deal of credit at the end of four or five years.

188. *By Mr. Hervey.*—The project, I take it, is that, by going on that large system, in about a dozen years the whole of Victoria will be surveyed?—I hope in four or five years a survey will be effected.

189. That will end the survey system?—Except of land for sale. What I am surprised at is, that any one should object to £125,000 for such a purpose, when they will give that amount for a bridge.

190. *By Mr. McCombie.*—You must still survey some portions of land in those districts where those meridional lines are not laid down?—That is going on.

191. *By Mr. Hervey.*—Will it be possible, when the surveys are completed, to put your hands on particular lots in all time to come?—I think so. They are marked on the ground.

192. But how will you find those marks?—I intend to cut deep trenches, and to put the number of the lot on the peg itself.

193. *By Mr. McCombie.*—There must be some boundary lines. How do you propose to do them?—We shall mark them by sinking stones at the ends of the sections of those lands.

194. What will be the consequence in the already surveyed portions of the country, without those boundary lines?—I think it will lead to great irregularities.

195. It will be impossible to make a good conveyance in consequence?—I do not think there will be any great difficulty in that.

196. Could that be remedied in any new surveys?—You could ascertain the amount of error or departure from the true line; but you could not give a man more land, if his lines comprised less.

197. Supposing a dispute arose in future, could the boundary line be ascertained to settle that dispute?—No, I think not. In trying to remedy a bad survey, you make matters worse; because, the proper evidence to go on with regard to a survey is this: a grantee of the Crown claims to the peg driven into the ground. It would be no use to say the paper showed that the peg should be further away; the real evidence is the peg. Then the Government surveyor

C. W. Ligar, Esq.,
continued,
5th Dec., 1858.

tries to put on the ground the lines put on paper: you cannot do that, for it is well ascertained that what were supposed to be straight lines laid down by the compass, are waving lines taking the direction of the magnetic current. We know that the magnetic centre is changing; we know that there is an annual change; and it is to ascertain the actual variations of those things that I consider my survey of very great interest. What we should want to know in order to set these surveys right is, the actual variation at the time they were made. Knowing that, we could re-construct them on the ground. We shall try to do that, and fix at the present moment what the real state of the case is. It may be in evidence, that at a certain point a peg was found, and a trench at another place.

198. In reference to the Board of Land and Works, I think you remarked that there were advantages connected with the three departments being mixed up; you stated there were complicated circumstances occurring. Do you think that the three departments being together leads to mis-management?—No; I look upon it as a very good arrangement.

199. You think it better than being in separate departments?—I do.

200. Then you do not advocate the separation of the land from the works?—No.

201. *By Mr. Hervey.*—You know that it is contemplated?—Yes; because it is too much for one person. I consider that the board should have one head, but if it had two heads, the different heads should take different sections.

202. With the same board?—No; for the two heads should never sit at the same board. The two boards should meet on different days: on Mondays, for instance, for works and roads, and the other should meet the next day for lands and railways.

203. *By Mr. McCombie.*—Do not you think the work is too much for one political head to superintend for four days in the week?—I think it too much.

204. Would not land and works be better separated from each other?—I would have them separated and yet joined, for I would have the advantage of all the professional men meeting on those two days. Supposing one minister sat on Monday on two sections, the professional men would go to that, and they would also meet the other minister on the other section.

205. They would all come, except the minister whose department it was not in. He would be a member, but not present when subjects connected with his department were not under consideration?—That is the law at present.

206. *By the Chairman.*—Would you recommend the land and roads should be classed together?—Yes. Works and railways.

207. *By Mr. Hervey.*—And the works and railways with the public works?—Yes. That is, I would recommend the professional heads should meet those two distinct heads. They should not be separated, as there is an advantage in their combined knowledge.

208. *By the Chairman.*—Cannot a department call for that professional assistance which is necessary without that inter-communication?—Supposing you put a minister over roads and bridges and over public works, he would have a distinct board and a distinct place of meeting, and would meet only the commissioners of those two subjects; perhaps, a road requires to be taken through a mass of rock, or the surveyors have neglected to lay out a road, then a correspondence commences between the two branches of the service, which might extend over a length of time.

209. Do not you think there is a connexion between the roads and bridges and the survey departments?—Yes, there is.

210. I have found, in several instances, that surveyors have surveyed lands without leaving roads at all?—Yes.

211. Would you not therefore recommend those two to go together?—It is a matter of very little importance which go together; or rather, it is a matter for the ministers to say which they would feel interested in taking. It is rather a political division of departments than a division of responsibility, or any thing of that kind.

212. I suppose you have observed that the president of the Board of Land and Works is generally employed in answering questions relative to the department under his control?—Not more than it is reasonable to expect he might be occupied in that way. It is the same in all countries generally during the time parliament is sitting; the whole time is taken up in that way.

213. *By Mr. Hervey.*—The board is not complete in order to embrace everything that has been mentioned here?—I think the gentleman having the professional direction of railways should have a seat at the board; he always sits at the board, but has no seat there as a member. It was in contemplation, I understand, to have a commissioner of railways, when the railways would have been properly represented.

214. *By Mr. McCombie.*—Do you find, in many parts of the country, that water frontages have been improperly appropriated to the exclusion of the advantages which persons buying land from the Government ought to have had?—I have heard complaints of that kind. The plan we have adopted, is to leave access to water at least every mile along a creek, and also to reserve 100 yards back from any river that is navigable, or is likely to be made navigable. Those are things which, I think, future settlers in the country should be willing to give up. They should give up the exclusive access to the banks of every river; but to reserve the whole frontage of a fresh water stream would be very like a dog in the manger. No one would have any exclusive or useful occupation of it; each man would be near it and no man on it—all could not be on a water frontage; but I think the Government might reasonably allow a sufficient number on them for useful occupation, and at the same time to leave sufficient water reserves for the use of travellers and persons living back from the river.

215. *By the Chairman.*—I think I have seen notices issued to surveyors to leave a frontage of 100 feet on each side of a creek?—That refers to navigable streams. C. W. Ligar, Esq.,
continued,
8th Dec., 1858.

216. *By Mr. McCombie.*—Would it not be prudent to give a public reserve to all creeks?—To leave a belt of land all down?

217. Yes; not to sell it to private individuals, but to leave access to the public?—You may depend upon it, you must give the natural advantage to some one, but not the whole of it. If you leave access and large reserves at every mile down each stream, I think it would be better than leaving belts of land round each stream. I know there was one proposition, which had a deal of character about it, which was to leave a belt so as to allow the driving of cattle to the market, but I think it would reduce the profitable occupation of the country; for a paddock without water is of very little use.

The witness withdrew.

Captain Charles Pasley, R.E., examined.

218. *By the Chairman.*—I think you have been a responsible minister under former Governments?—Yes. Capt. C. Pasley,
R.E.,
8th Dec., 1858.

219. What were the departments you represented in the legislature?—The public works department and roads and bridges, and I may add the sewage and water commission also, though not under my immediate superintendence, was still subject to my supervision as a minister.

220. Did you find any great difficulty in carrying out the administrative duties of those departments?—Only as regarded the road board. I found that it would be necessary to have a permanent head for the road board. I should state that I held the office of president of the central road board as well as that of commissioner of public works. That had been hitherto a separate office. I held them both, but I found a slight difficulty in carrying out the two together, and if I had remained longer in office I should have proposed the appointment of a permanent head of the road board department, but still under the minister of public works.

221. What amount of money passes through your department yearly at present?—I may say in a round sum about £600,000 a year—that is for works and buildings alone. It is generally rather over than under that.

222. What is the number of your staff?—The permanent staff will be shown on the estimates, but the number of officers temporarily employed varies with the amount of work going on from time to time.

223. Was it your habit, in drawing up the former estimates for the country, to include in them the charges of superintendence of works—such as clerks of the works?—Only to a very limited extent. The staff which appears on the estimates for the present year is about the same as it has been for some years past; that is, two clerks of works for the Melbourne district, one for Geelong, and four draughtsmen; that is the whole of the permanent professional staff, but those are a small portion of the professional assistants actually employed. I may mention that, in 1854, the first session when I had a seat in the legislature, I endeavored to carry in the old Legislative Council a vote for temporary assistance, and it was objected to by some members, who stated that they did not like voting a sum of money and placing it at the disposal of the Government in that way. I pointed out that the expenditure would take place just the same, and if they refused to pass the vote we should be obliged to charge the expenses on that of the buildings themselves. But in spite of that they declined to pass the vote, and consequently the former system of charging superintendence on the buildings themselves was continued, and has been continued to the present year.

224. What was the amount not marked regularly upon the estimates?—The amount for the present year. I cannot tell the committee what the expense of superintendence will be for the present year until the close; I can do it approximately. It is very much larger than the sum that appears on the estimates. The total expenditure for professional salaries, including travelling expenses, and for stores, stationery, &c., amounts to £15,750, as near as it can be ascertained at present. The amount as set down in the estimates, the whole amount expressly voted for professional officers, apart from temporary assistance, is £3,850, and there is £9,300 voted for temporary assistance, making altogether about £13,150, and then there is about £2000 in addition to that will have been expended, nearly £2000 in salaries for special works. If I was to read a paragraph from a report I made to the president of the Board of Land and Works, it would explain the whole thing better than anything I can say. With your permission I will do so.—[*The witness read as follows*]:—

From this statement it will be seen that the actual cost of the professional branch of the public works department, including the expenses of preparing and copying plans, specifications, &c., and the superintendence of buildings during erection, and travelling expenses, has been nearly the same during the years 1857 and '8, whilst a slight increase is proposed in 1859. The cause of this apparently large increase is as follows:—"In the year 1857 the officers on the permanent staff alone appeared on the estimates, the temporary draftsmen, foremen, and clerks of works, being paid (as had always been done in previous years) from the votes for the works on which they were engaged. On the estimates for 1858 a vote was taken for temporary assistance, but it was not calculated to cover the whole expense, as there were still some special works (such as parliament houses, patent slip, dredging operations, &c.,) which were intended to be charged with the salaries of the officers engaged on them."

The actual amount, as near as it can be estimated, will be £15,750, as stated in the accompanying schedule. When the original estimates for 1859 were drafted, it was intended that the whole costs of the professional officers should be voted, but the amount having since been reduced, I fear it will be hardly sufficient, if the whole of the proposed buildings are carried out.

The increase of 1859 over 1858 is caused chiefly by the large amount as yet unexpended on the votes of 1858; as, for instance, the new post office, Melbourne, the library of parliament, and the gaols at Ballaarat,

Capt. C. Pasley,
R.E.,
continued,
8th Dec., 1858.

Castlemaine, Sandhurst, and Beechworth, all of which will probably be erected in 1859. This also accounts for the apparently lower per centage in 1858. As near as I am able to estimate it, I think the total professional expenses of this department are every year as nearly as possible two and three-quarters per cent. on the cost of the works. If they were carried out altogether by private architects and engineers, the charge would be five per cent.

The expense of the non-professional portion of the department is less than it was some years ago, and is not increasing; and I have no hesitation in saying that it is extremely moderate, considering the enormous amount of correspondence, and the extent and complexity of the financial dealings carried on in this office. This part of the cost of the department is not considered in taking the per centage, because it would not afford a fair comparison with the expense of private supervision; for were the professional branch entirely abolished, and all the works entrusted to private supervision, the non-professional officers would be as much as ever required.

It will be evident, I think, that the professional charges which the public are called upon to pay as regards this department, so far from being excessive, are very low, being scarcely more than half those of the profession generally.

This report was sent on the 8th November, 1858. The statement enclosed in it shows the cost per cent. on public works of salaries, supervision, &c., was £2 15s. 9d. per cent. in 1857, and £2 10s. 2d. in 1858.

225. How do you check clerks of the works at a distance, where there are Government works carried out in remote districts?—Whenever it can be accomplished, which is in almost every instance, the works, before final payment is passed upon them, are inspected by an officer sent from Melbourne for that purpose. It is proposed to have a new appointment next year, whose particular business will be to inspect the public works throughout the country, with a view not only to have all works passed, but that there shall be a regular system throughout the country; so that contractors may know what kind of work will be passed all over the country.

226. You are aware that there is some idea that the present Board of Land and Works is to be separated. Will you inform the committee what division should, in your opinion, be made?—I was always of opinion that the union of the public lands department with the public works under one head was premature, and that it was impossible for any one person to undertake it with advantage. I think so still; and if they are to be divided, the division would have to be, that there should be nothing else besides land placed under the head of the land department; but I think also, roads and works and buildings should be under one head.

227. Do you think that roads and surveys should go together, as the surveyor general marks off the roads?—I do not think it desirable they should be together. I think the execution of all public works should be under one department.

228. What benefit do you find to follow from the concentration of all the professional officers connected with the Board of Land and Works?—One benefit was indicated by yourself, when you suggested that roads should be under the same head as public surveys. It leads to a more united action between the two departments. It is very desirable that they should be in communication; and I think it desirable that they should be under one roof, but I think not under the same individual. The same thing applies to the lands and works departments. I have to be in constant communication with the surveyors who mark out the sites of grants for buildings, all of which would require another officer, were not this action secured by the existence of the Board of Land and Works; but I think the advantage is more than counterbalanced by the president having too much to do.

229. Do you think you lose your individuality by this connection with the Board of Land and Works?—Not at all. I consider I am quite as much responsible for all my own department as if there was no such board in existence. I do not see that the existence of the board fetters the freedom of action of the different departments in any way.

230. If applied to for any purpose whatever, can you give a direct reply without reference to the Board of Land and Works?—In those cases it depends entirely on the minutes and notes placed by the minister for the time being, having the professional charge of the different departments. I do not find any difficulty at all. I do not think there is any delay caused by the existence of the board in my department. It takes up some of my own time of course, but beyond that I do not find any difficulty.

231. You have given evidence in the civil service some time ago?—I scarcely recollect; I have not got the report. I remember seeing it at the time I was a member of the Government.

232. Could you recommend to the committee any system which would reduce your own staff and the expense of your establishment. It is £6000 for 1859, but it may arise from the fact that the estimates for the management of works was formerly included in the estimates of the cost of those works?—Yes, it was. You will find it stated in the report, which I have just read,—“The expense of the non-professional portion of the department is less than it was some years ago, and is not increasing.”

233. What would be the per centage for the permanent staff, were this not included?—That would not be a fair comparison.

234. But you will bear in mind architects produce all plans and specifications and everything connected with the building?—Exactly; everything an architect undertakes to do is included in this per centage here, but what is done by the clerks and accountants is not included. The non-professional part of the department do what is done by the employer of the architect. We represent the Government, who has to do the part of employer of the architect. I think it would amount to about four per cent.; I do not recollect exactly. I should mention here, that the salaries of the temporary professional officers generally are so very low, that so far from admitting of diminution, I have always thought, and think so still, that they ought to be

increased. I may mention one gentleman who has drawn out the plans of all those great gaols in the country who receives only £250 a year.

235. *By Mr. McCombie.*—Who has the appropriating of the money for the public works—you say there is about £600,000—who has divided it into the various districts?—Oh! that is done generally in this way: the treasurer states, in the first instance, what amount of money he will be able to devote to the service of the different departments, and then the department says what works are required to be done. As it is impossible that any distribution that I may make shall be a final distribution, I have always drawn it up to a much larger amount than the treasurer's estimates admit, in order that the Government may decide which to adopt and which to postpone. All that my estimate amounts to is this: I say, "If you choose to build a gaol, it will cost so much," and then the Government decide whether to build or let it alone.

236. The board agrees to it in the first instance, and then it goes to the executive?—It goes to the executive.

237. Do you think there is fair play shown in that distribution; that each district receives its fair share?—I think that is a question I ought not to be expected to answer. I obtain from different departments in the Government service returns of the works required for the various departments for the following year; I also receive letters from people in different parts of the country where buildings, &c., are required, and I generally prepare an approximate estimate of the cost.

238. Any one that suggests a work, you prepare an estimate for?—Unless I am perfectly sure it is useless.

239. *By Mr. Patterson.*—Do you approve of the plan of putting the salaries on the estimates, or charging the amount of the cost of that staff upon the public works?—I do not consider the latter a good plan at all; I endeavored to effect the change about four years ago.

240. *By Mr. McCombie.*—Could not the audit office prevent that?—No; there is nothing in the Audit Act to prevent it. Charges of that sort have been made in the present year; for the vote for temporary assistance in the present year is not sufficient.

241. Do not you think you make a wrong calculation in comparing your charges with those of private architects? do not you consider the office more expensively conducted than those of private architects?—The expenses of my office are necessary, whether we have professional architects or not.

242. Do you think it a fair comparison?—I think the per centage shows that.

243. But this per centage they charge in small works only; they would undertake large ones for less?—I cannot say.

244. *By Mr. Patterson.*—Would the pay of the professional and unprofessional staff reach five per cent.?—No, it would not reach it.

245. *By Mr. McCombie.*—Is the work done the same in proportion to the hands employed as that in the offices of private practitioners?—You can only take the charge as your guide. The salaries take the place of the private employing individual, in the case of the architect.

246. In reference to public works, who are responsible for the public works going on throughout the country—are you responsible?—With regard to my particular department.

247. And every work is considered to be under your superintendence?—All those included under works and buildings.

248. Out works, such as the jetty at Schnapper Point; is the superintendence over them directly under you?—The bridges are in the department of roads and bridges.

249. And jetties?—The jetty has been done under the superintendence of an officer appointed by me.

250. You are aware it was washed away. Was not the officer superintending the work to blame?—Not at all. It was almost exactly the same as that which has occurred at St. Kilda. The quarry opened for the supply of stone for this jetty, and at the same time making a road to it, instead of becoming better as we expected, got worse as we went down, until the stone became very little better than rubbish.

251. Then it was founded on a wrong calculation?—It was founded on a natural supposition with regard to the quality of the rock.

252. Ought he not to have stopped, when he found what was the quality of the rock?—No; the work done was under contract. The only result is that, as the stone has turned out worse than was expected, the work has cost more than was anticipated. We were obliged to make it with the material on the spot. If we had carted bluestone to make it, it would have been much more costly.

253. Not than being washed away?—It was not washed away.

254. That at St. Kilda?—It was the same thing.

255. But you could have got bluestone?—From Williamstown, which would have cost five or six times the amount it has cost.

256. *By Mr. Patterson.*—Did you yourself go down to St. Kilda while it was in operation?—Yes.

257. Did not you see them throwing soil and sand into the bay?—No; I did not see them doing that.

258. If it was so, was that in accordance with the contract?—No; it was intended to be all stone, but the stone was very little better than sand.

259. Has there yet been a regular survey of that bank, as to whether there is rock there or not?—You can only tell it by cutting into the bank.

Capt. C. Pasley,
R. E.,
continued,
8th Dec., 1858.

Capt. C. Pasley,
R.E.,
continued,
8th Dec., 1858.

260. You cannot make a road there: the rock is too solid?—It is very curious that you cannot make a road—the rock is soft enough.

261. They have to blast it near the bathing establishment: they went on the north side instead of the south?—The rock looks just the same on both sides; if it is different, there is nothing to mark the difference.

262. How often did the superintendent go down?—I cannot say exactly how often he went; I used to receive very constant reports from him, and go down myself occasionally.

263. I do not know how often the engineer attended, but there is no doubt there were thousands of loads of sand and soil thrown in; and next morning, in a heavy sea, it was all gone. Who was to blame?—I should say, if that is the case, the superintendent was very much to blame: I will make inquiry.

264. What was the amount of money expended there?—I think £4000.

265. *By Mr. McCombie.*—I should like to know the mode of conducting those works, when it is agreed that a certain sum of money is voted by the legislature for making a particular work; it goes into your department—say the jetty at Schnapper Point. You have a survey made of the place?—Yes. In all such cases it is necessary that a survey should be made before an estimate could be made. It is not the case in estimates for buildings.

266. Does the officer who makes the survey carry out the work to its completion?—If possible he does—if it can be possibly arranged.

267. Is there a division of labor in your department—so many who survey and so many who superintend the works?—Generally speaking we have no surveys. Most of the officers in the department are architects, and not engineers.

268. Then you have parties whose employment is drawing plans?—Yes; draughtsmen for drawing plans, and clerks and superintendents.

269. Does the man who draws the plans superintend the work?—No; it is not done under his immediate supervision; so that he is never acquainted with the specification before the work commences.

270. Would it not be an advantage, generally speaking, that the man who makes out the drawings and specifications should superintend the work?—That cannot be always done; for we have young men in the office, most excellent draughtsmen, who can draw all plans under experienced architects, who have not had sufficient practical experience to enable them to carry out the work; and beside, one person might have the direction of many buildings who could not possibly prepare plans for them.

271. Then, after the plans are drawn, tenders are put out?—Yes.

272. Is the lowest tender always accepted?—Generally.

273. Who superintends them?—The works in Melbourne are superintended by clerks of works, but in all works of any magnitude there is a foreman of works. There must be a foreman of the works to each of them. At the out stations we are sometimes obliged to have, in case of small buildings, the assistance of private architects: for instance, at Ballarat, Castlemaine, Sandhurst, and those country towns in the interior.

274. You do not think the superintendence of a foreman in general sufficient?—In the case at Ballarat, I employed Messrs. Backhouse and Reynolds, whose superintendence gave great satisfaction.

275. On whose certificate was the money paid in that case?—On their certificate; but I have an officer under me, in whom I have great confidence, going round inspecting all those buildings.

276. Does he inspect the stone and timber used in their construction?—Yes.

277. But do not you find, notwithstanding that, that bad stone and timber will get in?—Sometimes.

278. Was it not the case at the police office, when Dr. Greeves called attention to it?—Perhaps you are alluding to the new treasury; but how that arose was this,—when that contract was taken, it had not been decided what stone was to be used. There was a reward offered by parliament for specimens of good building stone, and we were obliged to extend the time for receiving them from time to time. The building was in progress before any decision was arrived at, so the contract was taken subject to the contractor using any stone he might be ordered to use, and the prices to be charged for the stone was to be settled by arbitration, if necessary. It was at last decided that Bacchus Marsh stone should be used, and the contractor made his own arrangements with the proprietors of the quarry at Bacchus Marsh. When the stone came down, nearly the whole of it was necessary to be condemned. The reason was, the proprietors had opened a new quarry under the idea that it was better stone, but instead of that, it was worse. I sent a foreman up to Bacchus Marsh, and he has been there ever since. He puts his cross upon every block before it is sent down for the building.

279. It would have been used, had you not found it out?—It would, but the officer in charge of the building called my attention to it.

280. But at an out station it might not have been observed?—The architect in charge of the works would have been to blame.

281. Are there any timber bridges going on?—That is not in my department.

282. Do not you think an improvement might be made in the superintendence of works and harbors?—Except in cases of very small works, there is always superintendence. In some cases private architects are employed; in others, such as in Warrnambool, we have been in the habit of employing the town surveyor, Mr. Carr, a person in whose qualifications I have confidence; and at Portland the services of the surveyor of the district road board, who was once an officer in my department. So that in every case of works of magnitude there is supervision.

283. But over all works should there not be higher officers?—That is the object of providing an overseer for next year. Capt. C. Pasley,
R.E.,
continued,
8th Dec., 1858.

284. In reference to the present Board of Land and Works, should it be divided into more than two departments?—I do not see it to be necessary at present. It is possible at some future time it may be necessary to separate the railways.

285. And would you retain the board intact, if the departments were divided? Do I understand you to mean that you would have the same board with two heads?—As the departments exist at present, I do not think that, if there is to be a board at all, the system can be improved. As railways increase, there may be a larger number of officers of rank on it.

286. Do not you think it might lead to a division of the board, the heads of the land departments, and the heads of the works departments acting as presidents?—I do not think it would be an improvement. I think a board constituted as at present, and acting as a board of advice, with its present division of authorities, is a beneficial plan; but a board, as it was once proposed, having power to overrule and coerce the minister, could not answer at all.

287. I do not exactly understand you?—I mean a board acting as a board of advice works well.

288. And the minister is responsible to parliament?—Yes.

289. You are responsible for the details of your department?—Yes; but I mean, for instance, every land sale has to be decided by the Board of Land and Works, but it is for the minister to say into what quantities it shall be divided. The board has nothing to do with that. The minister must decide whether he will have it sold in 320 acres or otherwise.

290. And he must decide on the quantity of land?—Yes; he must decide on the policy of the Government. I would mention there is a certain amount of advantage in the existence of this board. There are a great many things which might have been done in one department or the other in ignorance, or which might have been improved upon, and when brought before the whole board, there are suggestions made up there perhaps that have led to the benefit of the service.

291. *By the Chairman.*—Do not you think that the board—I do not refer to the present officers—raises a screen on behalf of the administrative officers of the Government for sheltering themselves under?—I am aware it is one of the dangers of the board, and it is one of the objections to it that I myself raised. It may have that tendency, but I do not think it has had it hitherto, neither do I think it ought to have.

292. Have you the opportunity of judging whether it has had that tendency or not?—I am not aware that the actions of the board, or of any of its members, have been called in question so as to give a fair opportunity of judging.

293. If any of the officers connected with that board were asked a question, does he not state “I refer you to that board”?—His own recommendations are on record. In all matters of returns the board acts on the recommendation of the officer of the department and all those recommendations are on record.

294. You are aware of the difficulty of poor men seeking to arrive at that information they ought to have in order to decide a case, and from the difficulty of obtaining that information a poor man might be sacrificed?—I may mention circumstances of that kind occur in my office. There are very often matters of dispute in my department; they are for claims for extras, which, when sent in, I always give a statement to the party, whether I will recommend their claims to the board or not. In some cases I tell them I will not recommend them; I do not consider that they have any claim. In some instances they have asked me to lay their claims before the board. I have told them that I will, but there is little prospect of obtaining them. They know therefore that the matter rests with me, not with the board. I do not shrink from responsibility.

295. But do not you think it is objectionable, as far as that is concerned?—It is just possible it might be used in that way, but there is no tendency towards it with the present board.

296. You think it is open to it?—It is open to it. I always felt that objection to it, and stated so; but I have not found any difficulty.

297. *By Mr. McCombie.*—The gentlemen are completely heads of their departments, so far as management goes?—Yes. The objections I made in parliament to the appointment of the board at all were founded on what I had seen of boards in England; where, undoubtedly, they shift the responsibility from an individual to the board. That has occurred there in many cases; it has not done so here.

The witness withdrew.

John Steavenson, Esq., Commissioner of Roads and Bridges, examined.

298. *By the Chairman.*—How long have you been connected with the Government?— J. Steavenson,
Esq.,
continued,
8th Dec., 1858. Since July, 1852.

299. Do you hold yourself responsible to the president of the Board of Land and Works?—I do.

300. What is the amount of the public revenue that passes through your department in the year?—From half a million to seven hundred thousand pounds a year, in round numbers. This year it exceeds seven hundred thousand pounds.

301. What is your staff of clerks and overseers; can you give us any idea?—I have a secretary, treasurer, five clerks, and an allowance which provides for two temporary clerks. The number of overseers I could not state without reference; I can easily supply it.

302. In the year 1858, did your estimate include any overseers and clerks on the

J Steavenson,
Esq.,
continued,
8th Dec., 1858.

Castlemaine road? do the estimates of that year include overseers and clerks?—There is a lump sum, £6000, voted for overseers, which covers the expense of those, with the exception of a few charged against the toll-rents. It covers the expense of all out-door officers in the country, under the rank of engineer.

303. Have you drawn up your estimate of this year the same as you have done in previous years?—For 1859, I have drawn an estimate on the same principle as in 1858, with the exception that I have provided for the overseers chargeable against the toll revenues, whom we style supervisors of maintenance in the estimates.

304. And that is all the change?—That is all the change.

305. That is all the change you have made from 1857 to 1858, or 1859?—No; prior to 1857 the salaries of overseers were charged against the votes of the house for works. In obedience to the wishes of the late ministry the overseers appeared on the Estimates for 1858 for the first time.

306. So that the present is not a new arrangement by the present ministry, but by a previous ministry?—By a previous ministry.

307. *By Mr. Patterson.*—What do you think of that plan of adding salaries on the estimate?—I consider it a bad plan, because it cripples the department. For instance, I would explain:—My estimate for 1858 shows a vote of £6000 for overseers. That was computed on estimates originally proposed to the house which were under £400,000. The Assembly afterwards added £100,000 of work without giving any increased staff of overseers to supervise the work, and the true reason why I considered it a bad plan is that the amount which the house will vote for works is always uncertain; so that I cannot say what number of overseers I require.

308. *By Mr. McCombie.*—Will the audit office pass those accounts?—That is under the new Audit Act. The new Audit Act will stop that; but I will state, as my firm opinion, that a per centage should be granted upon the total sum voted to cover the cost of supervision. That plan was practised in England. I would state, for instance, in England the supervision of works is considered moderate if it is anything under five per cent.; large railway undertakings for instance. I have it from information derived from various professional men with English experience. I have asked from time to time what should economical supervision of road works amount to, and the answer I have received is under five per cent. I consider the public have lost in my department by insufficient supervision, in consequence of the extreme jealousy of the public out of doors as to the extravagance or supposed extravagance of the cost of works.

309. What is the amount per cent. of the cost of supervision?—The total per centage of my whole staff departmental, including the administrative staff, the total cost of supervision, including all charges, is £3 4s. per cent., say 3¼. The supervision by overseers only amounts to £1 6s. per cent. Three and a quarter includes everything, the whole cost of supervision; but state the cost of overseers by itself, it amounts to £1 6s. per cent.

310. *By Mr. McCombie.*—Do not you think it a bad plan, keeping that clause in the specification for constructing roads, that overseers can finish work at the expense of the contractors; do you not think it tends to jobbery?—In no instance have I found it so, because if that power is given in the specification, it is never exercised without the sanction of the board. It must be reported to me in the first instance.

311. There is a case on the road near Oakley?—Do you allude to McCann's contract?

312. I am not sure; the case came casually under my notice?—The only contract was Felix McCann's, now insolvent, in which case the only charges incurred by the department and chargeable against the contract were for watchmen to prevent the forcible removal of metal by the creditors.

313. And no other contract in Dandenong has broken down?—I do not recollect any in the Melbourne district.

314. Who has the appropriation of money for roads throughout the colony?—The system is, when it is intimated to me that the Government or ministry are about to proceed to form the estimates, I ask the treasurer how much money he will be able to lay out for roads; at the same time, I ask all the engineers to send in estimates of works generally required. I may state, that the engineers' estimates are always far more than the amount that can be appropriated. It then remains for me to cut them down. I always compile from the engineers' estimates, and from applications by memorial or letters from the public, what I consider the most necessary works to the amount available. I submit that to the executive, and although I submit those private estimates, they undergo very great alteration.

315. Are you guided by any principle; that is to say, of giving a fair amount to each district?—As far as lays in my power, and having due regard to the respective requirements for particular works.

316. In reference to bridges, what system of supervision have you? There are certain bridges going on in Western Port district?—Those are under the charge of an overseer, and subject to periodical visits from the engineer, whenever it was necessary to take measurements for returns.

317. They are under thorough inspection?—They were. I believe many of our works would have benefitted had they been thoroughly inspected, for it often happens that the overseer's district extends over many miles, and he has to travel too far.

318. I will draw your attention to Cananook bridge. You were in the department when that work was executed?—I was secretary.

319. You recollect that?—I do.

320. It was an old bridge moved higher up?—It was.

321. Do you not think it was very improperly done?—From the whole of the evidence before the department, the department could come to no other conclusion but that it ought to be removed. The evidence went to show the bridge was injudiciously built at the mouth of the creek. If we left it there, we should have had to make an expensive road through the sand, and we could move it up and avoid the whole of the expense of an approach to the bridge, because the bridge, where it crosses the creek, is where there were approaches on both sides. It was afterwards questioned by the inhabitants, who said that, although it had good approaches at present, the traffic would cut them up.

322. Was it wise to remove a wooden bridge?—That is the only instance in which it was done.

323. Would it not have been better to have made two bridges?—There is no indigenous timber available for that purpose there.

324. Are you not aware that a great deal of the timber was not used for the second bridge, and that it fell into the hands of certain parties connected with that contract?—I have no recollection of that, although I am well aware when it was removed the policy was questioned by the inhabitants.

325. But do not you think a more thorough inspection of those roads and bridges is necessary?—That would involve a large increase of staff.

326. Only one man?—We have an inspector-general of roads, who revises and improves the plans of the district engineers; and, secondly, goes round the districts to see the business properly executed. I am not prepared to say that additional inspection is necessary.

327. You think it sufficient?—I think we want an addition to the staff of the district officers in charge of particular works.

328. It is the out-work I am trying to get at?—I think we want a larger number of responsible visiting officers, or an itinerating officer.

329. On whose certificate do you pay the money?—On that of the district engineer. You will observe there are seven road engineers, and two temporary ones.

330. And is it expected the engineer inspects road works?—Yes; monthly.

331. *By the Chairman.*—Have you got any means of checking the reports of the engineers?—Only by means of the inspector of roads.

332. How often does he make a tour?—Not at any stated intervals. The present officer has not been in office a year yet. I think he has been through all parts of the colony, except Gipps Land.

333. He has been once through the whole?—In some of the most important districts where works requiring his presence are in request he has made repeated visits.

334. *By Mr. McCombie.*—He has visited all the roads in the colony?—He has.

335. He could not visit each isolated work?—Not probably each isolated work. The general instructions of engineers of roads are, that if difficulties occur they are to report to the inspector general; and he goes and sees whether a bridge has or has not been carried out according to specification.

336. Practically, there is no control?—Practically, a good deal of discretion must rest in the district engineer, but I do not see any way to avoid that, except by increasing the staff.

337. *By the Chairman.*—Does the money voted for roads go to the municipal councils?—To district road boards.

338. How do you know that it is properly laid out?—We make no inspection of their works. We leave them to their own discretion. They furnish us with *bonâ fide* vouchers for the works executed to the extent of the Government grant.

339. Could you suggest to the Government any improvement in, or any way to reduce the expenditure in your department?—I regret my evidence would lead to a different conclusion. When it is considered that the works are very widely scattered over every part of the colony, and if the committee look over the provision made, they will see it bears a very small proportion to the works going on.

340. Can you account for the additional amount of 1859 over 1858?—It is thus accounted for. By the law the board has absolute control over the toll funds. By the Act 16th Victoria, 1st, "No. 40," 2nd, "No. 29," and 17th Victoria, the board has absolute control over the toll funds, and the supervisors of maintenance are at present charged against those toll revenues, but in the estimates for 1859, they appear for the first time on them. The other things are all of a very trifling nature, such as travelling expenses; but there is no alteration in the staff.

341. Can you inform the committee the advantages you derive from being connected with the Board of Land and Works?—Yes; my connection with the Board of Land and Works relieves me from a large amount of responsibility which would otherwise devolve upon me personally. I submit all matters of doubt and difficulty and all matters of policy to the decision of the board, and all matters of expenditure and money to be allowed are authorised by the board. I have of myself no right to incur any expenditure without the board's authority.

342. Then your individuality is lost?—Not practically. Theoretically it is. In a large department of that kind necessarily a large amount of the details of business must devolve on me personally, and in all business details my personal responsibility may be easily ascertained.

343. How?—By the production of documents. All the proceedings of the board are put on record. All my individual proceedings are put on record. The proceedings by the regulations of the Board of Land and Works would of themselves show the proportion of responsibility that falls on this department; that, as all matters of business are practically conducted by the permanent heads, matters of policy and expenditure are referred to the board. One advantage of being connected with the board is, it tends to uniformity of practice in the various depart-

J. Steavenson,
Esq.,
continued,
8th Dec., 1858.

ments. I should state, with reference to laying out roads, that devolves on the survey departments, whilst the expenditure of money devolves on my department. As for the heads of departments having seats at the board, it enables us frequently to canvas moot points, which would otherwise have to be decided by correspondence.

344. Did you find any difficulty arise from that in the administration of Captain Clarke?—I think the present system is so far an improvement, that we know much more of what is going on in each other's departments than when they were separated.

345. You feel that you are not individually responsible for all the acts of the administration?—Most certainly not. I do not hold myself responsible personally for anything I bring before the board. Of course, all business, as a responsible head, devolves upon me for bringing matters before the board, and if I failed to do so I should consider myself personally responsible for anything that went wrong. But when I feel any difficulty I minute the papers with my recommendation, and bring them before the board. I then consider myself absolved from responsibility.

346. Does not that screen the heads of departments from responsibility?—I consider the permanent heads are undoubtedly screened from responsibility by the existence of the board, and properly so.

347. You do not feel that responsibility as a member of the board that you would if the whole power lay in your own hands?—I consider the present arrangement under responsible government a safer one. If I was a permanent head of a department, without the control of any board, it would lie in my power to exercise a much more absolute authority than might perhaps be considered by parliament expedient or beneficial to the public service. As it is, I am subjected to the constant control of a parliamentary minister.

348. The road board was so before?—No; it was practically before almost an irresponsible body. It was constituted under an Act which gave it many powers and prerogatives, and was only checked by the approval of the Government; and it kept its own cash, which it does not do now.

349. What is your opinion as to dividing the Board of Land and Works?—I think it would be very desirable to have the department divided in its responsibilities. I think it would be a great improvement to have two ministers, each having a division of the department to supervise and be responsible for, but I do not think it would be desirable to interfere with the constitution of the board; because, as the board is at present constituted, it saves time. For instance: where the railways sometimes interfere with lines of road at present, I have opportunities of discussing matters with the heads of other departments; and, in laying out new tracts of land, I can express my opinion. In fact, the lines of road and railways are so connected, that it would be difficult to separate them. I therefore think that, although the departments might be divided as far as responsibility goes, except in doing away with the present anomalous system of president and vice-president, both having equal responsibility, it would not be desirable to separate the board; and a further reason is, the board, as at present constituted, consists only of four members, there being no commissioner of railways, and the difficulty of getting a quorum would be increased by splitting the board in two.

350. You do not think, if there is anything wrong, and it is referred to this mysterious board, it shields the party who would otherwise be responsible?—I do not think so practically. The papers show that, in their deputation to the office of Land and Works. The deputation address themselves to the president, and I do not think the heads of departments practically shield themselves.

351. Do not you think it is a very hard case for a poor man to have to go to the House of Assembly for redress on every trifling case, from the difficulty of bringing it under the notice of that board?—I certainly should do so; but no case of that kind has come under my personal knowledge.

352. *By Mr. Patterson.*—How is it that you do not spend money when it is promised? At Eastcourt there was a promise to spend £300 on a road, and there were two men working in fulfilment of it for one day, and they then walked off?—I may state with regard to the estimates, that all payments prior to the present year were looked upon as a whole; and although there was a plan for distribution laid before parliament, the central road board never considered themselves bound to separate payments, although they consider themselves bound in honor practically to carry those estimates out to the best of their ability. They do not consider themselves bound by law. I am not responsible for anything prior to the present year; but this year I have adhered most rigorously to the votes.

353. This was not a vote, it was a promise to expend a certain amount of money—it was never done?—I do not recollect the circumstances of the case, and therefore cannot explain it.

The witness withdrew.

TUESDAY, 14TH DECEMBER, 1858.

Members present :

The Honorable G. URQUHART, in the chair ;

The Honorable T. T. a'Beckett

The Honorable J. H. Patterson.

Joseph Ward, Esq., examined.

354. *By the Chairman.*—You are secretary for the Victorian railways?—Yes.

355. How long have you been connected with the public railways of the colony?—About fourteen months, or fifteen months, with the Government.

J. Ward, Esq.,
14th Dec., 1858.

356. Will you inform the committee the duties that devolve on the secretary?—Of my department?

357. Yes?—It is almost the entire management of the business connected with the railways, in preparing all the accounts ; but I have to submit all to the minister who acts in connexion with the railways ; and I am responsible for their correctness, as far as I can be through my accountant. The vouchers for those payments are principally in the engineer's department for works. They come from the engineer to me, and they are then checked by our accountant to see that they are correct. They then come to my hands ; I see that the signatures are all correct, and if so, I present them to the minister, who never will sign them unless I initial them.

358. What check is there on the contractors to insure their fulfilling the contracts, or financially?—All along the lines there are Government engineers, who have certain lengths under their cognizance ; all those are men of great ability in their different positions.

359. *By Mr. a'Beckett.*—Or supposed to be?—Or supposed to be ; they measure up the work that is done, and it is presumed that the contractors have, for their own sakes, clever engineers to compare their measurements with those of the Government engineers. The results are forwarded to the engineer of railways, who has the contracts and the different prices for the various kinds of work before him, and the vouchers in the engineer's office are filled up from the results the local engineers send to the engineer's office. We can show from the beginning of the contract to the end of it, everything of every description done, and every penny paid, voucher by voucher. As far as I can judge, our accounts are perfect.

360. *By the Chairman.*—The duty of the local engineer is to see the contract faithfully carried out?—Yes ; that the contractors get paid for no more than they have actually done.

361. *By Mr. a'Beckett.*—Who appoints those local engineers?—They are appointed by the minister sometimes ; but, I believe, with the recommendation of the engineer-in-chief, who is more capable of judging of the ability of a man for such a situation than the minister.

362. How many local engineers are there in the service of the Government?—I cannot state from memory ; there is a very large number.

363. Your duty is principally in the money matters connected with the railways?—Yes ; that is to say, the engineer's part is solely the practical part, and all the rest belongs to me.

364. Have you calculated the amount of expense per mile of the railways for traffic and for passengers?—I believe all those details have been done in the engineer's office ; I am not prepared to reply to any question of that nature from memory, for the figures are so large and the calculations are so many, that I could not keep them on my mind. With reference to calculations of the main line, they are entirely made by Mr. Darbyshire. Those of the Williamstown line were made by me on comparison with the Hobson's Bay railway.

365. Your duty is quite different to the duty of the engineer-in-chief and his staff?—Quite different, only with this exception, all letters from the engineer-in-chief, and all the business of the engineer-in-chief have to go to the minister through me ; that is to say, if the engineer-in-chief wants authority for an expenditure of money, although his application is addressed to the minister, because I am not supposed to have authority, it is opened by me, and presented by me, with my remarks ; so that, if I find there is anything wrong in that letter or application, it is my duty to explain it to the minister ; therefore the whole business comes to me.

366. *By the Chairman.*—Do you find the staff quite capable of doing the duty?—My staff is quite efficient, with the exception of one—the junior clerk.

367. *By Mr. a'Beckett.*—What is his duty?—The junior clerk in the office checks accounts. That is almost his sole duty. There is a considerable amount of responsibility attached to his office, for if he makes a mistake it comes upon the accountant.

368. And you think the person appointed quite incompetent?—He is quite incompetent. We are going, in a week or two, to report the fact to Mr. Duffy, and ask for his removal, for if we have not efficient men, we shall be thrown into confusion. I am very anxious about it. There is a great deal of talent in this country. I can get men who will come to the office, and who know their duty from the commencement.

369. *By the Chairman.*—What is the rate of salaries in your office?—There is my salary ; I went in at £800 a year. My predecessor got £1000. When I went in Mr. Moore stated to me that it was at present £800 a year, but it was the intention of the Government to make the salary £1000 on the commencement of the railway works, and the present Government fulfilled the promise. My chief clerk, Mr. Hewitt, who was formerly secretary to the Mount Alexander railway company, has £500 a year. He is conducting the whole legal business of the department.

742
 J. Ward, Esq.,
continued.
 14th Dec., 1853.

370. Can you inform the committee whether there is any necessity for a commissioner of railways, and what duty he would have to perform, if the appointment was to be made?—It is rather a peculiar question for me to answer, and I must answer conscientiously as regards myself: I could undertake to do all the duties of a commissioner; that is to say, I am quite prepared and equal to a great deal more actual responsibility than I have got now. If the commissioner is a practical man in railways, then I think he will find enough to do during the next year.

371. *By Mr. a'Beckett.*—What do you mean by a practical man?—A person who has the same amount of information from experience that I have got. That is, he can calculate the arrangements to be made with other companies for traffic; and make the necessary arrangements for working the lines.

372. Were you connected with railways before you came to this country?—No.

373. Your experience is derived from your connection with the Hobson's Bay railway?—Yes: at present I question whether there is any duty for a commissioner to perform, excepting taking the responsibility of signing accounts. At present the minister depends on me, and signs them on my initialling them. I presented accounts lately for £50,000. Accounts are now, each board day, presented, amounting together from 20 to 40 or £50,000.

374. By what process do you find that they are correct?—They first come to the engineer-in-chief, and are examined to see that the prices are correct. When they come up to our office the accountant examines and signs them; all that I then do is to see that the signatures are right. The accountant has signed and sent them in for any general remark I have to make. There are many accounts of a general nature not connected with engineering. For instance, there are accounts for freights, and printing, and other things of which I have a general knowledge, and as soon as I see they are as far as I am able to judge correct, I initial them.

375. Then if you think there is anything irregular?—I should not send it to the minister, who will not look at accounts until initialled by me.

376. Then the accountant's business is with the arithmetic of the matter, and you have look at the general bearing?—Yes.

377. *By the Chairman.*—Will you endeavor to explain to the committee the meaning of a few items in the second contract. There are in the estimates, for instance, 12s. 6d., and various contractors' names are here, while Cornish and Bruce's estimate is 40s., and there is one as low as 12s.?—I am not at all prepared to speak on that point. Nobody in our office knows anything of those figures. I have understood that those estimates were examined by a commission of practical men—Captain Pasley, the surveyor general, and the engineer-in-chief. You will find a great many discrepancies right through the contract. You may find actual absurdities in some items the other way. It is given to the lowest tender as a whole.

378. *By Mr. a'Beckett.*—In the appointment of a local engineer, is there any standard of qualification required?—There has been lately, by Mr. Duffy, a competitive examination instituted; but since then there has been no appointment.

379. Can you state what is required in the way of testimonials, as to qualifications, from local engineers before they are appointed?—Under the competitive examination?

380. Must they show that they have passed their examinations as surveyors?—Yes; they must have testimonials, and then all appointments are understood to be temporary for three months.

381. Is it necessary, before a person can receive an appointment as local engineer, that he shall produce some particular proof of his competency?—No more particular proof than perhaps letters stating what particular employment he has been in.

382. It is not required that he shall have passed through any particular course of study?—No; but they ought to show that they have passed a course of study.

383. *By the Chairman.*—How is the competitive examination conducted?—It is conducted by practical men.

384. *By Mr. a'Beckett.*—Who are the examiners?—I think Captain Pasley, the surveyor general, and Mr. Darbyshire. Mr. Darbyshire applied a short time ago for an inspector of works, and the answer from Mr. Duffy was, there would be a competitive examination in January, and the appointment must be postponed till then.

385. How are applications from competent persons dealt with?—As soon as they come into our office they all go to the minister. If they belong to the railway department they are sent to my office, and entered in a book I keep for that purpose, and all testimonials are carefully preserved. After that it rests entirely with the minister whom he may appoint.

386. Any person may record his name as an applicant?—Not only may he do so, but no person has ever done so without receiving a lithographed letter acknowledging the receipt of it.

387. Then there is no difficulty in the way of qualified men making it known to the Government that they are desirous to be employed?—Not the slightest. We have hundreds of applications from competent men in our office.

388. *By the Chairman.*—How is it that, with competitive examination, incompetent persons are appointed—I refer to a person in your office?—The appointment was made before the competitive examinations were instituted. I cannot question the motives or intentions of the minister. I only know that the party I recommended was not appointed and this party was. I simply placed him at his duties without more to say.

389. Can you give the committee any information as to the general amount that is necessary for the Government to prepare to meet all expenses for the next twelve months?—For railways?

390. For the expenditure on railways?—I cannot give it at present, for I cannot bear it

in my mind. We have promised it already to the treasury. They require us to furnish from time to time the estimates necessary for our department. In fact, we have done so for 1859.

J. Ward, Esq.,
continued.
14th Dec., 1858.

391. There is a provision for nine months?—Yes; for the expenses of the main line stations.

392. How is it that the twelve months is not included?—Because the contractors have carried on their work far more expeditiously than ever was thought possible. They are now laying the permanent way at the rate of 1000 yards per day, and when those estimates were made out, we had not the slightest idea that those works would have been completed for traffic before the first of April, 1859. That was the reason why nine months was placed on the estimates.

393. From your own practical experience, do you think it requires for labor of attending—not speaking of the wear and tear of rolling stock—£3000 per mile?—That is a calculation I am not prepared to answer now, because the bulk of the expense is in the engineer's department, of which I know comparatively nothing; the departments are so separate.

394. How can you check those calculations?—I cannot check those. Mr. Darbyshire is answerable to the Government for them. His expenses are for the locomotives and working the engines. That comes under his department.

395. I see there is something like a vote for contingencies appears of £70,000 for about thirty miles of railway?—As far as my estimates are concerned, I believe they are made out by me on principles of the greatest economy that is possible.

396. I see there is superintendent of traffic for goods, £500?—Yes. The duties of that gentleman are that he will be the manager of the line, under me of course, for the general business of the country. It would be impossible for me to go to Batman's Hill and take the personal management of the railway.

397. What is the meaning of the term "head stevedore"?—He is the party who attends the lumpers in discharging cargoes, either into the trucks at the wharf, or from the trucks into the warehouse.

398. There is, again, pier master and residence?—That is the same arrangement as the Hobson's Bay Railway Company. We must have a pier master if we have a pier. His duty is to moor vessels in their proper positions, and to be answerable for their safety. Also to see that those ships are supplied with empty trucks, and that full ones are taken away. He is required to be close at hand, night and day, to assist vessels in case of storms.

399. You then consider that your department is quite independent of the engineer-in-chief's?—Perfectly so.

400. And his department is quite independent of your's?—If Mr. Darbyshire sent a request for permission to expend £10,000 that I might consider perfectly needless, I am not at liberty to express an opinion on it, and the engineer corresponds directly with the minister. All letters are addressed to the minister.

401. So that in reality you merely record his letters?—Yes. I present them to the minister—that is really the case. They are marked "Railways" outside, but it is merely because the two departments are separate that the engineer refuses to allow his letters to be addressed to me. I open them and present them to the minister. If I see anything in them that I thought wrong, it is my duty to point it out to the minister; but at the same time that I do so, Mr. Darbyshire may say to me—"You have no right to do so," having no superintendence over him at all.

402. In fact, Mr. Darbyshire is head of the engineering department?—Yes; and quite responsible for every thing he does.

403. There is here, I see, station-master at Melbourne, £400; and then, superintendent over traffic and goods?—The superintendent has charge over everything and everybody. He has to arrange with merchants for rates of carriage, and superintends the traffic of the ships at the pier and the railway at both ends. The station-masters are local, and do not move from their positions.

404. Would the commissioner of railways have any jurisdiction over the engineer-in-chief to direct him?—It is for the Ministry alone to decide. It has always been a question. Mr. Darbyshire believes he should have no control over him. It is a question for the Ministry alone to decide. Of course, if he was not a practical man, it would be useless to attempt to have any, for he could not gainsay the engineer-in-chief.

405. Could you inform the committee of any improvements that could be made in your department, or have you any scheme by which you could reduce the expenditure of your staff?—My staff is so limited, I could not reduce that. There is no doubt it will be increased in 1859. The expense is in the engineer's department, for which I cannot answer.

406. I understand you to say, that you could not interfere with the working of the railways?—Nothing with the department of the engineer-in-chief.

407. The others come expressly under your own staff?—Yes. Those estimates have been based on the utmost economy, and I have taken the Hobson's Bay Railway Company as the basis of those salaries, but there is not one place that we could do without. There are two sets of clerks there—they are called clerks at so much a day; so many at Williamstown, and so many at Melbourne. We may require ten a day, or a dozen a day, or perhaps only two. That is the reason why I put so large a sum on the estimates for contingencies.

408. Do you suppose that country stations can be attended to by one man?—I had another placed on the estimates for each station, which were taken off by the minister. I had a clerk in charge, and a porter for small road side stations. I saw when the estimates were returned one of those porters was taken off, leaving me only one man at each station. I do not

74744

J. Ward, Esq.,
continued,
14th Dec., 1858.

think that is enough ; because, at any place where money is taken and where there is a ticket office—and those tickets are issued in consecutive numbers—how can a man issue tickets and attend outside to passengers on the platform ? At the same time it does not follow, because the persons are on the estimates, if they were not required they would be employed ; for although on the estimates, they would not be employed except in cases of necessity.

409. *By Mr. Patterson.*—You will require a considerable increase of staff when the trains commence running?—Yes, that is the reason why I feel considerable anxiety about the matter ; for I understand we are only going to run the railways for twelve months, and I therefore want to have each man equal to his work.

410. Have you any information that you could give the committee relative to the proceedings of this committee?—As to the Board of Land and Works ?

411. As to the general working of your department?—I am not aware that there is any suggestion that I can make on that matter. There is that question of commissioner of railways, as to whether or not a commissioner is required.

412. *By Mr. a'Beckett.*—I suppose you have taken your standard of expense from the Hobson's Bay Railway?—Yes, and the estimate of traffic I have taken at something like half. We have made the salaries just a trifle better than the Railway Company's. Where they give £350 to a man we have made it £400. Just a slight difference, that is all.

The witness withdrew.

1858-9.

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VICTORIA.

LEGISLATIVE COUNCIL.

THIRD REPORT

OF THE

PRINTING COMMITTEE.

LAI D UPON THE COUNCIL TABLE BY THE HONORABLE T. H. POWER AND
ORDERED BY THE COUNCIL TO BE PRINTED 18TH FEBRUARY, 1859.

By Authority:

JOHN FERRES, GOVERNMENT PRINTER, MELBOURNE.

746

R E P O R T.

—

IN pursuance of an Order of your Honorable House, made on the 12th day of October, your Committee have had referred to them the several Papers mentioned in the following Table, upon which your Committee beg to report as appears by such Table :—

Subject.	When moved for, and by whom.	When laid on Council Table.	By Command or presented.	Report and Remarks of Committee.
Return to an Order of Legislative Council of the Letters that have been posted in Victoria, from 1st January to 24th November, 1858, without stamps, or with stamps of insufficient value	Hon. T. McCombie, 24th November, 1858	14th Dec., 1858	... ..	No order made.
Return of the number of plaints entered in the County Courts at various places during the first nine months of the year 1858, under 21 Vic., No. 29, sec. 22, and of the number of persons imprisoned under section 54	Hon. T.H. Fellows, 2nd Nov., 1858	15th Dec., 1858.	... ..	Recommended to be printed.
Copy of the inquisition had upon the body of Nicholas Lawarne, at the Clydesdale Hotel, district of Castlemaine, on 26th and 28th October, 1858, with copy of deposition taken at such inquisition	Hon. T.H. Fellows, 30th Nov., 1858	17th Dec., 1858	... ..	No order made.
Report of the Sheriff relating to recent executions at Her Majesty's gaol, Melbourne—13th December, 1858	... ..	"	By Command	"
Defences of the Colony—Report of the Commissioners—9th December, 1858	... ..	"	"	"
Criminal Statistics—10th May, 1858	... ..	18th Jan., 1859	"	"
Denominational Schools—Appendix to Report for 1856-7	... ..	20th Jan., 1859	"	"
Civil Service—Returns furnished to Hon. Chief Secretary—31st January, 1858	... ..	27th Jan., 1859	"	"
Continuance of Australian Mail Service—Circular Despatch from the Right Honorable the Secretary of State—9th September, 1858	... ..	"	"	"
Extension of Royal Mail Contract—Circular Despatch from the Right Honorable the Secretary of State—9th September, 1858.	... ..	"	"	"
Mail Service between Great Britain and Australia—Circular Despatch from the Right Hon. the Secretary of State—16th October, 1858	... ..	"	"	"

Subject.	When moved for, and by whom.	When laid on Council Table.	By Command or presented.	Report and Remarks of Committee.
Electric Telegraph—Half-yearly Report—Up to 30th June, 1858	27th Jan., 1859	By Command	No order made.
Submarine Telegraphic Commu- nication between Cape Otway and Tasmania—Second Report —25th October, 1858	"	"	"
Gold Fields Act—Order in Coun- cil—31st January, 1859	8th Feb., 1859	... ..	"
Ballaarat Mining District (21 Vict., No. 32, sec. 12)—Order in Council—20th December, 1858	15th Feb., 1859	... ..	"
Copy correspondence on the sub- ject of leave of absence to Mr. Justice Williams.	17th Feb., 1859	... ..	Recommended to be printed.
Gold Fields Act (21 Vic., No. 32) —Order in Council—7th Feb., 1859	"	No order made.

MATTHEW HERVEY,
Chairman.

Committee Room,
Melbourne, 18th February, 1859.

1858-9.

VICTORIA.

REPORT

OF THE

SELECT COMMITTEE OF THE LEGISLATIVE COUNCIL

ON

DIVORCE,

TOGETHER WITH

THE PROCEEDINGS OF THE COMMITTEE.

ORDERED BY THE COUNCIL TO BE PRINTED 22ND FEBRUARY, 1859.

By Authority:

JOHN FERRES, GOVERNMENT PRINTER, MELBOURNE.

EXTRACTED FROM THE MINUTES.

TUESDAY, 14TH DECEMBER, 1858.

DIVORCE.—The Honorable J. P. Fawcner, in accordance with *amended* notice, moved, That a Select Committee be appointed to take into consideration the question of Divorce, and the best mode of remedying the defects in the existing law, with power to take evidence and call for persons and papers; such Committee to consist of the Honorables T. H. Fellows, T. T. a'Beckett, J. B. Bennett, G. S. Coppin, W. Roope, T. H. Power, T. McCombie, and the Mover.

Question—put and passed.

TUESDAY, 22ND FEBRUARY, 1859.

DIVORCE.—REPORT OF SELECT COMMITTEE.—The Honorable J. P. Fawcner, as Chairman of the Select Committee appointed on the 14th December last, "to take into consideration the question of Divorce, and the best mode of remedying the defects in the existing law," brought up the Report of the Select Committee, and moved that the Report be printed.

Question—put and passed.

REPORT.

THE SELECT COMMITTEE of the Honorable the Legislative Council, appointed to inquire into the subject of Divorce, have the honor to submit to this Honorable House the following Report:—

Your Committee have duly considered the matter of Divorce, taking the English Act as their guide, and carefully attending to the despatch from the Secretary of State for the Colonies regarding the Law of Divorce, have embodied the result of their labors in a Bill which they have annexed to this Report.

Your Committee do not express any opinion on the subject of sections XIII., XIX., or XXXV., as the time which they have been enabled to devote to the Bill has been too short to justify them in coming to any conclusion on their principle.

JOHN P. FAWKNER,
Chairman.

752

A Bill to amend the Law relating to Divorce and Matrimonial Causes in Victoria.

WHEREAS it is expedient to amend the law relating to divorce and to confer upon the Supreme Court of the Colony of Victoria jurisdiction in matters matrimonial and authority in certain cases to decree the dissolution of marriage 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—

I. In the construction of this Act the words "Court" and "Supreme Court" shall unless repugnant to or inconsistent with the context mean the Supreme Court of the Colony of Victoria in its ecclesiastical jurisdiction. Interpretation clause.

II. This Act shall come into operation one month after the passing hereof. Commencement of Act.

III. The Supreme Court shall have jurisdiction in respect of judicial separations suits of nullity of marriage suits for restitution of conjugal rights or jactitation of marriage and in all causes suits and matters matrimonial except in respect of marriage licences. Jurisdiction over causes matrimonial to be exercised by the Court.

IV. No decree shall hereafter be made for a divorce *à mensâ et thoro* but in all cases in which a decree for a divorce *à mensâ et thoro* might have been heretofore pronounced by any court having jurisdiction in the matter the Supreme Court may pronounce a decree for a judicial separation which shall have the same force and the same consequences as a divorce *à mensâ et thoro* now has. No decree for divorce *à mensâ et thoro* to be made hereafter but a judicial separation.

V. A decree for a judicial separation (which shall have the effect of a divorce *à mensâ et thoro* under the law heretofore existing and such other legal effect as herein mentioned) may be obtained either by the husband or the wife on the ground of adultery habitual drunkenness *cruelty or desertion without cause for* Decree for a judicial separation may be obtained by husband or wife for adultery &c.

VI. Application for restitution of conjugal rights or for judicial separation on *any one of* the grounds aforesaid may be made by either husband or wife by petition to the said court and the said court on being satisfied of the truth of the allegations therein contained and that there is no legal ground why the same should not be granted may decree such restitution of conjugal rights or judicial separation accordingly and where the application is by the wife may make any order for alimony which shall be deemed just. Application for restitution of conjugal rights or judicial separation may be made by husband or wife by petition to Court &c.

VII. A wife deserted by her husband may at any time after such desertion apply to the said court or to a police magistrate or to justices in petty sessions for an order to protect any money or property she may become possessed of after such desertion against her husband or his creditors or any person claiming under him and such court magistrate or justices if satisfied of the fact of such desertion and that the same was without reasonable cause and that the wife is maintaining herself by her own industry or property may make and give to the wife Wife deserted by her husband may apply to the Court a police magistrate or justices in petty sessions for protection.

an order protecting her earnings and property acquired since the commencement of such desertion from her husband and all creditors and persons claiming under him and such earnings and property shall belong to the wife as if she were a *feme sole* Provided always that every such order if made by a police magistrate or justices at petty sessions shall within *ten* days after the making thereof be entered with the registrar of the county court within whose jurisdiction the wife is resident and that it shall be lawful for the husband and any creditor or other person claiming under him to apply to the Court or to the magistrate or justices by whom such order was made for the discharge thereof Provided also that if the husband or any creditor or person claiming under the husband shall seize or continue to hold any property of the wife after notice of any such order he shall be liable at the suit or upon the application of the wife in or to any court or judge having jurisdiction in the matter (which suit or application she is hereby empowered to bring or make) to restore the specific property and also for a sum equal to double the value of the property so seized or held after such notice as aforesaid If any such order of protection be made the wife shall during the continuance thereof be and be deemed to have been during such desertion of her in the like position in all respects with regard to property and contracts and suing and being sued as she would be under this Act if she obtained a decree of judicial separation.

Court to act on principles of the ecclesiastical courts.

VIII. In all suits and proceedings other than proceedings to dissolve any marriage the said court shall proceed and act and give relief on principles and rules which in the opinion of the said court shall be as nearly as may be conformable to the principles and rules on which the ecclesiastical courts of Great Britain have heretofore acted and given relief but subject to the provisions herein contained and to the rules and orders under this Act.

Decree of separation obtained during the absence of husband or wife may be reversed.

IX. Any husband or wife upon the application of whose wife or husband as the case may be a decree of judicial separation has been pronounced may at any time thereafter present a petition to the court praying for a reversal of such decree on the ground that it was obtained in his or her absence *and that there was reasonable ground for the alleged desertion where desertion was the ground of such decree* and the court may on being satisfied of the truth of the allegations of such petition reverse the decree accordingly but the reversal thereof shall not prejudice or affect the rights or remedies which any other person would have had in case such reversal had not been decreed in respect of any debts contracts or acts of the wife incurred entered into or done between the times of the sentence of separation and of the reversal thereof.

Court may direct payment of alimony to wife or to her trustee.

X. In all cases in which the court shall make any decree or order for alimony it may direct the same to be paid either to the wife herself or to any trustee on her behalf to be approved by the court and may impose any terms or restrictions which to the court may seem expedient and may from time to time appoint a new trustee if for any reason it shall appear to the court expedient so to do.

In case of judicial separation the wife to be considered a *feme sole* with respect to property she may acquire &c.

XI. In every case of judicial separation the wife shall from the date of the decree and whilst the separation shall continue be considered as a *feme sole* with respect to property of every description which she may acquire or which may come to or devolve upon her and such property may be disposed of by her in all respects as a *feme sole* and on her decease the same shall in case she shall die intestate go as the same would have gone if her husband had been then dead provided that if any such wife should again cohabit with her husband all such property as she may be entitled to when such cohabitation shall take place shall be held to her separate use subject however to any agreement in writing made between herself and her husband whilst separate.

XII. In every case of a judicial separation the wife shall whilst so separated be considered as a *feme sole* for the purposes of contract and wrongs and injuries and suing and being sued in any civil proceeding and her husband shall not be liable in respect of any engagement or contract she may have entered into or for any wrongful act or omission by her or for any costs she may incur as plaintiff or defendant provided that where upon any such judicial separation alimony has been decreed or ordered to be paid to the wife and the same shall not be duly paid by the husband he shall be liable for necessaries supplied for her use provided also that nothing shall prevent the wife from joining at any time during such separation in the exercise of any joint power given to herself and her husband.

Also for purposes of contract and suing.

XIII. It shall be lawful for any husband to present a petition to the said court praying that his marriage may be dissolved on the ground that his wife has since the celebration thereof been guilty of adultery and it shall be lawful for any wife to present a petition to the said court praying that her marriage may be dissolved on the ground that since the celebration thereof her husband has been guilty of *incestuous adultery or of bigamy with adultery or of rape or of sodomy or bestiality or of adultery coupled with such cruelty as without adultery would have entitled her to a divorce à mensâ et thoro or of adultery coupled with desertion without reasonable excuse for two years or upwards* and every such petition shall state as distinctly as the nature of the case permits the facts on which the claim to have such marriage dissolved is founded *Provided that for the purpose of this Act incestuous adultery shall be taken to mean adultery committed by a husband with a woman with whom if his wife were dead he could not lawfully contract marriage by reason of her being within the prohibited degrees of consanguinity or affinity and bigamy shall be taken to mean marriage of any person being married to any other person during the life of the former husband or wife whether the second marriage shall have taken place within the dominions of Her Majesty or elsewhere.*

On adultery of wife or incest &c. of husband petition for dissolution of marriage may be presented.

As to incestuous adultery.

XIV. Upon any such petition presented by a husband the petitioner shall make the alleged adulterer a co-respondent to the said petition unless on special grounds to be allowed by the court he shall be excused from so doing and on every petition presented by a wife for dissolution of marriage the court if it see fit may direct that the person with whom the husband is alleged to have committed adultery be made a respondent and the parties or either of them may insist on having the contested matters of fact tried by a jury as hereinafter mentioned.

Adulterer to be a co-respondent.

Cause may be tried by a jury.

XV. Upon any such petition for the dissolution of a marriage it shall be the duty of the court to satisfy itself so far as it reasonably can not only as to the facts alleged but also whether or no the petitioner has been in any manner accessory to or conniving at the adultery or has condoned the same and shall also inquire into any counter-charge which may be made against the petitioner.

Court to be satisfied of absence of collusion.

XVI. In case the court on the evidence in relation to any such petition shall not be satisfied that the alleged adultery has been committed or shall find that the petitioner has during the marriage been accessory to or conniving at the adultery of the other party to the marriage or has condoned the adultery complained of or that the petition is presented or prosecuted in collusion with the respondents or either of them or with any person liable to be made a respondent under the provisions hereinbefore contained then and in any of the said cases the court shall dismiss the said petition.

Dismissal of petition.

XVII. In case the court shall be satisfied on the evidence that the case of the petitioner has been proved and shall not find that the petitioner has been in any manner accessory to or conniving at the

Power to Court to pronounce decree for dissolving marriage.

adultery of the other party to the marriage or has condoned the adultery complained of or that the petition is presented or prosecuted in collusion with the respondents or either of them or with any person liable to be made a respondent under the provisions hereinbefore contained then the court shall pronounce a decree declaring such marriage to be dissolved Provided always that the court shall not be bound to pronounce such decree if it shall find that the petitioner has during the marriage been guilty of adultery or if the petitioner shall in the opinion of the court have been guilty of unreasonable delay in presenting or prosecuting such petition or of cruelty towards the other party to the marriage or of having deserted or wilfully separated himself or herself from the other party before the adultery complained of and without reasonable excuse or of such wilful neglect or misconduct as has conduced to the adultery.

Alimony.

XVIII. The court may if it shall think fit on any such decree order that the husband shall to the satisfaction of the court secure to the wife such gross sum of money or such annual sum of money for any term not exceeding her own life as having regard to her fortune (if any) to the ability of the husband and to the conduct of the parties it shall deem reasonable and for that purpose may settle and approve or refer it to the master of the said court to settle and approve of a proper deed or instrument to be executed by all necessary parties and the said court may in such case if it shall see fit suspend the pronouncing of its decree until such deed shall have been duly executed and upon any petition for dissolution of marriage the court shall have the same power to make interim orders for payment of money by way of alimony or otherwise to the wife as it would have in a suit instituted for judicial separation.

Husband may claim damages from adulterers.

XIX. Any husband may either in a petition for dissolution of marriage or for judicial separation or in a petition limited to such object only claim damages from any person on the ground of his having committed adultery with the wife of such petitioner and such petition shall be served on the alleged adulterer and the wife unless the court shall dispense with such service or direct some other service to be substituted and the claim made by every such petition shall be heard and tried on the same principles in the same manner and subject to the same or the like rules and regulations as actions for criminal conversation are now tried and decided in courts of common law and all the enactments herein contained with reference to the hearing and decision of petitions to the court shall so far as may be necessary be deemed applicable to the hearing and decision of petitions presented under this enactment and the damages to be recovered on any such petition shall in all cases be ascertained by the verdict of a jury although the respondents or either of them may not appear and after the verdict has been given the court if it shall see fit to grant the prayer of such petition shall have power to direct in what manner such damages shall be paid or applied and to direct that the whole or any part thereof shall be settled for the benefit of the children (if any) of the marriage or as a provision for the maintenance of the wife Provided that if such petition shall be dismissed no damages shall be given to or on the behoof of any such petitioner.

Power to court to order adulterer to pay costs.

XX. Whenever in any petition presented by a husband the alleged adulterer shall have been made a co-respondent and the adultery shall have been established it shall be lawful for the court to order the adulterer to pay the whole or any part of the costs of the proceedings.

Power to court to make orders as to custody of children.

XXI. In any suit or other proceeding for obtaining a judicial separation or a decree of nullity of marriage and on any petition for dissolving a marriage the court may from time to time before making its final decree make such interim orders and may make such provision

in the final decree as it may deem just and proper with respect to the custody maintenance and education of the children the marriage of whose parents is the subject of such suit or other proceeding and may if it shall think fit direct proper proceedings to be taken for placing such children under the protection of the said court.

XXII. In questions of fact arising in proceedings under this Act it shall be lawful for but except as hereinbefore provided not obligatory upon the court to direct the truth thereof to be determined by the verdict of a jury.

Questions of fact may be tried before the court.

XXIII. When any such question shall be so ordered to be tried such question shall be decided by means of a writ of summons in the manner provided by an Act passed in the fourteenth year of the reign of Her present Majesty intituled "*An Act to amend the Law concerning Games and Wagers.*"

Such question to be tried as an issue.

XXIV. Every person seeking a decree of nullity of marriage or a decree of judicial separation or a dissolution of marriage or decree in a suit of jactitation of marriage shall together with the petition or other application for the same file an affidavit verifying the same so far as he or she is able to do so and stating that there is not any collusion or connivance between the deponent and the other party to the marriage.

Affidavit in support of a petition.

XXV. Every such petition shall be served on the party to be affected thereby either within or without the colony of Victoria in such manner as the court shall by any general or special order from time to time direct and for that purpose the court shall have and exercise all the powers it now possesses by any Statute or Act of Council in its equitable jurisdiction Provided always that the said court may dispense with such service altogether in case it shall seem necessary or expedient so to do.

Service of petition.

XXVI. The court may if it shall think fit order the attendance of the petitioner and may examine him or her or permit him or her to be examined or cross-examined on oath on the hearing of any petition but no such petitioner shall be bound to answer any question tending to show that he or she has been guilty of adultery.

Examination of petitioner.

XXVII. The court may from time to time adjourn the hearing of any such petition and may require further evidence thereon if it shall see fit so to do.

Adjournment.

XXVIII. In any case in which the court shall pronounce a sentence of divorce or judicial separation for adultery of the wife if it shall be made to appear to the court that the wife is entitled to any property either in possession or reversion it shall be lawful for the court if it shall think proper to order such settlement as it shall think reasonable to be made of such property or any part thereof for the benefit of the innocent party and of the children of the marriage or either or any of them.

Court may order settlement of property for benefit of innocent party and children of marriage.

XXIX. The witnesses in all proceedings before the court where their attendance can be had shall be sworn and examined orally in open court and such attendance and the production of documents by them shall be compelled in the same manner as in an action at law but the parties shall be at liberty to verify their respective cases in whole or in part by his or her own affidavit but so that the deponent in every such affidavit shall on the application of the opposite party or by direction of the court be subject to be cross-examined by or on behalf of the opposite party orally in open court and after such cross-examination may be re-examined orally in open court as aforesaid on his or her own behalf.

Mode of taking evidence.

XXX. It shall be lawful for the court or a judge to order the examination of witnesses and also to order a commission to issue for the examination of witnesses in the same way to all intents as if the matter

Commissions or orders for examination of witnesses.

1858

before it were an action pending in the Supreme Court in its common law jurisdiction.

Costs. XXXI. The court on the hearing of any suit proceeding or petition under this Act may make such order as to costs as to such court may seem just.

Enforcement of orders and decrees. XXXII. All decrees and orders to be made by the court in any suit proceeding or petition to be instituted under authority of this Act shall be enforced and put in execution in the same or the like manner as other judgments orders and decrees of the said court may be now enforced and put in execution.

Power to make rules &c. for procedure and to alter them from time to time. XXXIII. The court shall have power to make such rules and regulations concerning the practice and procedure under this Act and from time to time to revoke or alter such rules and regulations as it may from time to time consider expedient.

Fees to be regulated. XXXIV. The Governor in Council shall fix from time to time the fees payable upon all proceedings under this Act but the said court may nevertheless admit persons to sue in the said court *in formâ pauperis* in like manner as in actions at law.

Liberty to parties to marry again. XXXV. *When the time limited for appealing against any decree dissolving a marriage shall have expired and no appeal shall have been presented against such decree or when any such appeal shall have been dismissed or when in the result of any appeal any marriage shall be declared to be dissolved but not sooner it shall be lawful for the respective parties thereto to marry again as if the prior marriage had been dissolved by death. Provided always that no officiating minister or registrar shall be compelled to solemnize the marriage of any person whose former marriage may have been dissolved on the ground of his or her adultery or shall be in any manner liable for solemnizing or refusing to solemnize the marriage of any such person.*

No action in Victoria for criminal conversation. XXXVI. After this Act shall have come into operation no action shall be maintainable in Victoria for criminal conversation.

Rules &c. to be laid before Parliament. XXXVII. All rules and regulations concerning practice or procedure and all orders fixing the fees payable under this Act shall be laid before both Houses of Parliament within one month after the making thereof if Parliament be then sitting or if Parliament be not then sitting within one month after the commencement of the then next session of Parliament.

PROCEEDINGS OF COMMITTEE.

WEDNESDAY, 15TH DECEMBER, 1858.

Members present :

The Honorable J. P. Fawkner, in the chair.
The Honorables T. T. a'Beckett, T. H. Fellows, G. S. Coppin, T. McCombie, T. H. Power.
The Chairman submitted Draft Bill, which was in part considered.
Committee adjourned until Friday next at half-past one o'clock.

FRIDAY, 17TH DECEMBER, 1858.

Members present :

The Honorable J. P. Fawkner, in the chair.
The Honorables T. H. Fellows, W. Roope, G. S. Coppin, T. H. Power.
Draft Bill further considered.
The committee adjourned until Monday next at twelve o'clock.

MONDAY, 20TH DECEMBER, 1858.

Members present :

The Honorable T. H. Fellows, T. H. Power, G. S. Coppin, W. Roope.
In consequence of the absence of the Honorable J. P. Fawkner, no business was transacted.
Committee adjourned *sine die*.

WEDNESDAY, 19TH JANUARY, 1859.

Members present :

The Honorables J. P. Fawkner, T. H. Power.
No quorum.
Committee ordered to be summoned for twelve o'clock on Tuesday next.

TUESDAY, 25TH JANUARY, 1859.

Member present :

The Honorable T. H. Power.
No quorum.

TUESDAY, 1ST FEBRUARY, 1859.

Members present :

The Honorable J. P. Fawkner, in the chair.
The Honorables T. H. Power, G. S. Coppin, W. Roope, J. B. Bennett, T. McCombie.
Draft Bill further considered.
Committee adjourned until Thursday next at half-past one o'clock.

THURSDAY, 3RD FEBRUARY, 1859.

Members present:

The Honorable J. P. Fawcner, in the chair.

The Honorables G. S. Coppin, W. Roope, T. H. Power.

Draft Bill further considered, and Committee adjourned.

TUESDAY, 22ND FEBRUARY, 1859.

Members present:

The Honorable J. P. Fawcner, in the chair.

The Honorables T. H. Power, W. Roope, T. H. Fellows, J. B. Bennett, T. McCombie.

The Chairman brought up a Draft Report, which was read and adopted.

Ordered that the same be reported to the House.

1858-9.

VICTORIA.

REPORT

FROM THE

SELECT JOINT COMMITTEE

OF THE

LEGISLATIVE COUNCIL AND LEGISLATIVE ASSEMBLY

UPON

THE LIBRARY.

ORDERED BY THE COUNCIL TO BE PRINTED 24TH FEBRUARY, 1859.

By Authority:

JOHN FERRES, GOVERNMENT PRINTER, MELBOURNE.

EXTRACTED FROM THE MINUTES.

TUESDAY, 12TH OCTOBER, 1858.

LIBRARY (JOINT) COMMITTEE.—The Honorable J. Hodgson, in accordance with notice, moved, That the Honorables the President, J. P. Fawkner, T. T. a'Beckett, Dr. Hope, and the Mover, be appointed as Members of the Joint Committee to manage the Library.

Question—put and passed.

THURSDAY, 24TH FEBRUARY, 1859.

LIBRARY (JOINT) COMMITTEE.—The Honorable J. Hodgson brought up a Report from the Joint Committee of both Houses appointed to superintend and regulate the affairs of the Library, and moved that the same be printed.

Question—put and passed.

R E P O R T.

THE JOINT COMMITTEE of the two Houses of Parliament, appointed to superintend and regulate the affairs of the Library of the Parliament, beg to report as follows:—

1. Your Committee regret that unforeseen circumstances have prevented the completion of that portion of the new building for the Parliament to be appropriated to the Library, but they have satisfaction in knowing that measures are in progress for proceeding with this portion of the building immediately.

2. Your Committee have also satisfaction in reporting that an additional room has been fitted up for the reception of the books, received some time since, in augmentation of the Library. There is therefore now sufficient space in the various rooms for placing these books; but it has been found impossible, in consequence of the nature of the distributed accommodation, to classify the books in a way that could have been wished. This defect will be remedied however when the new building is completed. The Committee, in pointing out the importance of proceeding as rapidly as possible with the erection of the new building, recommend that accommodation should immediately be provided for the reception of the books, the arrival of which may be shortly expected.

3. It having been considered by the Committee advisable that a new arrangement should be made for procuring from England books for the Library, a communication was opened by your Committee with the Librarian of the British Museum, requesting him to appoint some gentleman, competent for the purpose, to be the general agent in England for the purchase and constant and regular supply of books for the Library, and your Committee have no doubt whatever that the arrangement may be considered as completed, and that in due course the books ordered will be forwarded, and may be looked for before the meeting of the next Parliament.

4. Independent of the moneys which have been remitted to England by the Honorable the Treasurer, voted on account of the Library, there is now in the hands of your Committee the sum of £548 1s. 9d., liable however to payments to about the sum of £300; the balance therefrom, together with the sum of £500, part of the sum voted by the Parliament for the present year, and to be paid to your Committee, will be quite sufficient to enable your Committee to supply the Library with papers and periodicals for the present year, and from time to time to buy such works to be purchased in the Colony as they may consider proper to be added to the Library. These purchases continue to add very considerably to the usefulness and character of the Library.

5. The interval between the present time and the meeting of the new Parliament will be devoted to the supervision of the Library, which will be open every week-day from ten o'clock to four, except on Saturdays, on which days it will be open from ten o'clock to twelve.

J. F. PALMER,
Chairman.

Library, 24th February, 1859.

1858.

VICTORIA.

PETITION.

CITIZENS AND ELECTORS OF MELBOURNE.

ORDERED BY THE COUNCIL TO BE PRINTED, 23RD NOVEMBER, 1858.

TO THE HONORABLE THE PRESIDENT AND MEMBERS OF THE LEGISLATIVE COUNCIL OF THE COLONY OF VICTORIA.

The Petition of the undersigned Citizens and Electors of the City of Melbourne and its Electoral District—

SH EWETH—

That, in and by a Bill reported in and to the Legislative Assembly on the 2nd instant, and entitled "*A Bill to alter the Electoral Districts of Victoria and to increase the Number of Members of the Legislative Assembly thereof*," it is proposed to divide the City of Melbourne, as at present constituted one electoral district, into three several electoral districts, to be called and described as set forth in the schedule to the said Bill.

That such proposed division is, in the opinion of your Petitioners, not only unrequired, but is hurtful and obnoxious in its nature for the following reasons, which your Petitioners respectfully submit to the consideration of your Honorable House:—

First.—That the interests of all parts of the City are identical in a political sense, and that a division cannot be required on this ground.

Second.—That any division of the City will have a tendency to create artificial interests, and to originate feelings in the Members of the different divisions befitting more the character of representation displayed in the City Common Council.

Third.—That it will tend to cause a class of Members to be returned whose fitness and qualifications will be estimated not on the broad basis of general fitness, but on the petty consideration of local popularity.

Fourth.—That the proposed division is not called for by any part of the city, nor by any class or body of its electors, and that it is an innovation that gives no earnest of an improvement.

Fifth.—That it cannot be supported by example, nor has the proposed division any precedent to warrant its being carried; that your Petitioners are aware of none of the cities of Great Britain being divided in the manner in which the Bill in question proposes to divide the city of Melbourne.

Your Petitioners therefore pray that the clauses of the said Bill and Schedule may not pass for the reasons set forth.

And your Petitioners will ever pray, &c.

[Here follow 703 signatures.]

1858.

VICTORIA.

PETITION.

INHABITANTS OF LAKE LEARMONTH.

ORDERED BY THE COUNCIL TO BE PRINTED, 1st DECEMBER, 1858.

TO THE HONORABLE THE PRESIDENT AND MEMBERS OF THE LEGISLATIVE COUNCIL IN PARLIAMENT ASSEMBLED.

The Petition of the undersigned Inhabitants of the district of Lake Learmonth—

HUMBLY SHOWETH—

That your Petitioners approach your Honorable House under the deep and solemn conviction that legislatorial and magisterial powers are ordinances of God for the real good of the community, intended for the guidance and protection of the people socially and politically.

That, according to the testimony of all competent witnesses, nine-tenths of all the crime, and disease, and poverty of the country arise directly or indirectly from the traffic in strong drink.

That, in the opinion of your Petitioners, it is impolitic for any Government, in any way, by licence or otherwise, to encourage the use of intoxicating drinks.

That your Petitioners have heard with alarm that attempts are to be made to induce the Parliament now assembled to afford increased facilities for the sale of strong drinks, and for the distillation of the same in Victoria.

That your Petitioners are persuaded that the traffic, as such, is wrong and widely ruinous in its effects; and that consequently distillation, if once introduced, would tend directly and very powerfully to increase these effects.

May it therefore please your Honorable House to place such restrictions upon the traffic in strong drinks as may seem meet and urgently demanded by the state of the country, and also to withhold your sanction from any Bill or Bills which may have as their object the legalizing distillation in Victoria.

And your Petitioners, as in duty, will ever pray.

[Here follow 135 Signatures.]

7/58

1858.

VICTORIA.

PETITION.

DISTILLATION OF SPIRITS.

ORDERED BY THE COUNCIL TO BE PRINTED, 1st DECEMBER, 1858.

TO THE HONORABLE THE PRESIDENT AND MEMBERS OF THE LEGISLATIVE COUNCIL IN PARLIAMENT ASSEMBLED.

The Petition of the undersigned Members and Friends of the United Methodist Free Church, Geelong,

HUMBLY SHOWETH—

That your Petitioners have learned with deep regret that a Bill is now before your Honorable House for the purpose of legalizing distillation in Victoria.

That the use of intoxicating liquors has ever been the prolific cause of social misery, immorality, vice, and crime, and numerous laws have been passed by the most enlightened nations to restrict and discourage their manufacture and sale.

That these restrictions have been found by experience to be insufficient to suppress the evils which constantly flow from the traffic in intoxicating liquors, and therefore the tendency of the most recent legislation in Great Britain, America, and some of the most enlightened States of Europe has been to further restrict or to prohibit such traffic altogether.

That, by distillation, an enormous amount of nutritious food is converted into a narcotic poison, which, used as a beverage, has, by creating poverty, vice, insanity, and crime, necessitated the greater part of the expenses connected with our criminal establishments, and thus counterbalancing any amount of revenue derived therefrom.

That no amount of gain to the national revenue will compensate for the vice and crime which would be produced by legalizing the manufacture of spirits in this Colony.

That the passing of such Act would be a retrograde step in legislation, as it would establish another powerful interest opposed to the physical, moral, and social condition of the people.

Your Petitioners therefore earnestly beseech your Honorable House to reject the Bill for legalizing the distillation of spirits in Victoria.

And your Petitioners will ever pray, &c.

[Here follow 61 Signatures.]

770

1858.

VICTORIA.

PETITION.

INHABITANTS OF AMHERST.

ORDERED BY THE COUNCIL TO BE PRINTED, 1st DECEMBER, 1858.

TO THE HONORABLE THE PRESIDENT AND MEMBERS OF THE LEGISLATIVE COUNCIL IN
PARLIAMENT ASSEMBLED.

The Petition of the undersigned Inhabitants of Amherst—

HUMBLY SHOWETH—

That your Petitioners have learned with deep regret that a Bill is now before your Honorable House for the purpose of legalizing distillation in Victoria.

That the use of intoxicating liquors has ever been the prolific cause of social misery, immorality, vice, and crime, and numerous laws have been passed by the most enlightened nations to restrict and discourage their manufacture and sale.

That these restrictions have been found by experience to be insufficient to suppress the evils which constantly flow from the traffic in intoxicating liquors, and therefore the tendency of the most recent legislation in Great Britain, America, and some of the most enlightened States of Europe has been to restrict or to prohibit such traffic altogether.

That, by distillation, an enormous amount of nutritious food is converted into a narcotic poison, which, used as a beverage, has, by creating poverty, vice, insanity, and crime, necessitated the greater part of the expenses connected with our criminal establishments, and thus counterbalancing any amount of revenue derived therefrom.

That no amount of gain to the national revenue will compensate for the vice and crime which would be produced by legalizing the manufacture of spirits in this Colony.

That the passing of such Act would be a retrograde step in legislation, as it would establish another powerful interest opposed to the physical, moral, and social welfare of the people.

Your Petitioners therefore earnestly beseech your Honorable House to reject the Bill for legalizing the distillation of spirits in Victoria.

And your Petitioners will ever pray.

[Here follow 49 Signatures.]

1858.

VICTORIA.

PETITION.

INHABITANTS OF CAMPERDOWN.

ORDERED BY THE COUNCIL TO BE PRINTED, 1ST DECEMBER, 1858.

TO THE HONORABLE THE PRESIDENT AND MEMBERS OF THE LEGISLATIVE COUNCIL IN PARLIAMENT ASSEMBLED.

The Petition of the undersigned Inhabitants of Camperdown and neighborhood—
HUMBLY SHOWETH—

That your Petitioners have learned with deep regret that a Bill is now before your Honorable House for the purpose of legalizing distillation in Victoria.

That the use of intoxicating liquors has ever been the prolific cause of social misery, immorality, vice, and crime, and numerous laws have been passed by the most enlightened nations to restrict and discourage their manufacture and sale.

That these restrictions have been found by experience to be insufficient to suppress the evils which constantly flow from the traffic in intoxicating liquors, and therefore the tendency of the most recent legislation in Great Britain, America, and some of the most enlightened States of Europe has been to further restrict or to prohibit such traffic altogether.

That, by distillation, an enormous amount of nutritious food is converted into a narcotic poison, which, used as a beverage, has, by creating poverty, vice, insanity, and crime, necessitated the greater part of the expenses connected with our criminal establishments, and thus counterbalancing any amount of revenue derived therefrom.

That no amount of gain to the national revenue will compensate for the vice and crime which would be produced by legalizing the manufacture of spirits in this Colony.

That the passing of such an Act would be a retrograde step in legislation, as it would establish another powerful interest opposed to the physical, moral, and social condition of the people.

Your Petitioners therefore earnestly beseech your Honorable House to reject the Bill legalizing the distillation of spirits in Victoria.

And your Petitioners will ever pray.

[Here follow 53 Signatures.]

VICTORIA.



VOTES
AND
PROCEEDINGS
OF THE
LEGISLATIVE
COUNCIL.

SESSION.

1858-9.