



VOTES AND PROCEEDINGS

OF THE

LEGISLATIVE COUNCIL

DURING THE SESSION

1859-60,

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

By Authority:

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RETURN OF MEMBERS OF THE LEGISLATIVE COUNCIL AT THE OPENING OF PARLIAMENT, UNDER THE NEW CONSTITUTION, 21st NOVEMBER, 1856.

1					
Names arranged in the Order of Retirement.	Date of Writ.	Date of Nomination.	Polling Day	Return of Writ.	Remarks.
CTP: MP AT DECEMBER	* .				
CENTRAL PROVINCE:	1856.	1856.	1856.	1856.	1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1
John Pascoe Fawkner					
✓ Henry Miller	5th Aug.	19th Aug.	26th Aug.	4th Oct.	All the Writs, when
✓ John Hood		1	- v		the Council was first elected under the new
/ Nehemiah Guthridge		i	!		Constitution, were dated 5th August,
SOUTH PROVINCE:		:			1856, and were returnable 4th October, 1856. (Government
	1	1 -			Gazette, 1st August,
J Donald Kennedy					1856.)
Thomas Herbert Power					i galan
William John Turner Clarke	5th Aug.	19th Aug.	29th Aug.	4th Oct.	4
✓ Thomas McCombie			.		Sec. 4
John Barter Bennett j					
SOUTH-WESTERN PROVINCE:			1 .	** ***	A Property of the Control of the Con
James Ford Strachan			111		
i i					
Robert Culbertson Hope		1047. 4	441- Com	441- 004	
James Henty	5th Aug.	19th Aug.	4th Sep.	4th Oct.	
William Roope					
James Cowie j					
WESTERN PROVINCE:					
✓ Stephen George Henty		;		1	
Andrew Rose Cruikshank					
J Daniel Joseph Tierney	5th Aug.	21st Aug.	11th Sep.	4th Oct.	
✓ James Frederick Palmer			!	•••	
√ Charles Vaughan }				•	
				* *	
NORTH-WESTERN PROVINCE:				,	·
✓ Dennis Patrick Keogh		1			
John Allan					
✓ George Urquhart	5th Aug.	26th Aug.	16th Sep.	4th Oct.	J. Allan and D. P. Keogh having receiv-
✓ John Hunter Patterson	76.1			.*	ed the same number of votes, the relative
J William Henry Fancourt Mitchell	A server of the	7			position of their seats must be determined
EASTERN PROVINCE:			:		by lot.
/ Matthew Hervey	,				
James Stewart					
Robert Thomson	5th Aug.	26th Aug.	16th Sep.	4th Oct.	
/ William Kaye			1]].	
/ Benjamin Williams			:		a service de la constante de l
J Dougham II manus		1.			

RETURN OF MEMBERS OF THE LEGISLATIVE COUNCIL, 3RD DECEMBER, 1857, AT THE OPENING OF THE SECOND SESSION OF THE PARLIAMENT.

Names arranged in the Order of	Elec	ted at	Remarks.		
Retirement.	Nomination.	Polling.	ivellat as.		
CENTRAL PROVINCE:					
John Hodgson					
John Pascoe Fawkner					
Henry Miller		26th Aug., 1856.	•		
John Hood		1000 11000			
✓ Nehemiah Guthridge	·				
- Meneman Guminge)		1	4		
SOUTH PROVINCE:		i '			
Donald Kennedy					
Thomas Herbert Power		·			
✓ William John Turner Clarke		29th Aug., 1856.			
✓Thomas McCombie	,				
✓ John Barter Bennett	_				
COMMIT HISOMEDIA DECITIVOS		:			
SOUTH WESTERN PROVINCE:	·				
James Ford Strachan		6			
Robert Culbertson Hope		443 554 1050			
James Henty	•••	4th Sept., 1856.			
✓William Roope					
James Cowie j					
WESTERN PROVINCE:	•	·			
✓ Stephen George Henty			,		
✓Andrew Rose Cruikshank					
✓ Daniel Joseph Tierney		11th Sept., 1856.			
✓ James Frederick Palmer		·	••		
✓ Charles Vaughan					
NORTH WESTERN PROVINCE:					
✓Dennis Patrick Keogh					
John Allan		16th Sept., 1856.	••		
✓ George Urquhart					
John Hunter Patterson			,		
William Henry Fancourt Mitchell	•••	21st May, 1857	The Honorable W. H. F. Mitchel having taken office as Post-		
EASTERN PROVINCE:			master General, his seat became vacant. He was re-elected.		
✓ Matthew Hervey			THE WAS IC-CICCICU.		
James Stewart		16th Sept., 1856.			
/Robert Thomson		,, 2550.			
√ William Highett		20th April, 1857	The Honorable W. Kaye being un-		
√Benjamin Williams	•••	16th Sept., 1856.	seated on Petition, the Hon. W Highett was elected in his stead		

RETURN OF MEMBERS OF THE LEGISLATIVE COUNCIL, 7th OCTOBER, 1858, AT THE OPENING OF THE THIRD SESSION OF PARLIAMENT.

Names arranged in the Order of	Elec	eted at			
Retirement,	Nomination.	Polling.	Remarks.		
CENTRAL PROVINCE:					
Thomas Turner a'Beckett		21st Sept., 1858	Instead of N. Guthridge, retiring by rotation.		
John Hodgson)		26th August, 1856.	by Totalion.		
John Pascoe Fawkner \(\)		2001 August, 1650.			
/ Thomas Howard Fellows		11th May, 1858	Elected instead of the Hon. Miller, who, being elected f		
John Hood		26th August, 1856.	the Western Province as we as for the Central, resigned he seat for the Central.		
SOUTH PROVINCE:	·		bear 101 till Contract		
John Barter Bennett		28th Sept., 1858	Retired by rotation and was i		
Donald Kennedy			electea.		
Thomas Herbert Power		0047- 4	54		
✓William John Turner Clarke	•••	29th August, 1856.			
Thomas McCombie	·	4	·		
SOUTH WESTERN PROVINCE:		7	and the second second		
George Selth Coppin		7th October, 1858	Elected instead of Hon. Jam		
James Ford Strachan			Cowie, retiring by rotation.		
Robert Culbertson Hope	- 1		A Section 18 March		
James Henty	•••	4th Sept., 1856.	programme 🗱		
/ William Roope			and the second of the second o		
			1		
WESTERN PROVINCE:		·			
Stephen George Henty	***	11th Sept., 1856.	Elected instead of Hon. A.		
Henry Miller	***	25th Mar., 1858	Cruikshank, deceased; elect also for Central Province, b declared to sit for Western.		
Daniel Joseph Tierney	•••	8th July, 1858.	Having taken office, seat vacate re-elected, but seat declar		
James Frederick Palmer	•••	11th Sept., 1856.	vacant from insufficient qua fication and wrong declaration		
Charles Vaughan	•••	•••	Retired by rotation and was selected 15th October, 1858.		
NORTH WESTERN PROVINCE:		1			
(One seat vacant)	•••	•••	Hon. Dr. Wilkie elected 1st N vember, 1858, instead of Ho		
Dennis Patrick Keogh	•••	16th Sept., 1856.	W. H. F. Mitchell, retiring rotation.		
Alexander Fraser		13th Sept., 1858	Instead of Hon. J. Allan, resigne		
/ George Urquhart		16th Sept., 1856.			
/ John Hunter Patterson)					
EASTERN PROVINCE:			en en tres de la company d La company de la company d		
(One seat vacant)			Hon. B. Williams was re-elect 25th October, 1858, having r		
✓Matthew Hervey			tired by rotation.		
✓James Stewart }		16th Sept., 1856.			
✓Robert Thomson)					
/ William Highett		20th April, 1857.	the state of the s		

RETURN OF MEMBERS OF THE LEGISLATIVE COUNCIL, 13TH OCTOBER, 1859, AT THE OPENING OF THE FOURTH SESSION OF PARLIAMENT.

Names arranged in the Order of	Elec	ted at '	Remarks.		
Retirement.	Nomination.	Polling.	Remarks.		
CENTRAL PROVINCE:	•				
Thomas Turner a'Beckett		21st Sep., 1858.			
/ John Hodgson	****	2180 pep., 1636.			
✓John Pascoe Fawkner	, * * 	26th Aug., 1856.			
✓Fhomas Howard Fellows	•••	11th May, 1858.			
Bay George Ward Cole	28th Sepa4859	l	Elected instead of Hon. J. Hood, resigned.		
SOUTH PROVINCE:	- 1	:			
John Barter Bennett	**************************************	28th Sep., 1858.	and the second second		
✓ Donald Kennedy	·				
✓ Thomas Herbert Power	e e				
William John Turner Clarke	to T (•••15)	29th Aug., 1856.	and the state of t		
/ Thomas McCombie	:				
SOUTH WESTERN PROVINCE:	;	4 1.545			
George Selth Coppin	• • • • • •	7th Oct., 1858.			
James Ford Strachan		;			
✓ Robert Culbertson Hope	•••	4th Sep., 1856.	a cater set in with		
James Henty	્વે .	• • • • • • • • • • • • • • • • • • • •			
William Roope	, 1				
WESTERN PROVINCE:					
Charles Vaughan	imple Seet 1	15th Oct., 1858	Retired by rotation and was re-		
✓ Stephen George Henty	· •••	11th Sep., 1856.	elected.		
✓ Henry Miller	•••	25th Mar., 1858.			
\int Niel Black		19th Feb., 1858	Elected instead of D. J. Tierney,		
✓ James Frederick Palmer	AG	11th Sep., 1856.	disqualified.		
NORTH WESTERN PROVINCE:	4	:			
David Elliot Wilkie	•••	1st Nov., 1858	Elected instead of the Hon. W. H. F. Mitchell, retired by rotation.		
✓ Dennis Patrick Keogh	•••	16th Sep., 1856.	1. Historical, 1001100 by 100001011		
✓ Alexander Fraser	4. ·	13th Sep., 1858.			
√George Urquhart	•••	16th Sep., 1856.			
J William Henry Fancourt Mitchell	्रोतृष्टी ५ ०० ।	10th Aug., 1859	Elected instead of the Hon. J. H. Patterson, deceased.		
EASTERN PROVINCE:	:				
√Benjamin Williams	•••	25th Oct., 1858	Retired by rotation and was re-		
/ Matthew Hervey		··· · · · · · · · · · · · · · · · · ·	elected.		
James Stewart		16th Sep., 1856.			
Robert Thomson	E) t	• • • • •	•••		
✓ William Highett		20th April, 1857.			

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	5.	Defences of the Colony.—Progress Report of Commissioners (14th July,
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	6.	Criminal Statistics (1st January, 1842, to 26th July, 1859).
,,	7.	Rule of Board of National Education. — Classification of Teachers (7th
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	8.	University of Melbourne.—Report of Council (1st May, 1858, to 30th April,
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	9.	Plants collected by Mr. Babbage, South Australia.—Report on, by Ferdinand
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	10.	Statistics of the Colony of Victoria (1858).
"		Health Officer.—Report—Six Months ending 31st December, 1858.
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                 38. Defences of the Colony.—Report of Captain F. B. Seymour, R.N., of H.M.S.
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                 40. National Education—Board of. Rule (27th January, 1860).
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    42. Botanist, Government.—Annual Report (12th January, 1860).
    43. Police Clothing Account.—Report of Investigation (29th October, 1859).
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49. Mails, Conveyance of, between Suez and Sydney—Correspondence relative to.

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60. Steamers Calling at Kangaroo Island.—Further Correspondence (Downingstreet, 17th March, 1860).
             61. New Offices for the Chief Secretary.—Return to Order of 2nd May, 1860.
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                 66. Gold Fields Act.—Order in Council (28th May, 1860).
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 " 67. Gisborne County Court.—Order in Council (4th June, 1860).

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 20th June. 69. University of Melbourne.—Report of Proceedings for the year ending 31st
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72. Statistics of Victoria, for year ending 31st March, 1859.
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74. Order in Council.—Establishing Courts of Mines at Creswick and Pleasant Creek (3rd July, 1860).
75. Magnetic, Nautical, and Meteorological Observations (March, 1858, to Feb-

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                  76. Temporary Withdrawal of Head Quarters' Staff.—Message from the Governor,
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                  77. New Postal, Arrangements.—Correspondence—Downing-street (18th May,
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78. University of Melbourne.—Despatch from Secretary of State acknowledging Address of Parliament of Victoria.

79. Yarra Bend Lunatic Asylum.—Report for year 1859.

24th July. 80. Order in Council.—County Court at Yackandandah (16th July, 1860).

81. Library.—Progress Report of Joint Committee.82. Gold Fields Act.—Orders in Council— 2nd Aug.

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84. New Zealand War.—Despatch from Right Honorable Secretary of State (20th June, 1860).

85. Portrait of the Queen.—Despatch from Right Honorable Secretary of State (23rd May, 1860).

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86. Registration of Parliamentary Electors.—Payments under 22 Victoria, No. 81, section 30.

87. Gold Fields Act.—Order in Council— Mining Leases—Ararat (27th August, 1860).

88. National Education—Board of—Order of (9th March, 1859).
89. New Zealand War.—Copy of a letter from the Speaker of the House of Representatives in New Zealand, enclosing a resolution of that House 18th Sept. thanking the Government of Victoria for the aid rendered by placing the armed steamer Victoria at the disposal of the Government of New Zealand.

90. Trade and Customs.—Returns—1859.

91. Statistics of the Colony for the year 1859.

VICTORIA.

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			1859,	1859,																	Order of Day for second reading discharged,—30th Novem-
1	Customs Act Amendment Bill			18th Oct.						••		••									ber, 1859. Order of Day for second reading discharged,—30th Novem-
2	Appointment of Justices and Police Magistrates Bill			19th Oct.	1860.	1860,	1860.	1860.	1860. 20th July	1860.											ber, 1859. Lapsed; no day fixed for third reading.
3	Education Bill						2nd May		29th Aug.	30th Aug.	1860.	1860,	1860.						! !	ļ 	Not returned from Legislative Assembly.
4	Real Property Bill	Honorable G. S. Coppin	8th Dec.	8th Dec.	18th Jan.	18th Jan.	9th Feb.	16th Feb.	16th Feb.	23rd Feb.	lst Mar.	1st Mar.	1st Mar.	1860.	1860.	1860.	1860.				Reserved for the signification of Her Majesty's pleasure.—
	Divorce Bill							23rd Feb.	29th Feb.	lst Mar.	7th Mar. 22nd Mar.	7th Mar.	[26th July 28th June	19th July	25th July	25th July				22nd August, 1860. Reserved for the signification of Her Majesty's pleasure.— 18th September, 1860.
	Pensions Bill		15th Dec. 1860.	15th Dec. 1860.	22nd Mar.	22nd Mar.	22nd Mar.	••	••							30th Aug.	30th Aug,	1860. 18th Sep.	1860. 18th Sep.	CXII.	18th September, 1860.
7	I.aw of Property Amendment Bill		19th Jan.	19th Jan.	26th Jan.	26th Jan.	19th April	19th April	19th April	26th April	26th April	26th April	26th April	5th Sep.	manag.				'		Lapsed: no day fixed for second reading.
8 9 10		Hananahla T H Follows	19th Jan. 19th Jan. 19th Jan.	19th Jan. 19th Jan. 19th Jan.	26th Jan.	:. 26th Jan.	22nd Feb.	lst Mar. 14th Mar.	lst Mar. 14th Mar.	7th Mar. 21st Mar.	22nd Mar.	22nd Mar.	22nd Mar.	:: 		26th April 23rd May		22nd Aug.	28th Aug.	č.	Lapsed; no day fixed for second reading.
											ļ			26th June		13th June					Lapsed; no day fixed for second reading. Order of Day for consideration in Committee discharged.—
11 12	Married Women's Deeds Acknowledgment Bill	Honorable J. B. Bennett	Sin Feb.	Sin reb.	23rd Feb.		::	::	::	::								8th June	8th June	XCIII.	1st March, 1860. This Bill was returned to the Legislative Assembly by the
13	National Bank of Australasia Bill	Message from Legislative Assembly	15th Feb,	16th Feb.	29th Feb.	29th Feb.	29th Feb.			lst Mar.	7th Mar.	7th Mar.	7th Mar.								Gevernor, with amendments, to which the Council agreed 26th April, 1860. Lost on motion for the second reading, 22nd March, 1860,
14	State Aid to Religion Abolition Bill	Message from Legislative Assembly	14th Mar.	14th Mar.	22nd Mar.									"	•••						an absolute majority not having voted for it.
15	Municipal Institutions Act Amendment Bill	Honorable T. T. a'Beckett	22nd Mar.	22nd Mar.	29th Mar.	29th Mar.	29th Mar.			ì		İ	18th April	l I	26th July - 5th Sep.	31st July 29th Aug. 7th Sep.	29th Aug.	18th Sep. 8th June		XCII.	
16 17 18	Main Trunk Railway Act Amendment Bill	Message from Legislative Assembly Message from Legislative Assembly Honorable T. H. Fellows	28th Mar.	28th Mar.	18th April	18th April 18th April 	19th April 25th April ••	 	:: ::	19th April 26th April	19th April 26th April	26th April	19th April 26th April	2nd May	::	::	::	8th June	8th June	XCIV.	Order of the Day for second reading discharged.—26th April, 1860.
19	Geelong and Melbourue Railway Purchase Bill	Message from Legislative Assembly Message from Legislative Assembly	10th April	26th Anril	9th Mac	1 9th May	16th May	3rd May	3rd May	9th May 18th May	9th May 23rd May	9th May 23rd May 10th July	9th May 23rd May 10th July	::	23rd May	23rd May	23rd May	8th June 8th June		XCVII.	Not returned from Legislative Assembly.
20 21 22		Honorable M. Hervey	octh Aneil	26th April	16th May	16th May	27th June 22nd June	27th June 26th June 27th June	4th July 27th June	28th June	10th July 28th June	1	28th June	26th July	17th July 11th Sep.	19th July 31st July 11th Sep.	7th Sep.	18th Sep.	18th Sep.	CXVII.	
														14th Sep.	13th Sep.	13th Sep.	1	İ			Not returned from Legislative Assembly.
23	Customs Act Amendment Bill (No. 2)	Message from Legislative Assembly	2nd May	2nd May	3rd May	3rd May	9th May	1	i		i .	1	18th May	29th May	20th June	29th Aug.		8th June	1		
24	Armed Vessels Regulation Bill	Message from Legislative Assembly	1	1	9th May 16th May	9th May	16th May	16th May	16th May	18th May	18th May	18th May	isii May	29th May							{ Referred to Select Committee.—18th May, 1860. { Reported on by Select Committee.—29th August, 1860.
25 26	Scotch Procurators Bill Estates of Deceased Persons Administration Bill	Honorable R. Thomson	16th May	16th May	23rd May	23rd May				29th May 18th May	29th May 23rd May			20th June	::	::	::	22nd Aug. 22nd Aug.		XCIX.	
27 28	Appropriation Bill Collingwood, Fitz Roy, and District Gas and Coke Company	Message from Legislative Assembly Message from Legislative Assembly	18th May	18th May	7th June	7th June	18th May 13th June			19th June	20th June	20th June	20th June	28th June			::	22nd Aug. 18th Sep.			This Bill was returned to the Legislative Assembly by the
29	BillBelfast Boundaries Bill		18th May	18th May	23rd May	23rd May	23rd May			7th June		7th June									Governor, with amendments, to which the Council agreed.—29th August, 1860. Not returned from Legislative Assembly.
30	Frauds upon Creditors Prevention Bill		t .	19th June	1	1	1	7th Sep.	7th Sep.	5th Sep. 7th Sep.	lith Sep.]		"	4th July	4th July		22nd Aug.		CIV.	
31 32 33	Penalties Remission Bill Ovens Water Supply Bill Gold Fields Act Amendment Bill	Honorable T. H. Fellows						27th June 28th June		17th July	13th June 27th June 17th July	27th June	27th June	::	24th July	25th July 26th July	: ::	22nd Aug.			
34 35	Bendigo Gas Company Bill	Message from Legislative Assembly Message from Legislative Assembly	13th June 20th June	14th June 20th June	19th June 27th June	20th June 27th June	20th June 28th June	4th July	10th July	- 1	27th June 4th July		27th June 4th July		4th Sep.	7th Sep.	.:	22nd Aug. 18th Sep.	. 18th Sep.	CIX.	This Bill was returned to the Legislative Assembly by the Governor, with amendments, to which the Council agreed.—30th August, 1860. Ordered to be read a second time "this day six months."
36	Lien (Contractors and Workmen) Bill	Message from Legislative Assembly	17th July	17th July											Ath Son	4th Sep.		18th Sep.	18th Sep.	cxr.	-24th July, 1860.
37 38 39	Frontage System Bill	Message from Legislative Assembly	17th July	17th July		2nd Aug.	2nd Aug.	::	2nd Aug.	7th Aug.	2nd Aug.		2nd Aug.		4th Sep.	ath sep.	::	18th Sep. 18th Sep.	18th Sep.	cÿ.	Referred to Select Committee,—2nd August, 1860.
40 41	Fitz Roy Ward Improvement Act Amendment Bill	Message from Legislative Assembly	26th July	26th July	31st July	31st July	2nd Aug.	::	::	2nd Aug.				••	::			18th Sep.	 18th Sep.	CVII.	Ordered to be read a second time "this day six months." —29th August, 1860.
42 43	Indemnity Bill Hospitals Act Amendment Bill	Honorable J. B. Bennett	7th Aug.	7th Aug.	29th Aug.	29th Aug	29th Aug 29th Aug 30th Aug		::	29th Aug. 30th Aug. 30th Aug.	30th Aug.	30th Aug 30th Aug	30th Aug. 30th Aug.	31st Aug.	12th Sep.	13th Sep	· ::	18th Sep. 18th Sep. 18th Sep.	. 18th Sep. 18th Sep.	CVIII.	
44 45 46	Disorderly Meetings Bill	Message from Legislative Assembly Message from Legislative Assembly	4th Sep.				5th Sep.	::		7th Sep.	7th Sep.	7th Sep.	"		::		::				Lapsed; ruled to be a Private Bill, 13th September. No day fixed for first reading.
47	Customs Act Amendment Bill (No. 3)	Message from Legislative Assembly Message from Legislative Assembly	11th Sep. 12th Sep.	11th Sep. 12th Sep.	11th Sep. 14th Sep.	11th Sep. 14th Sep.	lith Sep.	: :	::	12th Sep. 14th Sep.	13th Sep.	13th Sep.	13th Sep. 14th Sep.		18th Sep.	18th Sep	. ::	18th Sep. 18th Sep.		CXVIII.	

RECAPITULATION.

Bills initiated during the Session		. 44
Reserved for signification of Her Ma	ajesty's pleasure	2
Lost in consequence of not passing !	by absolute majority	1
Not returned from Legislative Asser	mbly	4
	g, &c., discharged	
Lapsed		5
Referred to Select Committees and	not proceeded with	2
Disposal of on the question "this d	ay six months"	2
Disposed of the 12		48

Minutes of the Proceedings

OF THE

LEGISLATIVE COUNCIL.

THURSDAY, 13TH OCTOBER, 1859.

Pursuant to Proclamation the Council met.

The President took the Chair.

At twelve o'clock the Clerk of the Council read the Proclamation convening the Parliament.

PROCLAMATION

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

Whereas by The Constitution Act it was amongst other things enacted, that it should be lawful for the Governor to fix such places within Victoria, and (subject to the limitation in the said Act contained) such times for holding the first and every other session of the Legislative Council and Legislative Assembly of Victoria, and to vary and alter the same respectively as he might think fit: And whereas it is expedient to fix the time for holding the next session of the said Legislative Council and Legislative Assembly now called "The Parliament of Victoria:" Now therefore I, Sir Henry Barkly, the Governor of Victoria, do hereby, in pursuance of the power and authority in me vested as aforesaid, appoint and proclaim that the First Session of the Second Parliament of Victoria shall commence and be holden for the despatch of business on Thursday, the thirteenth day of the month of October now next ensuing, at Twelve of the clock at noon, in the Parliament Houses, situate in Parliament Place, Spring Street, in the city of Melbourne: And the Members of the said Legislative Council and Legislative Assembly respectively are hereby required to give their attendance at the said time and place accordingly.

Given under my Hand and the Seal of the Colony, at Melbourne, this twenty-sixth day of September, in the Year of Our Lord One thousand eight hundred and fifty-nine,

and in the twenty-third year of Her Majesty's Reign.

HENRY BARKLY.

(L.s.)

By His Excellency's Command, JOHN O'SHANASSY.

GOD SAVE THE QUEEN!

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

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

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

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

TO ALL TO WHOM THESE PRESENTS SHALL COME,

GREETING:-

Whereas by Proclamation made on the twenty-sixth day of September last past, by His Excellency Sir Henry Barkly, Knight Commander of the Bath, Governor of Our Colony of Victoria, the said Sir Henry Barkly did fix that the next Session of the Legislative Council and Legislative Assembly of Our said Colony, now called "The Parliament of Victoria," should commence and be holden on this day, at Twelve of the clock at noon, in the Parliament Houses, situate in Parliament Place, Spring Street, in the City of Melbourne: And forasmuch as for certain causes the said Sir Henry Barkly cannot conveniently be present in person in the said Parliament at that time: Now know ye that we, trusting in the discretion, fidelity, and care of Our trusty and well-beloved Sir William Foster Stawell, Knight, Our Chief Justice of Our Supreme Court of Victoria, and Redmond Barry, Robert Molesworth, and Robert Williams Pohlman, Esquires, Our other Justices of Our said Court, do by the advice of Our Executive Council, give and grant by the tenor of these presents unto the said Sir William Foster Stawell, Redmond Barry, Robert Molesworth, and Robert Williams Pohlman, or any of them, full power in Our name to begin and hold Our said Parliament, and to do everything which for and by us, or the said Sir Henry Barkly shall be there to be done; commanding also by the tenor of these presents, with the consent of Our said Council, all whom it may concern, to meet in Our said Parliament, that to the said Sir William Foster Stawell,

REDMOND BARRY, ROBERT MOLESWORTH, and ROBERT WILLIAMS POHLMAN, or any of them, they diligently attend in the premises in the form aforesaid. In TESTIMONY whereof we have caused the Seal of Our said Colony to be hereunto affixed.

WITNESS Our trusty and well-beloved SIR HENRY BARKLY, Knight Commander of the Most Honorable Order of the Bath, Captain-General and Governor-in-Chief of Our Colony of Victoria, and Vice-Admiral of the same, at Melbourne, in Our said Colony, this thirteenth day of October, in the year of Our Lord One thousand eight hundred and fifty-nine, and in the twenty-third year of Our Reign.

(L.S.)

HENRY BARKLY.

By His Excellency's Command, JOHN O'SHANASSY.

Entered on Record in Register of Patents, Book 10, page , this thirteenth day of October, One thousand eight hundred and fifty-nine.

JOHN O'SHANASSY.

The Senior Commissioner informed the Members of the Legislative Council and of the Legislative Assembly that His Excellency the Governor would in person declare the causes of his calling the Parliament, at twelve of the clock at noon on Tuesday, the 18th instant, in the Legislative Council Chamber, and requested the Members of the Assembly in the meantime to proceed to the choice of a Speaker.

The Assembly withdrew.

The Commissioners withdrew.

The President read the Prayer.

New Members.—The President announced to the Council that writs for election of Members of the Legislative Council had been returned to His Excellency the Governor, and had been transmitted to the custody of the Clerk of the Council, showing the election of—

The Honorable Niel Black for the Western Province (in room of the Honorable D. J. Tierney, unseated);

The Honorable WILLIAM HENRY FANCOURT MITCHELL for the North-Western Province (in room of the Honorable J. H. Patterson, deceased);

The Honorable George Ward Cole (in room of the Honorable John Hood, resigned).

The several writs were laid by the President on the Table.

Swearing in of Members.—The President announced that in virtue of the Commission hereunder set forth he would be prepared to swear in any new Members who might be introduced:—

VICTORIA, by the Grace of God, of the United Kingdom of Great Britain and Ireland, Queen, Defender of the Faith, 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 MEMBER.—The Honorable Niel Black 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, NIEL BLACK 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 Terang and Glenormiston, Keilambete, Manda Yaloak, and Colungulac, in the county or reputed county of Hampden, the descriptions of which lands and tenements are as follow:—All those 162 allotments or sections of land situate in the parishes of Glenormiston, Terang, Keilambete, Manda Yaloak, and Colungulac, in the county of Hampden, containing in the aggregate upwards of 22,000 acres, and of which I am seised as joint tenant with Archibald Black, Thomas Stuart Gladstone, and Alexander Struthers Finlay; together with the various messuages and buildings erected thereon, and commonly known as the premises belonging to Niel Black and Co. 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.

"NIEL BLACK."

NEW MEMBER.—The Honorable George Ward Cole 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 Ward Cole, 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 annual 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 parish of Melbourne, in the county of or reputed county of Bourke, the descriptions of which lands and tenements are as follow:—All that piece or parcel of land containing by admeasurement one acre and fourteen perches, situate in the town of Melbourne, parish of Melbourne, county of Bourke, allotment 3 of section No. 1 A, together with the several stores, warehouses, tenements, and buildings thereon erected and built, and commonly known as Cole's Wharf. 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 WARD COLE."

ADJOURNMENT OF THE HOUSE.—The Honorable H. Miller, with leave of the Council, moved, without notice, That the Council, at its rising this day, adjourn until Tuesday next, at half-past eleven, a.m.

Question—put and passed.

The Council adjourned at twenty minutes to one o'clock until half-past eleven o'clock on Tuesday, the 18th instant.

G. W. RUSDEN,

Clerk of the Council and Clerk of the Parliaments.



No. 2.

Minutes of the Proceedings

OF THE

LEGISLATIVE COUNCIL.

TUESDAY, 18TH OCTOBER, 1859.

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

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:

I have called you together for the despatch of business at as early a period after the completion of the elections as is consistent with due notice to the Members of the two Houses. Elected upon the enlarged basis of universal suffrage and more equal distribution of representation, I trust that the present will be found better fitted than the former Parliament to deal with the several important questions which will await its decision, and that the increased number of Members of the Assembly will materially facilitate the despatch of business.

The necessity for carrying through Parliament the amendments in the constitution of the Assembly, of which the recent election is the result, has caused the postponement of several important measures which could not have been advantageously considered or successfully disposed of by the former Parliament. These measures will be immediately introduced, and I submit them with confidence to your consideration.

GENTLEMEN OF THE LEGISLATIVE ASSEMBLY:

The Estimates for the ensuing year will be immediately laid before you. Notwithstanding the continued increase of our population and wealth, and the introduction of some entirely new branches of expenditure, the cost of our public Establishments has not been increased, and it affords me the highest satisfaction to be able to inform you that the financial condition of the country is most prosperous. The principle kept in view in framing the estimates is the appropriation of a very large proportion of our income to the construction of roads and other pressing public improvements. Economy in the several public departments of the Government has not been lost sight of, but I trust you will find that this has in no case been carried to an extent to weaken their efficiency.

Honorable Gentlemen of the Legislative Council and Gentlemen of the Legislative Assembly:

Among the measures to which I have alluded as having been by common consent postponed for the new Parliament, that for the settlement of the Land question ranks first in importance. A Bill has been prepared, and will shortly be laid before you, to regulate the sale and disposal of the waste lands of the Crown. It contains provisions to facilitate the occupation of land by actual cultivators, and to confer upon them the privilege of local self-government; and these provisions are so constructed as to be capable of indefinite extension as population and the demand for land increase. Closely connected with the settlement of the land is a measure for facilitating its transfer. Such a measure, based upon one recently introduced into the Imperial Parliament, will consequently be submitted to your consideration at an early period.

Measures have been prepared to amend our Gold Fields legislation, and to legalize mining on private property, with due protection to the rights of the owner of the soil. A Bill will also be submitted to you for the thorough revision of the Insolvent Law. In these and other measures, one principle, kept steadily in view, is that of localizing administration; and in all cases where there has been previous legislation, besides the necessary amendment of the law, the existing enactments will be consolidated into one Act. These principles will be found to be carried out in the Bills to consolidate and amend the Acts relating to Justices of the Peace, the Acts relating to the maintenance and management of roads, the Laws of the Customs, the Distillation Acts, the Licensing Acts, and others which I need not here enumerate.

The subject of the defences of the Ports and Harbors will demand your early and serious attention. Immediately upon the receipt of the intelligence that a fresh European war had broken out, measures were adopted for organizing Volunteer Corps in the several Municipalities situated near our Sea-board. I also issued a fresh Commission to the military and naval members of the former Defence Commission, who have made several reports which will be laid before you without delay. Notwithstanding that the war which gave rise to these measures has terminated, I have no doubt that you will come to the conclusion that our defences ought not on that account to be neglected, and that you will adopt such measures as may be deemed most expedient for securing our coasts from hostile attack. In accordance with one of the recommendations of the Commission, a Bill for the organization of a Militia will be laid before you. The recent arrival of H.M.S. Pelorus, under the command of an able and zealous officer, in the Port of Melbourne, completes the naval armament destined by the Imperial Government for the defence of the Australian coasts.

Soon after the close of the last session of Parliament, I issued a Commission nominating several gentlemen of high character to enquire into the state of the Civil Service, with a view to securing the efficiency and economy of every department thereof. During the last five months that Commission has sedulously prosecuted its investigations, and has collected a great body of valuable evidence. Some of the members have also visited the Gold Fields for the purpose of obtaining accurate information from persons best able to furnish it. I have not yet received their report, but I am assured that it will not be long delayed, and it will, as soon as it reaches my hands, be laid before both Houses of Parliament. I recommend the whole subject to your earnest deliberation, and I have no doubt that the labours of the Commission will materially aid you in placing the whole Civil Service in a state of permanent efficiency.

A Commission has also been appointed by me, consisting of a number of scientific gentlemen, for enquiring into the best means of supplying water for the benefit of the great seats of population in the interior, especially the Gold Fields. Their report will also be laid before you, and I have no doubt that you will adopt such measures for the attainment of these important objects as to your wisdom may appear most expedient.

I am happy to inform you that the Railway Works on both the great trunk lines

I am happy to inform you that the Railway Works on both the great trunk lines have, during the recess, been prosecuted with vigour, and I have no reason to doubt that the whole will be completed within the time specified in the contracts. Upon the completion of the extensive works at Sunbury and Jackson's Creek, now in an advanced state of forwardness, a further portion of the northern line will be opened for traffic. The subject of the deviation to enable the line to embrace the important and growing agricultural town of Kyneton will demand your earnest consideration. The negotiations between the Government and the Directors of the Melbourne and Geelong Railway Company have been brought to a satisfactory termination, and all that remains is to ascertain the amount of liabilities which will require to be provided for under the resolutions of the late Assembly. The task of examining the accounts has been assigned to the Commissioners of the Audit Board, on receiving whose report a Bill for the purpose of ratifying the purchase of the line on the terms agreed upon will be laid before you. It will not be necessary to ask the Assembly for any vote of money, but merely for legislative authority to charge the cost of the Geelong line upon the railway loan.

Telegraphic communication has been considerably extended within the territory during the present year, and provision will be made in the Estimates for its further extension. The Electric cable has been successfully laid between the coasts of Victoria and Tasmania, completing the communication between the Australian and Tasmanian capitals. Proposals have been also made to this Government on behalf of an English association for completing the line of communication with Europe, but as the arrival of the gentleman entrusted with power to negotiate was coincident with the receipt of the intelligence of war, which threatened to entail on us considerable expense, my advisers did not think themselves justified in making any definite engagement or pledge on the subject, especially as the meeting of Parliament was at hand. I need not expatiate on the vast importance of securing telegraphic communication with the mother country: it is enough for me to recommend the subject most earnestly to your consideration.

Under the provisions of the Gold Fields Act, regulations have been framed and are now in force in four of the mining districts for the leasing of auriferous lands. These regulations have been designed to facilitate the co-operation of capital and labour in developing our mineral resources, on terms mutually advantageous to the capitalist and the labourer, with due regard to the interests of the individual miner.

The Electoral Act of last session has been so far successful as to have resulted in placing upon the rolls of the several districts nearly the whole of the adult male popu-But this has been effected at a very great expense to the country. I recommend you to consider whether it be not possible to effect the object at a less annual charge upon the general revenue, and obtain a permanent system of registration without so much inconvenience to the voters.

The question of establishing a Branch of the Royal Mint in Victoria has of late engaged public attention; the opinion of well-informed persons is, however, divided as to the expediency of such an establishment. This subject also I recommend to your deliberation, and I am prepared to lay before you all the evidence at the disposal of the Government.

Grateful to Divine Providence for the blessings and prosperity which the country continues to enjoy, I conclude with a confident hope that your deliberations will be so wisely and temperately conducted as to conduce to the progressive development of its resources and the permanent happiness of its people.

HENRY BARKLY.

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

The Council adjourned during pleasure.

At three o'clock the President resumed the Chair.

Suspension of Standing Order No. XXIV .- The Honorable H. Miller, with leave of the Council, moved, without notice, That the Standing Order No. XXIV. be suspended. Question—put and passed.

CUSTOMS ACT AMENDMENT BILL.—The Honorable H. Miller obtained leave of the Council to bring in a Bill to amend the Customs Act,

Which, being ordered, 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 next.

Speech of His Excellency the Governor.—The President reported His Excellency's Speech, and the same being read by the President,

The Honorable G. W. Cole 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, viz.:-The Honorables H. Miller, T. H. Fellows, N. Black, M. Hervey, Dr. Wilkie, T. T. a'Beckett, and the Mover.

Question—put and passed.

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

Question—put and passed.

- PAPERS.—The Honorable H. Miller, by command of His Excellency the Governor, presented to the Council the following Papers:-
 - 1. Trade and Customs—Accounts of, 1858.

2. Immigration—Report on, 1858.

3. Report of Royal Commission.—Removing Sludge from the Gold Fields.

4. Gold Fields Act.—Orders in Council-

Mining Districts of Maryborough and Ararat altered—4th April, 1859. Divisions of Mining Districts of Maryborough and Ararat altered—4th April, 1859.

Ararat Mining Board—Places of Meeting—30th May, 1859. Polling Places, Sandhurst Mining District—30th May, 1859.

5. Defences of the Colony.—Progress Report of Commissioners—14th July, 1859.

6. Criminal Statistics—1st January, 1842, to 26th July, 1859.

- 7. Rule of Board of National Education. Classification of Teachers—7th September, 1859.
- 8. University of Melbourne.—Report of Council—1st May, 1858, to 30th April,
- 9. Plants collected by Mr. Babbage, South Australia—Report on, by Ferdinand Mueller, Ph.D., M.D., Government Botanist.

10. Statistics of the Colony of Victoria—1858.
11. Health Officer.—Report—Six months ending 31st December, 1858.

12. Central Board of Health.—Fourth Annual Report.

13. Chief Medical Officer.—Diseases—Return of, by, 1858.

14. Yarra Bend Lunatic Asylum.—Report—1858.

Ordered 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 three o'clock to-morrow. Question—put and passed.

The Council adjourned at twenty-five minutes to four o'clock until three o'clock on Wednesday, the 19th instant.

·NOTICES OF MOTION AND ORDER OF THE DAY.

WEDNESDAY, 19TH OCTOBER, 1859.

NOTICES OF MOTION:-

- 1. The Hon. J. P. FAWKNER: To move, That a Select Committee be appointed to take into consideration the question of Divorce, and assimilating the law of this Province to the British Divorce Bill, with power to take evidence and call for persons and papers, such Committee to consist of the Honorables T. H. Fellows, J. B. Bennett, T. T. a'Beckett, G. S. Coppin, W. Roope, T. H. Power, and the Mover.
- 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 Members of the Joint Committee of both Houses of Parliament to manage the Library.
- 3. The Hon. H. MILLER: To move, That Tuesdays, Wednesdays, and Thursdays, be the days on which the Council shall meet for despatch of business during the present Session, and that three o'clock be the hour of meeting on each day.
- 4. The Hon. T. H. Fellows: To move for leave to bring in a Bill for the appointment of Justices of the Peace and Police Magistrates.
- 5. The Hon. S. G. Henty: To move, That the Honorables W. Highett, J. Stewart, G. W. Cole, J. Hodgson, and the Mover, be appointed Members of a Joint Committee of both Houses of Parliament to manage the Refreshment Rooms and Stables.
- 6. The Hon. H. MILLER: To move, That on Wednesday in each week the transaction of Government business take precedence of all other business.
- 7. The Hon. H. MILLER: To move, That the Honorables the President, J. P. Fawkner, J. B. Bennett, G. W. Cole, Dr. Hope, and the Mover, be appointed a Select Committee on the Standing Orders of the House.
- 8. The Hon. H. MILLER: To move, That the Honorable the President, J. Hodgson, T. T. a'Beckett, A. Fraser, and the Mover, be members of the Joint Committee of both Houses to manage and superintend the Parliament Buildings.
- 9. The Hon. M. Hervey: To move, 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 J. P. Fawkner, T. H. Power, J. B. Bennett, T. T. A'Beckett, and the Mover.

Tuesday, 25th October.

Notices of Motion:-

1. The Hon. J. Henty; To move for a Return of the quantity of Tobacco, on which no duty has been paid, cleared from the Customs' Warehouse and direct from import ships, at the Ports of Melbourne, Geelong, and the Outports of the Colony respectively, for the year ending 30th September, 1858; such Return not to include Tobacco cleared under bond for exportation.

A similar Return for the year ending 30th September, 1859.

2. The Hon. J. Henty: To move for a return of Chinese passengers and gold shipped by the Chinese to 30th September, 1859, in continuation of return laid on the Table of the House 23rd February, 1858.

ORDER OF THE DAY:-

1. Customs Act Amendment Bill.—To be read a second time.

MEETING

 \mathbf{OF}

SELECT COMMITTEE.

Wednesday, 19th October.

Address in Reply to Governor's Speech-at 2 o'clock.

G. W. RUSDEN, Clerk of the Council and Clerk of the Parliaments. No. 3.

Minutes of the Proceedings

OF THE

LEGISLATIVE COUNCIL.

WEDNESDAY, 19TH OCTOBER, 1859.

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

The President read the Prayer.

Petition.—The Honorable A. Fraser presented a Petition to the Council from certain Chinese residents at and near Castlemaine, praying that steps may be taken for the repeal of the Residence Tax.

Petition received.

DIVORCE—LAW OF.—The Honorable J. P. Fawkner, in accordance with notice, moved,
That a Select Committee be appointed to take into consideration the question of Divorce, and assimilating the law of this Province to the British Divorce Bill, with power to take evidence and call for persons and papers; such Committee to consist of the Honorables T. H. Fellows, J. B. Bennett, T. T. a'Beckett, G. S. Coppin, W. Roope, T. H. Power, and the Mover.

Question-put and passed.

LIBRARY COMMITTEE (JOINT).—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 Members of the Joint Committee of both Houses of Parliament to manage the Library.

Question—put and passed. Ordered—That a Message be carried to the Legislative Assembly, to acquaint them that Honorable Members have been appointed to the Committee, in accordance with the Joint Standing Order of both Houses of Parliament.

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

Amendment moved by the Honorable T. H. Fellows, That the word "Tuesdays" be omitted.

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

Amendment moved by the Honorable T. H. Fellows, That the word "three" be omitted, with a view to insert the word "four" instead thereof.

Debate ensued.

Question-That the word "three," proposed to be omitted, stand part of the question-put

and passed.

Question-That Wednesdays and Thursdays be the days on which the Council shall meet for despatch of business during the present session, and that three o'clock be the hour of meeting on each day—put and passed.

JUSTICES OF THE PEACE AND POLICE MAGISTRATES-APPOINTMENT OF. The Honorable T. H. Fellows, in accordance with notice, moved for leave to bring in a Bill for the Appointment of Justices of the Peace and Police Magistrates.

Debate ensued.

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

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 John Barter Bennett,

The Honorable Niel Black,

The Honorable George Selth Coppin,

The Honorable William Highett,

The Honorable Donald Kennedy,

The Honorable James Ford Strachan,

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

Given under my hand this nineteenth day of October, 1859.

J. F. PALMER,

President.

Refreshment Rooms and Stables Committee—(Joint).—The Honorable S. G. Henty, in accordance with notice, moved, That the Honorables W. Highett, J. Stewart, G. W. Cole, J. Hodgson, and the Mover, be appointed Members of a Joint Committee of both Houses of Parliament to manage the Refreshment Rooms and Stables.

Question—put and passed. Ordered—That a Message be carried to the Legislative Assembly to acquaint them that Honorable Members have been appointed to the Committee, in accordance with the Joint Standing Order of both Houses of Parliament.

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.

STANDING ORDERS.—The Honorable H. Miller, in accordance with notice, moved, That the Honorables the President, J. P. Fawkner, J. B. Bennett, G. W. Cole, Dr. Hope, and the Mover, be appointed a Select Committee on the Standing Orders of the House. Question—put and passed.

PARLIAMENT BUILDINGS COMMITTEE—(JOINT).—The Honorable H. Miller, in accordance with notice, moved, That the Honorables the President, J. Hodgson, T. T. a'Beckett, A. Fraser, and the Mover, be Members of the Joint Committee of both Houses to manage and superintend the Parliament Buildings.

Question—put and passed.

Ordered—That a Message be carried to the Legislative Assembly, to acquaint them that Honorable Members have been appointed to the Committee, in accordance with the Joint Standing Order of both Houses of Parliament.

PRINTING COMMITTEE.—The Honorable M. Hervey, in accordance with notice, moved, 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 J. P. Fawkner, T. H. Power, J. B. Bennett, T. T. a'Beckett, and the Mover. Question—put and passed.

ADDRESS IN REPLY TO THE SPEECH OF HIS EXCELLENCY THE GOVERNOR.—The Honorable G. W. Cole, as Chairman of the Committee appointed to prepare an Address in reply to the Speech of His Excellency the Governor, brought up the Report of the Committee. The Report was read at the Table as follows:-

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

MAY IT PLEASE YOUR EXCELLENCY,

We, Her Majesty's most dutiful and loyal Subjects, the Members of the Legislative Council of Victoria, in Parliament assembled, beg leave to express our loyalty to Her Most Gracious Majesty the Queen, and to thank Your Excellency for the Speech with which you have opened the present Session of Parliament.

We learn that several important Legislative measures will be introduced, and we desire to assure Your Excellency that our best attention will be given to their con-

sideration.

The very prosperous financial condition of the country which Your Excellency

announces has given us great satisfaction.

We thank Your Excellency for informing us of the progress of the Railway Works, of the extension of Telegraphic communication, and of the measures taken for the defences of our Ports and Harbors, and also for the information on other subjects with which Your Excellency has been pleased to favor us; and we join with Your Excellency in an expression of humble gratitude to Divine Providence for the blessings and prosperity which this country continues to enjoy.

The Honorable N. Black moved, That the Address be now adopted. Question—put.

Amendment moved by the Honorable J. P. Fawkner, That the following words be added to the Address as now read:

That this Council, although anxious to advance the welfare of all interests within this Province, and therefore prepared to give their best and most constant attention to all matters pertinent to the public welfare, cannot let this Address pass without calling Your Excellency's attention to the outline of the Address presented by Your Excellency, and calling your attention to the incapacity of your present advisers—not only in the meagre and unsatisfactory Address presented on the opening of this session of Parliament, but also to the (amongst many causes of complaint) most improvident delay in the elections for the House of Assembly, and the very late calling together of the Parliament, contrary to the promise made by Your Excellency at the prorogation of the late Parliament, February 24th, 1859.

Debate ensued.

Amendment by leave withdrawn.

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

PRESENTATION OF ADDRESS TO HIS EXCELLENCY THE GOVERNOR.—The Honorable H. Miller moved, That the Address as now adopted be presented to His Excellency the Governor to-morrow at one 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.

Amendment moved by the Honorable G. W. Cole, That the Honorable H. Miller be requested to ascertain when it will be convenient for His Excellency to receive the

Address of the Council in reply to his Speech to the Parliament.

Original motion by leave withdrawn.

Amendment moved by the Honorable J. P. Fawkner, That the words "Honorable H. Miller" be omitted, with the view of inserting the word "President" instead thereof. Question—That the words "Honorable H. Miller," proposed to be omitted, be so omitted—

put and passed.

Question—That the word "President," proposed to be inserted, be so inserted—put and passed. Question—That the President be requested to ascertain when it will be convenient for His Excellency to receive the Address of the Council in reply to his Speech to the Parliament—put and passed.

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

Public Accounts—General Regulations respecting—1st May, 1859—(22 Victoria, No. 86.)

Ordered to lie on the Table.

Postponements.—The Honorable Dr. Hope moved, That all business set down for Tuesday next be postponed till Wednesday next. Question—put and passed.

Adjournment of the House.—The Honorable H. Miller, with leave of the Council, moved, without notice, That the House, at its rising this day, adjourn until Wednesday next.

Question—put and passed.

The Council adjourned at ten minutes to five o'clock until three o'clock on Wednesday, the 26th instant.

NOTICES OF MOTION AND ORDERS OF THE DAY.

Wednesday, 26th October, 1859.

Government Business:-

ORDER OF THE DAY:-

1. Customs Act Amendment Bill.—To be read a second time.

General Business :-

Notices of Motion:-

1. The Hon. J. Henry; To move for a Return of the quantity of Tobacco, on which no duty has been paid, cleared from the Customs' Warehouse and direct from import ships, at the Ports of Melbourne, Geelong, and the Outports of the Colony respectively, for the year ending 30th September, 1858; such Return not to include Tobacco cleared under bond for exportation.

A similar Return for the year ending 30th September, 1859.

2. The Hon. J. Henty: To move for a return of Chinese passengers and gold shipped by the Chinese to 30th September, 1859, in continuation of return laid on the Table of the House 23rd February, 1858.

ORDER OF THE DAY:-

1. Appointment of Justices and Police Magistrates Bill.—To be read a second time.

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

No. 4.

Minutes of the Proceedings

OF THE

LEGISLATIVE COUNCIL.

WEDNESDAY, 26TH OCTOBER, 1859.

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

The President read the Prayer.

Address in Reply to the Speech of the Governor.—The President announced to the Council, that he had ascertained that His Excellency the Governor would be prepared to receive the Address of the Council, in reply to His Speech delivered to the Parliament, to-morrow, at half-past three o'clock.

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

Postponement.—The Order of the Day for the second reading of the Customs Act Amendment Bill was postponed.

Tobacco Imported.—The Honorable J. Henty, in accordance with notice, moved, That a Return be laid upon the Table of this House of the quantity of Tobacco, on which no duty has been paid, cleared from the Customs' Warehouse and direct from import ships, at the Ports of Melbourne, Geelong, and the Outports of the Colony respectively, for the year ending 30th September, 1858; such Return not to include Tobacco cleared under bond for exportation.

A similar Return for the year ending 30th September, 1859.

Question—put and passed.

CHINESE PASSENGERS AND GOLD SHIPPED BY CHINESE.—The Honorable J. Henty, in accordance with notice, moved, That a Return be laid upon the Table of the House, showing the number of Chinese Passengers, and the Gold Shipped by Chinese, to 30th September, 1859, in continuation of a Return laid on the Table of the House, 23rd February, 1858.

Question—put and passed.

PRESENTATION OF ADDRESS TO HIS EXCELLENCY THE GOVERNOR.—The Honorable T. H. Fellows, with leave of the Council, moved, without notice, That the Address of the Council to His Excellency the Governor in reply to his Speech delivered to the Parliament, be presented to His Excellency to-morrow, at half-past three o'clock, by the President and the Members of the Select Committee who prepared the Address, accompanied by such other Members as may desire to accompany them.

Question—put and passed.

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

1. Electric Telegraph.—Half-yearly report to 30th June, 1859.

2. Experimental Farm.—First Annual Report.

Ordered to lie on the Table.

The Council adjourned at half-past three o'clock until three o'clock on Thursday, the 27th instant.

NOTICES OF MOTION AND ORDERS OF THE DAY.

THURSDAY, 27TH OCTOBER, 1859.

Notices of Motion :-

- 1. The Hon. T. H. Fellows: To move, That the House at its rising this day adjourn until Tuesday, 22nd November next.
- 2. The Hon. G. W. Cole: To move for a return of-
 - (1.) The amount on which interest was guaranteed to the shareholders of the Melbourne and Geelong Railway Company.

(2.) An abstract of the amounts of interest, dates when due, and when paid.

(3.) The name and station to whom such were paid.
(4.) Copy of the section of the Act authorising such payments.
(5.) Copy of the last warrant authorising the payment.

(6.) Copy of the last receipt given.

(7.) Any correspondence relative to the interest having been applied to other purpose than to the shareholders.

ORDERS OF THE DAY:-

- 1. APPOINTMENT OF JUSTICES AND POLICE MAGISTRATES BILL.—To be read a second time.
- 2. Customs Act Amendment Bill.—To be read a second time.

G. W. RUSDEN, Clerk of the Council and Clerk of the Parliaments. No. 5.

Minutes of the Proceedings

OF THE

LEGISLATIVE COUNCIL.

THURSDAY, 27TH OCTOBER, 1859.

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

The President read the Prayer.

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

VACATION OF SEAT BY A MEMBER.—The President announced to the Council that he had received information of the resignation of his seat in the Council by the Honorable Thomas McCombie, and of the issue of a Writ returnable on the 22nd November next for a new member.

Adjournment.—The Honorable J. Hodgson, in the absence of the Honorable T. H. Fellows, moved, in accordance with amended notice, That the House at its rising this day adjourn until Tuesday, the 29th November next.

Question—put and passed.

Interest Guaranteed to Shareholders of Melbourne and Geelong Railway Com-PANY.—The Honorable G. W. Cole, in accordance with notice, moved for a Return of—

- (1.) The amount on which interest was guaranteed to the shareholders of the Melbourne and Geelong Railway Company.
- (2.) An abstract of the amounts of interest, dates when due, and when paid.

(3.) The name and station to whom such were paid.

(4.) Copy of the section of the Act authorising such payments.
(5.) Copy of the last warrant authorising the payment.
(6.) Copy of the last receipt given.

(7.) Any correspondence relative to the interest having been applied to other purpose than to the shareholders.

Question—put and passed.

- Postponement.—The following Orders of the Day were severally postponed until Wednesday, the 30th November:-
 - "Appointment of Justices and Police Magistrates Bill"—to be read a second time. "Customs Act Amendment Bill"—to be read a second time.
- DIVORCE COMMITTEE.—The Honorable J. P. Fawkner, with leave of the Council, moved, without notice, That the Select Committee appointed to take into their consideration the question of Divorce have leave to sit during the adjournment. Question—put and passed.
- Adjournment.—The House adjourned during pleasure for the purpose of presenting the . Address to His Excellency the Governor.
- REPLY OF THE GOVERNOR TO THE ADDRESS OF THE COUNCIL.—The House having resumed, the President announced to the Council that the Address to His Excellency the Governor had been presented, and that His Excellency had been pleased to make thereto the following reply:-

Mr. President and Honorable Gentlemen of the Legislative Council,

I receive with much pleasure your loyal and dutiful assurances in answer to my Speech at the opening of the Session.

I rely confidently on your serious attention being given to such measures, for the good of the country, as may come under your consideration during the course of it.

HENRY BARKLY.

Melbourne, 27th October, 1859.

The Council adjourned at five minutes to four o'clock until three o'clock on Tuesday, the 29th November.

ORDERS OF THE DAY.

Wednesday, 30th November, 1859.

ORDERS OF THE DAY:-

- 1. APPOINTMENT OF JUSTICES AND POLICE MAGISTRATES BILL.—To be read a second time.
- 2. Customs Act Amendment Bill.—To be read a second time.

MEETING

OF

SELECT COMMITTEE.

Tuesday, 1st November.

DIVORCE—at 12 o'clock.

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

No. 6.

Minutes of the Proceedings

OF THE

LEGISLATIVE COUNCIL.

TUESDAY, 29TH NOVEMBER, 1859.

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

The President read the Prayer.

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

"I, WILLIAM HENRY FANCOURT MITCHELL, do declare and testify that I am duly seised at law or in equity of an estate of freehold for my own use and benefit in lands or tenements in the Colony of Victoria of the full value of five thousand pounds sterling money, above all charges and incumbrances affecting the same: and further that the lands and tenements out of which such qualification arises are situate in the parish of Emberton, in the county or reputed county of Dalhousie, the descriptions of which lands and tenements are as follow:—Four thousand seven hundred acres on the River Campaspe, and known as Barfold. 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.

"W. H. F. MITCHELL."

NEW MEMBER.—The President announced to the Council that a writ for the election of a Member of the Legislative Council had been returned to His Excellency the Governor, and had been transmitted to the custody of the Clerk of the Council, showing the election of—

The Honorable Gideon Rutherford for the South Province (in room of the Honorable Thomas McCombie, resigned).

The writ was laid by the President upon the Table.

CHINESE PASSENGERS AND GOLD SHIPPED BY CHINESE.—The Honorable T. H. Fellows laid upon the Table, in compliance with an Order of the Council of the 26th October, 1859, a Return showing the number of Chinese Passengers and the Gold Shipped by Chinese to 30th September, 1859, in continuation of a Return laid on the Table of the House 23rd February, 1858.

Ordered to lie on the Table.

Tobacco Imported.—The Honorable T. H. Fellows laid upon the Table, in compliance with an Order of the Council of the 26th October, 1859, a Return of the quantity of Tobacco, on which no duty has been paid, cleared from the Customs Warehouse and direct from Import Ships, at the Ports of Melbourne, Geelong, and the Outports of the Colony respectively, for the year ending 30th September, 1858; such Return not to include Tobacco cleared under bond for exportation. A similar Return for the year ending 30th September, 1859.

Ordered to lie on the Table.

PAPERS.—The Honorable T. H. Fellows presented to the Council the following paper—Pilot Board, Victoria—Accounts for year ending 31st August, 1858.

Ordered to lie on the Table.

ROYAL ASSENT TO RESERVED BILLS.—The Honorable T. H. Fellows laid upon the Table the following several Proclamations in the Government Gazette, promulgating the Royal Assent to the Bills severally reserved, entitled as follows:—

"An Act to shorten the duration of the Legislative Assembly."—Reserved 17th

December, 1858.

"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."—Reserved 24th February, 1859.

"An Act to limit the number of persons holding offices under the Crown who may sit and vote in the Legislative Council and Legislative Assembly of Victoria."

—Reserved 24th February, 1859.

PROCLAMATION

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

Whereas by the Constitution Statute it is amongst other things enacted, that the provisions of the Act of the fourteenth year of Her Majesty, chapter fifty-nine, and of the Act of the fifth and sixth years of Her Majesty, chapter seventy-six, "For the Government of New South Wales and Van Diemen's Land," which relate to the giving and withholding of Her Majesty's assent to Bills, and the reservation of Bills for the signification of Her Majesty's pleasure thereon, shall apply to Bills to be passed by the Legislative Council and Assembly constituted under the "Constitution "Act of Victoria" and the now-reciting Statute, and by any other legislative body or bodies which may at any time hereafter be substituted for the present Legislative Council and Assembly: And whereas on the seventeenth day of December, in the year One thousand eight hundred and fifty-eight, the Bill hereinafter mentioned, passed by the said Legislative Council and Assembly, was reserved for the signification of Her Majesty's pleasure thereon: Now therefore I, Sir Henry Barkly, the Governor of Victoria, do by this my Proclamation signify and declare that the Bill intituled "An "Act to shorten the duration of the Legislative Assembly," so reserved as aforesaid, has been laid before Her Majesty in Council, and that Her Majesty has been pleased to assent to the same.

Given under my Hand and the Seal of the Colony, at Melbourne, this twelfth day of July, in the year of Our Lord One thousand eight hundred and fifty-nine, and in the twenty-third year of Her Majesty's reign.

(L.s.)

HENRY BARKLY.

By His Excellency's Command,

II. S. CHAPMAN,

Attorney-General.

GOD SAVE THE QUEEN!

At the Court at Windsor, the twenty-third day of April, 1859.

Present:

The Queen's Most Excellent Majesty His Royal Highness the Prince Consort

Lord President
Lord Privy Seal
Duke of Beaufort
Lord Steward
Marquis of Abercorn
Lord Chamberlain

Earl of Derby
Earl of Malmesbury
Major-General Peel
My Socretary Setho

Mr. Secretary Sotheron Estcourt Mr. Chancellor of the Exchequer.

WHEREAS by an Act passed in the Session of Parliament held in the fifth and sixth years of Her Majesty's reign, intituled, "An Act for the Government of New South "Wales and Van Diemen's Land," it is amongst other things enacted, that no Bill which shall be reserved for the signification of Her Majesty's pleasure thereon shall have any force or authority within the Colony of New South Wales until the Governor of the said colony shall signify, either by speech or message to the Legislative Council of the said colony, or by Proclamation as therein aforesaid, that such Bill has been laid before Her Majesty in Council, and that Her Majesty has been pleased to assent to the same:

And whereas by another Act passed in the thirteenth and fourteenth years of Her Majesty's reign, intituled, "An Act for the better Government of Her Majesty's "Australian Colonies," it was provided among other things that the provisions of the said former Act concerning the reservation of Bills for the signification of IIer Majesty's pleasure thereon should apply to and be in force in the Colony of Victoria:

And whereas the said provisions were maintained in force as regards Bills passed by the Legislative Council and Legislative Assembly of the said colony by a subsequent Act passed in the eighteenth and nineteenth years of the reign of Her said Majesty, 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:"

And whereas on the seventeenth of December, One thousand eight hundred and

And whereas on the seventeenth of December, One thousand eight hundred and fifty-eight, the Governor of the said Colony of Victoria reserved a certain Bill passed by the Legislative Council and Legislative Assembly of the said colony, intituled, "An Act" to shorten the duration of the Legislative Assembly," for the signification of Her Majesty's pleasure thereon:

And whereas the said Bill so reserved as aforesaid has been laid before Her Majesty in Council and it is expedient that the said Bill should be assented to by Her

Majesty:

Now therefore Her Majesty, in pursuance of the said Acts and in exercise of the powers thereby reserved to Her Majesty as aforesaid, doth by this present Order, by and with the advice of Her Privy Council, declare Her assent to the said Bill.

And the Right Honorable Sir Edward Bulwer Lytton, Bart., one of Her Majesty's Principal Secretaries of State, is to give the necessary directions herein accordingly.

WM. L. BATHÜRST.

PROCLAMATION

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

Whereas by the Constitution Statute it is amongst other things enacted, that the provisions of the Act of the fourteenth year of Her Majesty, chapter fifty-nine, and of the Act of the fifth and sixth years of Her Majesty, chapter seventy-six, "For the Govern-"ment of New South Wales and Van Diemen's Land," which relate to the giving and withholding of Her Majesty's assent to Bills, and the reservation of Bills for the signification of Her Majesty's pleasure thereon, shall apply to Bills to be passed by the Legislative Council and Assembly constituted under the "Constitution Act of Victoria" and the now reciting statute, and by any other legislative body or bodies which may at any time hereafter be substituted for the present Legislative Council and Assembly: And whereas on the twenty-fourth day of February, in the year One thousand eight hundred and fifty-nine, the Bill hereinafter mentioned, passed by the said Legislative Council and Legislative Assembly, was reserved for the signification of Her Majesty's pleasure thereon: Now therefore I, Sir Henry Barkly, the Governor of Victoria, do by this my Proclamation signify and declare that the 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," so reserved as aforesaid, has been laid before Her Majesty in Council, and that Her Majesty has been pleased to assent to the same.

Given under my Hand and the Seal of the Colony, at Melbourne, this twenty-third day of September, in the year of Our Lord One thousand eight hundred and fifty-nine, and in the twenty-third year of Her Majesty's reign.

(L.s.) By His Excellency's Command,

HENRY BARKLY.

R. D. IRELAND,

Solicitor-General.

GOD SAVE THE QUEEN!

At the Court at Windsor, the eighteenth day of June, 1859.

PRESENT:

The Queen's Most Excellent Majesty His Royal Highness the Prince Consort

Lord Chancellor Lord President Lord Privy Seal Duke of Somerset Duke of Newcastle Marquis of Abercorn Marquis of Ailesbury Lord Steward Earl of Carlisle Earl of Elgin

Earl of Bessborough Lord John Russell Viscount Palmerston Mr. Secretary Herbert Sir Charles Wood, Bart.

Sir George Cornewall Lewis, Bart.

Sir George Grey, Bart.

Mr. Chancellor of the Exchequer

Mr. Milner Gibson Mr. Cardwell.

WHEREAS by an Act passed in the fifth and sixth years of Her Majesty's reign, intituled, "An Act for the Government of New South Wales and Van Diemen's Land," it is amongst other things enacted, that no Bill which shall be reserved for the signification of Her Majesty's pleasure thereon shall have any force or authority within the Colony of New South Wales until the Governor of the said colony shall signify, either by speech or message to the Legislative Council of the said colony, or by Proclamation as therein aforesaid, that such Bill has been laid before Her Majesty in Council, and that Her Majesty has been pleased to assent to the same:

And whereas by another Act passed in the thirteenth and fourteenth years of Her Majesty's reign, intituled, "An Act for the better government of Her Majesty's Australian "Colonies," it was provided among other things, that the provisions of the said former Act concerning the reservation of Bills for the signification of Her Majesty's pleasure thereon

should apply to and be in force in the Colony of Victoria:

And whereas the said provisions were maintained in force as regards Bills passed by the Legislative Council and Legislative Assembly of the said colony by a subsequent Act passed in the eighteenth and nineteenth years of the reign of Her said Majesty, 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:"

And whereas on the twenty-fourth of February, One thousand eight hundred and fifty-nine, the Governor of the said Colony of Victoria reserved a certain Bill passed by the Legislative Council and Legislative Assembly of the said colony, 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," for

the signification of Her Majesty's pleasure thereon:

And whereas the said Bill so reserved as aforesaid has been laid before Her Majesty in Council, and it is expedient that the said Bill should be assented to by Her

Majesty:

Now therefore Her Majesty, in pursuance of the said Acts, and in exercise of the powers thereby reserved to Her Majesty as aforesaid, doth by this present Order, by and with the advice of Her Privy Council, declare Her assent to the said Bill.

And the Most Noble the Duke of Newcastle, one of Her Majesty's Principal

Secretaries of State, is to give the necessary directions herein accordingly.

WM. L. BATHURST.

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.

Whereas by the Constitution Statute it is amongst other things enacted, that the provisions of the Act of the fourteenth year of Her Majesty, chapter fifty-nine, and of the Act of the fifth and sixth years of Her Majesty, chapter seventy-six, "For the Government "of New South Wales and Van Diemen's Land," which relate to the giving and withholding of Her Majesty's assent to Bills, and the reservation of Bills for the signification of Her Majesty's pleasure thereon, shall apply to Bills to be passed by the Legislative Council and Assembly constituted under the "Constitution Act of Victoria" and the now reciting statute, and by any other legislative body or bodies which may at any time hereafter be substituted for the present Legislative Council and Assembly: And whereas on the twenty-fourth day of February, in the year One thousand eight hundred and fifty-nine, the Bill hereinafter mentioned, passed by the said Legislative Council and Legislative Assembly, was reserved for the signification of Her Majesty's pleasure thereon: Now therefore I, Sir Henry Barkly, the Governor of Victoria, do by this my Proclamation signify and declare that the 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," so reserved as aforesaid, has been laid before Her Majesty in Council, and that Her Majesty has been pleased to assent to the same.

Given under my Hand and the Seal of the Colony, at Melbourne, this twelfth day of October, in the year of Our Lord One thousand eight hundred and fifty-nine, and in the twenty-third year of Her Majesty's reign.

(L.s.)

HENRY BARKLY.

By His Excellency's Command, R. D. IRELAND,

LLAND,

Solicitor-General.

GOD SAVE THE QUEEN!

At the Court at Osborne House, Isle of Wight, the twenty-ninth day of July, 1859.

PRESENT:

The Queen's Most Excellent Majesty His Royal Highness the Prince Consort

Lord President
Duke of Somerset
Lord Steward
Earl of Elgin

Lord John Russell Lord Chamberlain Sir George Grey, Bart.

Whereas by an Act passed in the fifth and sixth years of Her Majesty's reign, intituled, "An Act for the Government of New South Wales and Van Diemen's Land," it is amongst other things enacted, that no Bill which shall be reserved for the signification of Her Majesty's pleasure thereon shall have any force or authority within the Colony of New South Wales until the Governor of the said colony shall signify, either by speech or message to the Legislative Council of the said colony, or by Proclamation as therein aforesaid, that such Bill has been laid before Her Majesty in Council, and that Her Majesty has been pleased to assent to the same:

And whereas by another Act passed in the thirteenth and fourteenth years of Her Majesty's reign, intituled, "An Act for the better Government of Her Majesty's "Australian Colonies," it was provided, among other things, that the provisions of the said former Act concerning the reservation of Bills for the signification of Her Majesty's pleasure thereon should apply to and be in force in the Colony of Victoria:

And whereas the said provisions were maintained in force as regards Bills passed by the Legislative Council and Legislative Assembly of the said colony by a subsequent Act passed in the eighteenth and nineteenth years of the reign of Her said Majesty, 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":

And whereas on the twenty-fourth of February, One thousand eight hundred and fifty-nine, the Governor of the said colony of Victoria reserved a certain Bill passed by the Legislative Council and Legislative Assembly of the said colony, 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," for the signification of Her Majesty's pleasure thereon:

And whereas the said Bill so reserved as aforesaid has been laid before Her Majesty in Council, and it is expedient that the said Bill should be assented to by Her Majesty:

Now therefore Her Majesty, in pursuance of the said Acts, and in exercise of the powers thereby reserved to Her Majesty as aforesaid, doth by this present Order, by and with the advice of Her Privy Council, declare Her assent to the said Bill.

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

WM. L. BATHURST.

NEW MEMBER.—The Honorable Gideon Rutherford 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, GIDEON RUTHERFORD, 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 North Melbourne, Prahran, and Boroondara, in the county or reputed county of Bourke, the descriptions of which lands and tenements are as follow:—Land and house in Queen-street, Melbourne, land, dwelling-house, and out-offices in Gardiner's Creek, land at Boroondara, part of Elgar's Special Survey. 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.

"GIDN. RUTHERFORD."

The Council adjourned at half-past three o'clock until three o'clock on Wednesday, the 30th instant.

NOTICE OF MOTION AND ORDERS OF THE DAY.

WEDNESDAY, 30TH NOVEMBER, 1859.

Government Business:—

Notice of Motion:-

1. The Hon. T. H. Fellows: To move for leave to bring in a Bill to be intituled "An Act "for the Education of the People."

General Business:-

ORDERS OF THE DAY:-

- 1. APPOINTMENT OF JUSTICES AND POLICE MAGISTRATES BILL.—To be read a second time.
- 2. Customs Act Amendment Bill.—To be read a second time.

MEETING

OF

SELECT COMMITTEE.

Wednesday, 30th November.

DIVORCE—at 2 o'clock.

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

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No. 7.

Minutes of the Proceedings

OF THE

LEGISLATIVE COUNCIL.

WEDNESDAY, 30TH NOVEMBER, 1859.

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

The President read the Prayer.

PAPERS.—The Honorable T. H. Fellows laid upon the Table the following papers:—

1. Gold Fields Act.—Orders in Council. Mining District of Sandhurst altered.—24th October, 1859.

Divisions of the Mining District of Sandhurst.—24th October, 1859.

2. Board of Agriculture—Minutes of, and Bye-Laws.

Friendly Societies—Registered in 1858.—Return of.
 Electors, Parliamentary—Registration of, Payments made for.

Ordered severally to lie on the Table.

EDUCATION OF THE PEOPLE BILL.—The Honorable T. H. Fellows, in accordance with notice of motion, moved, That leave be given to bring in a Bill intituled, "A Bill for the Education of the People."

Question—put and passed.

Bill brought in, and, on the motion of the Honorable T. H. Fellows, read a first time, ordered to be printed, and read a second time on Thursday, 8th December next.

APPOINTMENT OF JUSTICES AND POLICE MAGISTRATES BILL.—The Order of the Day for the second reading of this Bill being read, the Honorable T. H. Fellows moved, That the Order be discharged from the Notice Paper.

Question—put and passed.

CUSTOMS ACT AMENDMENT BILL.—The Order of the Day for the second reading of this Bill being read, the Honorable H. Miller moved, That the Order be discharged from the Notice Paper.

Debate ensued.

Question—put and passed.

ADJOURNMENT.—The Honorable T. H. Fellows, with leave of the Council, moved, without notice, That the House at its rising this day do adjourn until Thursday, 8th December. Question—put and passed.

POSTPONEMENTS.—The Honorable G. S. Coppin moved, That all business set down for an earlier date than the 8th December be postponed to that day. Question—put and passed.

The Council adjourned at twenty minutes to four o'clock until three o'clock on Thursday, the 8th December next.

NOTICES OF MOTION AND ORDERS OF THE DAY.

THURSDAY, 8TH DECEMBER, 1859.

- 1. The Hon. W. H. F. MITCHELL: To ask the Honorable Member representing the Government, if he has any objection to lay upon the Table of the House a return from the records of the police office, Kyneton, showing the days upon which the police magistrate has been absent from his duty during the period from the 1st of January, 1858, to the 1st of November, 1859; and whether it is intended to include in the Estimates about to be laid before Parliament, any provision for the office of police magistrate at Kyneton.
- 2. The Hon. G. W. Cole: To ask the Honorable T. H. Fellows when the Government intend to lay before the Council, in compliance with the Act 16 Victoria No. 39, the Accounts of the Water and Sewerage Commission.

NOTICES OF MOTION:-

- 1. The Hon. G. Urqueart: To move for a Return of all the Land surveyed under the Geodetic System from January last up to the present date; also, the expenses, if any, for carrying on such survey.
- 2. The Hon. G. S. COPPIN: To move for leave to bring in a Bill to simplify the laws relating to the transfer and encumbrance of freehold and other interests in land.
- 3. The Hon. G. Urquhart: To move, That an Address be presented to His Excellency the Governor, praying that he will be pleased to lay upon the Table of this House copies of the Correspondence that has taken place between the Imperial Government and the Government of this Colony, relative to the Defences of the Country.

ORDER OF THE DAY:-

1. Education Bill—To be read a second time.

MEETING

OF

SELECT COMMITTEE.

Thursday, 8th December.

PRINTING COMMITTEE—at 2 o'clock.

G. W. RUSDEN, Clerk of the Council and Clerk of the Parliaments. No. 8.

Minutes of the Proceedings

OF THE

LEGISLATIVE COUNCIL.

THURSDAY, 8TH DECEMBER, 1859.

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

The President read the Prayer.

PAPERS.—The Honorable T. H. Fellows laid upon the Table the following Papers:-

- 1. Health Officer.—Report for the Half-year ending 30th June, 1859.
- 2. National Education.—Sixth Report of Commissioners, 1858.
- 3. Crown Lands Alienated.—1st January, 1859, to 30th June, 1859.
 4. Criminal Statistics.—Prisoners arrested during the Half-year ending 31st December, 1858.
- 5. National Bank of Australasia Act-Correspondence respecting.

- 6. Penal Department.—Report of Inspector General, 26th October, 1859.
 7. Civil Service Commission—Report of,—6th December, 1859.
 8. Mail Service from Great Britain to Australia, viâ Panama—Correspondence relative to, 7th September, 1859.
- 9. Mail Steamers calling at Nepean Bay on outward voyage, 17th September, 1859.
- 10. Additional Postage on Newspapers viâ Suez—Correspondence respecting. Ordered severally to lie on the Table.
- PRINTING COMMITTEE-FIRST REPORT OF .- The Honorable M. Hervey brought up the First Report of the Printing Committee, and moved that the same be adopted and printed. Question—put and passed.
- GEODETIC SYSTEM OF SURVEY .- The Honorable G. Urquhart, in accordance with amended notice, moved, That a Return be laid upon the Table of the House, showing the nature and cost of the operations carried on under the Geodetic System of Survey in the Colony up to the present date. Question—put and passed.
- REAL PROPERTY BILL.—The Honorable G. S. Coppin, in accordance with notice, moved for leave to bring in a Bill to simplify the laws relating to the transfer and encumbrance of freehold and other interests in land.
 - Debate ensued.
 - Question—put and passed.
 - Bill brought in, read a first time, and, on the motion of the Honorable G. S. Coppin, ordered to be read a second time on Thursday, the 5th January, 1860.
- Defences of the Country.—The Honorable G. Urquhart, in accordance with notice, moved, That an Address be presented to His Excellency the Governor, praying that he will be pleased to lay upon the Table of this House copies of the Correspondence that has taken place between the Imperial Government and the Government of this Colony, relative to the Defences of the country. Question—put and passed.
- POSTPONEMENT.—The Order of the Day for the second reading of the Education of the People Bill was, on the motion of the Honorable T. H. Fellows, postponed until Thursday, the
- The Council adjourned at four o'clock until three o'clock on Wednesday, the 14th instant.

NOTICES OF MOTION AND ORDERS OF THE DAY.

THURSDAY, 15TH DECEMBER, 1859.

- 1. The Hon. W. Highett: To ask whether the Government intend extending the line of the Electric Telegraph from Wangaratta to Chiltern.
- 2. The Hon. W. H. F. MITCHELL: To ask the Honorable Member representing the Government if he has any objection to lay upon the Table of the House, a Return from the records of the Police Office, Kyneton, showing the days upon which the Police Magistrate has been absent from his duty during the period from the 1st of January, 1858, to the 1st of November, 1859; and whether it is intended to include in the Estimates about to be laid before Parliament any provision for the office of Police Magistrate at Kyneton.

ORDER OF THE DAY:-

1. EDUCATION BILL-To be read a second time.

THURSDAY, 5TH JANUARY, 1860.

ORDER OF THE DAY:-

1. REAL PROPERTY BILL-To be read a second time.

MEETING

OF

SELECT COMMITTEE.

Thursday, 15th December.

DIVORCE—at 2 o'clock.

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

No. 9.

Minutes of the Proceedings

OF THE

LEGISLATIVE COUNCIL.

WEDNESDAY, 14TH DECEMBER, 1859.

The President took the Chair at the expiration of half-an-hour after the time appointed for the meeting of Council, and a quorum not being present, adjourned the Council, without question put, to the next sitting day, Thursday, 15th December, 1859.

NOTICES OF MOTION AND ORDERS OF THE DAY.

THURSDAY, 15TH DECEMBER, 1859.

- 1. The Hon. W. Highett: To ask whether the Government intend extending the line of the Electric Telegraph from Wangaratta to Chiltern.
- 2. The Hon. W. H. F. MITCHELL: To ask the Honorable Member representing the Government if he has any objection to lay upon the Table of the House, a Return from the records of the Police Office, Kyneton, showing the days upon which the Police Magistrate has been absent from his duty during the period from the 1st of January, 1858, to the 1st of November, 1859; and whether it is intended to include in the Estimates about to be laid before Parliament any provision for the office of Police Magistrate at Kyneton.

ORDER OF THE DAY:-

1. Education Bill—To be read a second time.

THURSDAY, 5th January, 1860.

ORDER OF THE DAY:-

1. REAL PROPERTY BILL-To be read a second time.

MEETING

OF

SELECT COMMITTEE.

Thursday, 15th December.

DIVORCE—at 2 o'clock.

G. W. RUSDEN,

Clerk of the Council and Clerk of the Parliaments.

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No. 10.

Minutes of the Proceedings

OF THE

LEGISLATIVE COUNCIL.

THURSDAY, 15TH DECEMBER, 1859.

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

The President read the Prayer.

REAL PROPERTY BILL.—The Honorable G. S. Coppin, with leave of the Council, moved, without notice, That the Real Property Bill, brought up by him on Thursday, the 8th instant, be printed. Question—put and passed.

PAPERS.—The Honorable T. H. Fellows presented to the Council the following Paper, by command of His Excellency the Governor-

Telegraph Communication between Great Britain and Australia, viâ Singapore and Java.—(Despatch 2nd May, 1859.)

The Honorable T. H. Fellows also laid on the Table the following Paper-

Statement of Expenditure under Schedule D, 18 and 19 Victoria, cap. 55, during the year 1858 on account of 1857.

Statement of the same for and during the year 1858.

Statement of Pensions granted under the 50th section of the Constitution Act.

- Ordered to lie on the Table.
- DIVORCE, LAW OF.—REPORT OF SELECT COMMITTEE.—The Honorable T. T. a'Beckett brought up the Report of the Select Committee appointed on the 19th October, 1859, to take into consideration the question of Divorce, and assimilating the Law of this Province to the British Divorce Bill, with power to take evidence and call for persons and papers, and moved that the same be received and printed. Question—put and passed.
- DIVORCE BILL.—The Honorable T. T. a'Beckett moved, That the Bill reported from the Select Committee be read a first time, printed, and read a second time on Wednesday, the 21st

Question—put and passed.

Bill brought in, read a first time, ordered to be printed, and read a second time on Wednesday the 21st instant.

PAPERS.—The Honorable T. H. Fellows laid upon the Table the following Papers-

Order in Council.—County Courts.—General Rule under 21 Victoria No. 29,

sec. 69. (5th December, 1859.) Orders in Council.—Under 21 Victoria No. 29, creating County Courts at Taradale (28th November, 1859), and at Indigo (5th December, 1859).

- Interest Guaranteed to Shareholders of Melbourne and Geelong Railway COMPANY.—The Honorable T. H. Fellows laid upon the Table the Return ordered by the Council on the 27th October, 1859.
- EDUCATION 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.

- The Honorable J. F. Strachan moved, That the debate be adjourned until the next day of
- Question—That the debate be adjourned until the next day of meeting—put and passed.
- REFRESHMENT ROOMS (JOINT) COMMITTEE—REPORT OF .- The Honorable W. Highett brought up a Report from the Joint Committee of both Houses of Parliament for the management of the Refreshment Rooms, and moved, That the same be printed, and that its adoption be made an Order of the Day for the next day of meeting. Question—put and passed.

Message 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 abolish Pensions to retiring Responsible Officers," to which they desire the concurrence of the Legislative Council.

FRANS. MURPHY,

Speaker.

Speaker.

Legislative Assembly Chambers, Melbourne, 1st December, 1859.

Mr. President,

The Legislative Assembly transmit to the Legislative Council a copy of an Address to Her Most Gracious Majesty the Queen, which has been adopted by the Legislative Assembly, praying Her Majesty to grant that a branch of Her Majesty's Royal Mint may be established at Melbourne, to which they desire the concurrence of the Legislative Council.

FRANS. MURPHY,

Legislative Assembly Chambers, Melbourne, 14th December, 1859.

To HER MOST GRACIOUS MAJESTY THE QUEEN.

May it please Your Majesty,-

We, Your Majesty's loyal and dutiful subjects, the Members of the Legislative Assembly of Victoria, in Parliament assembled, humbly represent to Your Majesty:

That this Your Majesty's Colony of Victoria has for eight years produced, and still continues to produce, larger quantities of Gold than any other portion of Her Majesty's Dominions, amounting at this present date to 19,855,014 ounces, of the given value of 79,420,040 pounds sterling, being at the rate of nearly ten millions sterling per annum:

That the expense of transmitting such gold to England, and of importing gold coin in return, involves a serious loss to this community, without any commensurate advantage to the mother country:

That, were facilities afforded to Your Majesty's subjects in Victoria for converting gold into current coin of the realm, additional value would be given to the results of their labor, and the prosperity of the colony at large would be materially increased:

That although a branch of Your Majesty's Royal Mint has been established in the adjoining colony of New South Wales, yet the cost and delay incurred in exporting gold thereto for the purpose of coinage deprive us of the benefits which would accrue from the coinage of gold in this colony.

We therefore humbly pray that Your Majesty will be graciously pleased to grant that a Branch of Your Majesty's Royal Mint may be established at Melbourne.

And whereas an extension of the currency of such coinage beyond the boundaries of Victoria would, as we believe, be attended with manifold advantages to Your Majesty's loyal subjects residing therein, and would also greatly tend to facilitate intercourse with other parts of Your Majesty's dominions, and generally to advance the interests of Commerce,

We humbly beseech Your Majesty to direct that gold coins issued from such Branch of the Royal Mint may be rendered legal currency throughout the British Empire.

Pensions Bill.—The Honorable T. H. Fellows moved, That this Bill, now brought from the Legislative Assembly, be read a first time, printed, and read a second time on the next day of meeting of the Council.

Ordered.

ROYAL MINT—ADDRESS TO HER MAJESTY THE QUEEN.—The Honorable T. H. Fellows moved, That the President leave the Chair, in order that the Message from the Legislative Assembly might be considered in Committee of the whole Council. Ordered.

The President left the Chair.

The Chairman of Committees reported that the Committee had agreed to the Address, with amendments.

The Honorable T. H. Fellows moved, That the amendments reported from the Committee be now adopted, as follows—

Page 1, line 2, insert the words "Legislative Council and" before the words "Legislative Assembly."

Page 3, line 3, insert after the word "Melbourne" the words "on the conditions laid down by the Lords Commissioners of Her Majesty's Treasury in a Minute dated the 22nd day of March, 1853."

Question-That the Address, as amended, be adopted-put and passed.

Ordered—That the Address be carried to the Legislative Assembly, with a Message to inform them that the Council have agreed to the same with amendments, and to desire their concurrence therewith.

ADJOURNMENT.—The Honorable T. H. Fellows, with leave of the Council, moved, without notice, That the House, at its rising this day, adjourn until Wednesday, the 18th January. Question—put and passed.

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

MR. PRESIDENT.

The Legislative Assembly return to the Legislative Council a copy of an Address to Her Most Gracious Majesty the Queen, adopted by the Legislative Assembly, praying Her Majesty to grant that a branch of Her Majesty's Royal Mint may be established at Melbourne, and acquaint the Legislative Council that the Legislative Assembly have agreed to the amendments made therein by the Legislative Council, with an amendment, to which they desire the concurrence of the Legislative Council.

FRANS. MURPHY.

Legislative Assembly Chambers,

Melbourne, 15th December, 1859.

The amendment being read, as follows—Omit "Her," insert "Your"—the same was, on the motion of the Honorable T. H. Fellows, agreed to.

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

The Council adjourned at a quarter past five o'clock until three o'clock on Wednesday, the 18th of January, 1860.

NOTICES OF MOTION AND ORDERS OF THE DAY.

WEDNESDAY, 18TH JANUARY, 1860.

- 1. The Hon. W. H. F. MITCHELL: To ask the Honorable Member representing the Government if he has any objection to lay upon the Table of this House the correspondence and other documents connected with the removal of Mr. Henry Geary from the office of Returning Officer for the Kyneton Boroughs.
- 2. The Hon. T. A'BECKETT: To ask the Honorable Member representing the Government whether it is intended to introduce a Bill for improving the organization and increasing the efficiency of the Civil Service of Victoria.
- 3. The Hon. T. T. A'BECKETT: To ask the Honorable Member representing the Government whether he has any objection to lay upon the Table of the House—

(1.) A Return shewing the expenditure of the Government during the last five years upon the Sandridge Town Pier.

(2.) Whether the Pier is kept in repair and managed at the Government expense; and if so, the yearly cost of such maintenance and management.

(3.) Whether any tonnage rate is charged against ships discharging at the Pier; and if so, the amount of such rate.

Government Business:-

ORDERS OF THE DAY:-

- 1. Education Bill-Adjourned debate on second reading.
- 2. Pensions Bill—To be read a second time.

General Business :-

Notices of Motion:-

1. The Hon. Dr. Hope: To move, That there be laid on the table of the House copies of all Rules and Regulations relating to the granting of Pre-emptive Rights, stating by whom they were issued and the date of issue; also an alphabetical list of all persons who have applied or have a right to apply for a Pre-emptive Right, with replies under the respective headings of the following Form—

Name of Applicant, or who have a right to apply.	Date of Application.	Improvements on Section or not.	Granted or Refused.	If granted contrary to Regulations— Reasons why.
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^{*} Usual improvements, &c., of a home station only, to be considered as improvements. A shepherd's hut and sheep yard only, not to be so.

- 2. The Hon. G. W. Cole: To move—
 - (1.) For the yearly accounts of the Sewerage and Water Commission, which should have been laid before the Council, 1st February each year, audited, in accordance with Section 14 of the 16th Victoria, No. 39.

(2) Any correspondence relative to the non-compliance with the Act.

- 3. The Hon. G. W. Cole: To move, That there be laid upon the Table of the House-
 - (1.) An account of all Debentures issued, and when, with the amounts realized under the 18th Victoria No 40.

(2.) An account of the appropriation of the proceeds.

- (3.) Amount and dates of interest paid.(4.) Amount and dates of Debentures paid off.
- 4. The Hon. G. W. Cole: To move—
 - (1.) For all correspondence and documents relative to the necessity for the whole Coast of this Colony and Bass's Straits being surveyed, with a view of moving that application be made to the Home Government to cause a Survey to be made by vessels under the orders of the Admiralty.

(2.) All records of Wrecks that have taken place within the Colony and neighbourhood.

- 5. The Hon. T. T. A'BECKETT: To move, That a copy of the Votes and Proceedings, and Printed Papers of the three preceding Sessions of this Parliament, be supplied to each Member of this House who has not already received copies.
- 6. The Hon. T. T. A'BECKETT: To move, That such of the present Members of this House as have not been supplied with a copy of Adamson's Acts of Council, and with copies of the Acts of the Legislature of Victoria of the three last Sessions, be furnished with copies thereof on application.

ORDERS OF THE DAY:-

- 1. REAL PROPERTY BILL—To be read a second time.
- 2. DIVORCE BILL—To be read a second time.
- 3. Refreshment Rooms-Joint Committee-Adoption of Report.

G. W. RUSDEN, Clerk of the Council and Clerk of the Parliaments. No. 11.

Minutes of the Proceedings

OF THE

LEGISLATIVE COUNCIL.

WEDNESDAY, 18TH JANUARY, 1860.

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

The President read the Prayer.

ROYAL MINT.—Address to Her Majesty the Queen.—The President informed the Council that His Excellency the Governor had been pleased to announce, through the Private Secretary, to the Clerk of the Parliaments, that the Address of both Houses of Parliament to Her Most Gracious Majesty the Queen on the subject of establishing a branch of the Royal Mint in the Colony would be forwarded to its destination by the mail leaving Melbourne in the month of December.

PORTRAIT OF HER MAJESTY.—The President announced to the Council the receipt of the following letter from the Under Secretary:—

G.B.

961.

Sir.—

Chief Secretary's Office,

Melbourne, 18th January, 1860.

By desire of the Chief Secretary, I have the honor to inform you that the Duke of Newcastle has, by despatch under date the 14th October, intimated to His Excellency Sir Henry Barkly that the Queen's Portrait had been consigned to the care of the Colonial Agents, with instructions to forward the same to His Excellency's address, and requesting that it should be delivered to the Parliament of Victoria in pursuance of the gracious promise which His Excellency's predecessor was authorised to make.

The expected arrival of the portrait has also been notified to the Honorable the Speaker of the Legislative Assembly, in order that preparation may be made by both Houses of the Legislature for the reception and suitable placing of Her Majesty's royal gift in the Library of the Parliament Houses, where Mr. Nicholson believes it is designed

to deposit it.

I have the honor to be,

Sir,

Your most obedient servant,

The Hon. Sir J. F. Palmer,
President of the Legislative Council.

J. MOORE.

PORTRAIT OF MAJOR-GENERAL MACARTHUR.—The President announced to the Council, on behalf of the Library Committee, that the Portrait of Major-General Macarthur, by Mr. Strutt, had been presented to the Houses of Parliament by Major-General Macarthur.

PAPERS.—The Honorable T. H. Fellows presented to the Council the following Papers:—

- Gold Fields Act.—Order in Council—Mining District of Castlemaine altered (12th December, 1859).
 Polling Places for Mining District of Castlemaine (12th December, 1859).
- 2. Police Department.—Report of Chief Commissioner, 1859.
- 3. Defences of the Colony.—Report of Captain F. B. Seymour, R.N., of H.M.S. *Pelorus*; together with a Report on the efficiency of H.M.C.S.S. *Victoria*.

DEFENCES OF THE COUNTRY.—RETURN TO ADDRESS.—The Honorable T. H. Fellows laid upon the Table, in return to an Address of the Council of the 8th December last, a Return of the Correspondence that has taken place between the Imperial Government and the Government of this Colony, relative to the Defences of the Country.

Ordered to lie on the Table.

GEODETIC SYSTEM OF SURVEY.—RETURN TO ORDER.—The Honorable T. H. Fellows laid upon the Table, in compliance with an Order of the Council of the 8th December last, a Return, shewing the nature and cost of the operations carried on under the Geodetic system of survey in the Colony up to that date.

Ordered to lie on the Table.

Education Bill.—The Order of the Day for the adjourned debate on the second reading of this Bill being read, the President reminded the House that on the last day of sitting of the Council he had suggested to the Council, on a point of order, That the Bill could not properly be initiated in the Council, and made the following statement on the subject:—

The question of order involved in this motion is of so much importance as affecting the privileges of this House, that I have reconsidered the subject, and am of opinion that the motion is in order.

The 56th clause of the Constitution Act reads thus:—"All Bills for appropriating any part of the revenue and for imposing any duty rate tax rent return or impost shall originate in the Assembly."

- 1. No doubt can arise as to the first part of this clause. The Bill before me does not appropriate any part of the revenue of Victoria. The corporation which it creates simply administers the vote of the Parliament for public instruction.
- 2. Neither does this Bill impose any tax on the people. It empowers the local boards to do so, but only for local objects, and in order to the execution of the Act.
- 3. The rates which may be collected by the local boards, and the penalties which may be imposed by the Act itself, form no part of the consolidated revenue, and do not therefore form the ground of public accounting.
- 4. A doubt may perhaps arise whether this Council can confer a right which it does not itself possess. But there is great difference between the direct imposition of a definite rate for general objects and the delegation of a power to rate for local purposes, which power may never be exercised. The appropriation of revenue and the imposition of rates and taxes in the 56th clause must be considered correlative expressions, and be restricted to the consolidated revenue. It would be easy so to overstrain the principle of the 56th clause as to exclude this House from the consideration of a large portion of the business of the country, not excepting the Land Bill, which is now before the other House
- 5. The expedient which has been had recourse to of late years by the House of Lords, of printing in italics any clauses which seem to infringe on the privileges of the Commons, might be adopted in the present case, although I do not think it necessary.

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

Debate ensued.

Amendment moved by the Honorable M. Hervey, That all the words after the word "That" be omitted, with a view to insert the following words, "education to be supported by public rates is a subject which ought not at the present time to be initiated in this House."

Debate ensued.

The Honorable M. Hervey, with leave of the Council, amended his amendment by substituting the words "proceeded with" for the word "initiated."

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

Question—That the Bill be now read a second time—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 Wednesday, the 25th instant.

Ordered

POSTPONEMENT.—The Order of the Day for the second reading of the Pensions Bill was postponed until Wednesday, the 25th instant.

PRE-EMPTIVE RIGHTS.—The Honorable Dr. Hope, in accordance with notice, moved, That there be laid on the Table of the House copies of all Rules and Regulations relating to the granting of Pre-emptive Rights, stating by whom they were issued and the date of issue; also an alphabetical list of all persons who have applied or have a right to apply for a Pre-emptive Right, with replies under the respective headings of the following Form—

Name of Applicant, or who have a right to apply.	Name of Station.	Date of Application.	Improvements on Section or not.	Granted or Refused.	If granted contrary to Regulations— Reasons why.
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^{*} Usual improvements, &c., of a home station only, to be considered as improvements. A shepherd's hut and sheep yard only, not to be so.

Question—put and passed.

- ACCOUNTS OF SEWERAGE AND WATER COMMISSION.—The Honorable G. W. Cole, in accordance with amended notice, moved, That there be laid on the Table of this House—
 - (1.) The yearly accounts of the Sewerage and Water Commission, which should have been laid before the Council 1st February each year, audited in accordance with section 14 of the 16th Victoria No. 39.
 - (2.) Any correspondence relative to the non-compliance with the Act.
 - (3.) A special account and particulars of the cost of the Yan Yean Tramway, specifying the quantity of land bought, the price given, and from whom; also the price and conditions for which the tramway has been leased, and by what Act or authority it was thus disposed of.

Question—put and passed.

- DEBENTURES UNDER THE 18TH VICTORIA No. 40.—The Honorable G. W. Cole, in accordance with notice, moved, That there be laid on the Table of this House a Return shewing—
 - (1.) An account of all Debentures issued, and when, with the amounts realized under the 18th Victoria No. 40.
 - (2.) An account of the appropriation of the proceeds.
 - (3.) Amount and dates of interest paid.
 - (4.) Amount and dates of Debentures paid off.

Question—put and passed.

- Survey of the whole Coast of the Colony and Bass's Straits.—The Honorable G. W. Cole, in accordance with amended notice, moved, That a Return be laid on the Table of the House shewing—
 - (1.) All correspondence and documents relative to the necessity for the whole Coast of this Colony and Bass's Straits being surveyed.
 - (2.) All records of Wrecks that have taken place within the Colony and neighborhood since the date of the last Return of such Wrecks.

Question—put and passed.

Votes and Proceedings and Papers of the Parliament of Victoria.—The Honorable T. T. a'Beckett, in accordance with amended notice, moved, That a copy of the Votes and Proceedings and Printed Papers of the three preceding Sessions of this Parliament, if in print, be supplied to each Member of this House who has not already received copies.

Question—put and passed.

Adamson's Acts of Council and Acts of the Parliament of Victoria.—The Honorable T. T. a'Beckett, in accordance with amended notice, moved, That such of the present Members of this House as have not been supplied with a copy of the two first volumes of Adamson's Acts of Council, and with copies of the Acts of the Legislature of Victoria of the three last Sessions, be furnished with copies thereof on application.

Question—put and passed.

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

Debate ensued.

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 reported progress, and asked leave to sit again this day week. Ordered.

DIVORCE BILL.—The Order of the Day for the second reading of this Bill having been 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 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.

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

Question—put and passed.

The Council adjourned at ten minutes to seven o'clock until three o'clock on Thursday, the 19th instant.

NOTICES OF MOTION AND ORDERS OF THE DAY.

THURSDAY, 19TH JANUARY, 1860.

1. The Hon. W. H. F. MITCHELL: To ask the Honorable Member representing the Government if he has any objection to lay upon the Table of this House the correspondence and other documents connected with the removal of Mr. Henry Geary from the office of Returning Officer for the Kyneton Boroughs.

NOTICES OF MOTION:-

- 1. The Hon. T. H. Fellows: To move that this House desires to convey to Major-General Macarthur, on his retiring from the command of the forces in this Colony, the expression of its approbation of that officer's zealous services to the country in the discharge of his high functions, both as the Officer administering the Government and as Commander of the Forces; and that a Committee be appointed to prepare a Valedictory Address to the Major-General accordingly; such Committee to consist of the Honorables the President, J. Hodgson, T. T. a'Beckett, S. G. Henty, and the Mover.
- 2. The Hon. T. H. Fellows: To move that a Committee, consisting of the Honorables the President, J. Hodgson, T. T. a'Beckett, S. G. Henty, and the Mover, be appointed to prepare an Address to Major-General Macarthur, to convey the thanks of this Council for the presentation by him of his Portrait to the Parliament.
- 3. The Hon. T. H. Fellows: To move for leave to bring in three Bills, to be respectively intituled, "Bills to Amend the Law of Property," "To Simplify the Title to Landed Estates," and "To establish a Registry of Landed Estates."

ORDER OF THE DAY:-

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

WEDNESDAY, 25TH JANUARY, 1860.

Government Business:-

ORDERS OF THE DAY:-

- 1. Education Bill—To be further considered in Committee.
- 2. Pensions Bill—To be read a second time.

Notices of Motion:-

- 1. The Hon. J. B. Bennett: To move for leave to bring in a Bill to amend the law relating to acknowledgments of deeds by married women.
- 2. The Hon. J. B. Bennett: To move for leave to bring in a Bill to facilitate the transfer of land in Victoria.

General Business:-

ORDER OF THE DAY:-

1. REAL PROPERTY BILL-To be further considered in Committee.

MEETING

OF

SELECT COMMITTEE.

Wednesday, 25th January.

Printing Committee—At half-past 2 o'clock.

G. W. RUSDEN,

Clerk of the Council and Clerk of the Parliaments.

No. 12.

Minutes of the Proceedings

OF THE

LEGISLATIVE COUNCIL.

THURSDAY, 19TH JANUARY, 1860.

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

REFRESHMENT ROOMS (JOINT) COMMITTEE, REPORT OF .- The Honorable J. Hodgson, with leave of the Council, moved, without notice, That a Message be sent to the Legislative Assembly to acquaint them that the Council have adopted the Report of the Committee, dated the 15th December, 1859.

Question—put and passed.

RETIREMENT OF MAJOR-GENERAL MACARTHUR FROM COMMAND OF THE FORCES.—The Honorable T. H. Fellows, in accordance with notice, moved, That this House desires to convey to Major-General Macarthur, on his retiring from the command of the forces in this Colony, the expression of its approbation of that officer's zealous services to the country in the discharge of his high functions, both as the Officer administering the Government and as Commander of the Forces; and that a Committee be appointed to prepare a Valedictory Address to the Major-General accordingly; such Committee to consist of the Honorables the President, J. Hodgson, T. T. a'Beckett, S. G. Henty, and the Mover.

Question put and passed.

PORTRAIT OF MAJOR-GENERAL MACARTHUR.—The Honorable T. H. Fellows, in accordance with notice, moved, That a Committee, consisting of the Honorables the President, J. Hodgson, T. T. a'Beckett, S. G. Henty, and the Mover, be appointed to prepare an Address to Major-General Macarthur, to convey the thanks of this Council for the presentation by him of his Portrait to the Parliament. Question—put and passed.

Adjournment during pleasure.—The Honorable T. H. Fellows, with leave of the Council, moved, without notice, That the Select Committees appointed to prepare Addresses to Major-General Macarthur do meet forthwith, and that the House adjourn during pleasure for that purpose.

Question—put and passed. The President left the Chair.

The President after a short time resumed the Chair.

Address to Major-General Macarthur on his Retirement. — The Honorable T. H. Fellows, as Chairman of the Committee appointed to prepare an Address to Major-General Macarthur on his retirement, brought up the Report of the Committee as follows :-

To Major-General Edward Macarthur, C.B.

We, the Legislative Council of Victoria, in Parliament assembled, cannot permit you to leave these shores without recording our appreciation, not only of the services rendered by you to this Colony whilst holding the important office of Commander-in-Chief of Her Majesty's Land Forces in Australia, but also of the constitutional manner in which, during a critical period of our history, you administered the Government of this Province.

Be assured that, on taking your departure for the United Kingdom, you carry with you the respect and good wishes of all classes of Her Majesty's subjects in this portion of the British Empire.

The Address having been read by the President, the Honorable T. H. Fellows moved, That the Address be now adopted.

Question—put and passed. The Honorable T. H. Fellows moved, That the President ascertain in what manner it will be convenient for Major-General Macarthur to receive the Address. Question—put and passed.

Address to Major-General Macarthur on the subject of his Portrait. — The Honorable T. H. Fellows, as Chairman of the Select Committee appointed to prepare an Address, to convey the thanks of the Council to Major-General Macarthur, for the presentation of his Portrait, brought up the Report of the Committee, as follows:—

To Major-General Edward Macarthur, C.B.

We, the Legislative Council of Victoria in Parliament assembled, tender you our thanks for the Painting which you have presented, and which it will afford us gratification to place in the Library of the Parliament Buildings when completed.

We value the work not only as a record of your patronage of Victorian art, but as the gift and portrait of the officer on whom (as one so long connected with this country by the ties of property and kindred) not inappropriately devolved the important duty of inaugurating Responsible Government in this part of Her Majesty's dominions.

The Address having been read by the President, the Honorable T. H. Fellows moved, That the Address be now adopted.

Question—put and passed.

The Honorable T. H. Fellows moved, That a Message be sent with the Address, to the Legislative Assembly, to acquaint them that the Council have agreed to the Address, and to request their concurrence in the same.

Question—put and passed.

LAW OF PROPERTY AMENDMENT BILL.—The Honorable T. H. Fellows, in accordance with amended notice, moved for leave to bring in a Bill to amend the Law of Property.

Question—put and passed.

Bill brought in, read a first time, ordered to be printed, and read a second time on Wednesday next.

SIMPLIFICATION OF TITLE TO LANDED ESTATES BILL.—The Honorable T. H. Fellows, in accordance with *amended* notice, moved for leave to bring in a Bill to simplify the Title to Landed Estates.

Question—put and passed.

Bill brought in, read a first time, ordered to be printed, and read a second time on Wednesday next.

REGISTRY OF LANDED ESTATES BILL.—The Honorable T. H. Fellows, in accordance with amended notice, moved for leave to bring in a Bill to establish a Registry of Landed Estates.

Question—put and passed.

Bill brought in, read a first time, ordered to be printed, and read a second time on Wednesday next.

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 Thursday next. Ordered.

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

Mr. President.

The Legislative Assembly transmit to the Legislative Council a copy of an Address to Her Most Gracious Majesty the Queen, expressive of the sense entertained by the Legislative Assembly of the high honor and distinction conferred by Her Majesty upon this Colony by declaring that the Degrees granted by the University of Melbourne shall be entitled to the same rank, precedence, and consideration as Degrees granted by an University of the United Kingdom of Great Britain and Ireland, to which they desire the concurrence of the Legislative Council.

FRANS. MURPHY,

Legislative Assembly Chambers, Melbourne, 19th January, 1860. Speaker.

Speaker.

Mr. President

The Legislative Assembly transmit to the Legislative Council a Bill intituled, "An Act further to amend and to consolidate the Law of Evidence," to which they desire the concurrence of the Legislative Council.

FRANS. MURPHY,

Legislative Assembly Chambers, Melbourne, 19th January, 1860.

LAW OF EVIDENCE AMENDMENT BILL.—The Honorable T. H. Fellows moved, That this Bill be now read a first time, printed, and read a second time on Wednesday next.

Question—put and passed.

Bill read a first time.

Degrees of University of Melbourne—Message from Legislative Assembly.—The Honorable T. H. Fellows moved, That the consideration of the Message from the Legislative Assembly, with an Address to Her Most Gracious Majesty the Queen, on the subject of Degrees of the University of Melbourne, be made an Order of the Day for Wednesday next, then to take precedence.

Question—put and passed.

The Council adjourned at half-past five o'clock until three o'clock on Wednesday, the 25th instant.

NOTICES OF MOTION AND ORDERS OF THE DAY.

WEDNESDAY, 25TH JANUARY, 1860.

1. The Hon. W. H. F. MITCHELL: To ask the Honorable Member representing the Government if he has any objection to lay upon the Table of this House the correspondence and other documents connected with the removal of Mr. Henry Geary from the office of Returning Officer for the Kyneton Boroughs.

Government Business.

ORDERS OF THE DAY:-

- 1. Degrees of University of Melbourne—Consideration of Message from Legislative Assembly.
- 2. Education Bill—To be further considered in Committee.
- 3. Pensions Bill—To be read a second time.
- 4. LAW OF PROPERTY AMENDMENT BILL-To be read a second time.
- 5. SIMPLIFICATION OF TITLE TO LANDED ESTATES BILL-To be read a second time.
- 6. REGISTRY OF LANDED ESTATES BILL—To be read a second time.
- 7. LAW OF EVIDENCE AMENDMENT BILL—To be read a second time.

General Business.

Notices of Motion:-

- 1. The Hon. J. B. Bennett: To move for leave to bring in a Bill to amend the law relating to acknowledgments of deeds by married women.
- 2. The Hon. J. B. Bennett: To move for leave to bring in a Bill to facilitate the transfer of land in Victoria.

ORDER OF THE DAY:-

1. REAL PROPERTY BILL—To be further considered in Committee.

THURSDAY, 26TH JANUARY, 1860.

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

MEETING

OF

SELECT COMMITTEE.

Wednesday, 25th January.

PRINTING COMMITTEE—At half-past 2 o'clock.

G. W. RUSDEN,

Clerk of the Council and Clerk of the Parliaments.

No. 13.

Minutes of the Proceedings

LEGISLATIVE COUNCIL.

WEDNESDAY, 25TH JANUARY, 1860.

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

The President read the Prayer.

Votes and Proceedings and Papers of the Parliament of Victoria.—Return to Order.—The President announced to the Council, that the Clerk of the Council had been apprised that, in pursuance of an Order of the Council made on the 18th instant, "That a copy of the Votes and Proceedings and Printed Papers of the three preceding sessions of Parliament (if in print) be supplied to each Member of this House who has not already received copies," instructions had been issued from the office of the Chief Secretary to the Government Printer to furnish such copies.

Adamson's Acts of Council and Acts of the Parliament of Victoria.—Return to Order.—The President announced to the Council, that the Clerk of the Council had been apprised that, in pursuance of an Order of the Council made on the 18th instant, "That such of the present Members of this House as have not been supplied with a copy of the two first volumes of Adamson's Acts of Council, and with copies of the Acts of the Legislature of Victoria of the three last sessions, be furnished with copies on application," instructions had been issued to the Government Printer, from the office of the Chief Secretary, to furnish such copies.

POSTPONEMENTS. - The following Orders of the Day were postponed until after the disposal of

the remaining business on the paper:—
"Degrees of University of Melbourne"—consideration of Message from Legislative $\mathbf{Assembly}$.

"Education Bill"—to be further considered in Committee.

"Pensions Bill"—to be read a second time.

"Law of Property Amendment Bill"—to be read a second time.

"Simplification of Title to Landed Estates Bill"—to be read a second time.

"Registry of Landed Estates Bill"—to be read a second time.

"Law of Evidence Amendment Bill"—to be read a second time.

POSTPONEMENTS.—The following Notices of Motion were postponed until after the disposal of the Order of the Day for the further consideration of the Real Property Bill in Com-

The Hon. J. B. Bennett: To move for leave to bring in a Bill to amend the law

relating to acknowledgments of deeds by married women.

The Hon. J. B. Bennett: To move for leave to bring in a Bill to facilitate the transfer of land in Victoria.

REAL PROPERTY 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 this day week.

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

The Legislative Assembly acquaint the Legislative Council that they concur in an Address to Major-General Macarthur, agreed to by the Legislative Council, conveying to him the thanks of the Legislative Council for the presentation of his portrait to the Parliament of Victoria.

FRANS. MURPHY,

Speaker.

Legislative Assembly Chambers,

Melbourne, 25th January, 1860. PAPERS.—The Honorable T. H. Fellows laid on the Table the following Papers:—

Gold Fields Act—Orders in Council—
Divisions of Mining District of Beechworth altered (9th January, 1860).
Divisions of Maryborough Mining District altered (9th January, 1860).
Divisions of Mining District of Castlemaine altered (9th January, 1860).

Mining operations authorised on a portion of Camp Reserve at Heathcote (9th January, 1860).

Mining operations authorised on a portion of the Police Reserve at Amherst (9th January, 1860).

Ordered to lie on the Table.

Degrees of University of Melbourne. — Consideration of Message from the Legislative Assembly.—The Order of the Day for the consideration of the Message from the Legislative Assembly with an Address to Her Most Gracious Majesty the Queen, being read, the Address was, on the motion of the Honorable T. H. Fellows, read by the Clerk as follows:-

To Her Most Gracious Majesty the Queen.

MAY IT PLEASE YOUR MAJESTY,-

We, the Speaker and Members of the Legislative Assembly of the Colony of Victoria in Parliament assembled, beg to approach Your Majesty with the assurance of our respect and attachment to your person, of our undeviating loyalty to the Throne, and of our regard for the maintenance of British institutions in this land.

We also request leave to present to Your Majesty our sincere and hearty thanks for the important privileges which Your Majesty has been most graciously pleased to confer on the University of Melbourne by extending to her Graduates, under the provisions contained in Your Majesty's Royal Charter, rank and standing equal to those enjoyed by the Graduates of the Universities of Great Britain and Ireland.

In thus tendering our grateful acknowledgments to Your Majesty, we most respectfully beg to be permitted to express our belief that the concession by Your Majesty of such substantial benefits will effectually promote the best interests of the University, and the cause of sound learning in the Colony.

The Honorable T. H. Fellows moved, That the words "President and Members of the Legislative Council, and the," be inserted after the words, "We, the," in the first line. Question—put and passed.

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

Question—put and passed.

Ordered-That a Message be carried to the Legislative Assembly to acquaint them that the Council have agreed to the Address, with an amendment, and to request their concurrence in the same.

EDUCATION 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, together with Notices of Motion, were postponed until Thursday, 26th instant:—
"Pensions Bill"—to be read a second time.

"Law of Property Amendment Bill"—to be read a second time.
"Simplification of Title to Landed Estates Bill"—to be read a second time.

"Registry of Landed Estates Bill"—to be read a second time. "Law of Evidence Amendment Bill"—to be read a second time.

The Council adjourned at ten minutes past seven o'clock, until three o'clock on Thursday, the 26th instant.

NOTICES OF MOTION AND ORDERS OF THE DAY.

THURSDAY, 26TH JANUARY, 1860.

Notices of Motion:-

1. The Hon. J. B. Bennett: To move for leave to bring in a Bill to amend the law relating to acknowledgments of deeds by married women.

2. The Hon. J. B. Bennett: To move for leave to bring in a Bill to facilitate the transfer of land in Victoria.

ORDERS OF THE DAY:-

- 1. DIVORCE BILL—To be further considered in Committee.
- 2. Education Bill—To be further considered in Committee.

3. Pensions Bill—To be read a second time.

- 4. Law of Property Amendment Bill—To be read a second time.
 5. Simplification of Title to Landed Estates Bill—To be read a second time.
- 6. REGISTRY OF LANDED ESTATES BILL-To be read a second time.
- 7. LAW OF EVIDENCE AMENDMENT BILL—To be read a second time.

WEDNESDAY, 1ST FEBRUARY.

General Business.

ORDER OF THE DAY:-

1. Real Property Bill—To be further considered in Committee.

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

No. 14.

Minutes of the Proceedings

OF THE

LEGISLATIVE COUNCIL.

THURSDAY, 26TH JANUARY, 1860.

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

The President read the Prayer.

LAPSED NOTICES OF MOTION.—In the absence of the Honorable J. B. Bennett, two Notices of Motion, standing in his name, lapsed.

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 Wednesday next.

Ordered.

Postponements.—The following Orders of the Day were postponed until Wednesday next:—
"Education Bill"—to be further considered in Committee.

"Pensions Bill"—to be read a second time.

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

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 Wednesday next.

Ordered.

POSTPONEMENTS.—The following Orders of the Day were postponed until Thursday next:—

"Simplification of Title to Landed Estates Bill"—to be read a second time. "Registry of Landed Estates Bill"—to be read a second time.

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

Question—put and passed.

Bill read a second time.

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 Thursday next.

Ordered.

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

ORDERS OF THE DAY.

WEDNESDAY, 1ST FEBRUARY.

Government Business.

ORDERS OF THE DAY:-

- 1. Education Bill—To be further considered in Committee.
- 2. Pensions Bill—To be read a second time.
- 3. Law of Property Amendment Bill—To be further considered in Committee.

General Business.

ORDERS OF THE DAY:-

- 1. REAL PROPERTY BILL—To be further considered in Committee.
- 2. DIVORCE BILL—To be further considered in Committee.

THURSDAY, 2ND FEBRUARY, 1860.

ORDERS OF THE DAY:-

- SIMPLIFICATION OF TITLE TO LANDED ESTATES BILL—To be read a second time.
 REGISTRY OF LANDED ESTATES BILL—To be further considered in Committee.
 LAW OF EVIDENCE AMENDMENT BILL—To be further considered in Committee.

MEETING

SELECT COMMITTEE.

Wednesday, 1st February.

PRINTING COMMITTEE—At half-past 2 o'clock.

G. W. RUSDEN, Clerk of the Council and Clerk of the Parliaments. No. 15.

Minutes of the Proceedings

OF THE

LEGISLATIVE COUNCIL.

WEDNESDAY, 1st FEBRUARY, 1860.

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

Papers.—The Honorable T. H. Fellows presented to the Council the following Papers:—

National Education—Board of. Rule (27th January, 1860).
 Sanitary Station—Report of Chief Medical Officer on, for 1859.
 Botanist, Government—Annual Report (12th January, 1860).

Ordered severally to lie on the table.

Education 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.

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

The Legislative Assembly return to the Legislative Council the Address to Her Most Gracious Majesty the Queen, expressing the sense entertained by the Legislative Assembly of the high honor and distinction conferred by Her Majesty upon the Colony by declaring that the Degrees granted by the University of Melbourne shall be entitled to the same rank, precedence, and consideration, as Degrees granted by Universities of the United Kingdom, and acquaint the Legislative Council that the Legislative Assembly have agreed to the amendment made therein by the Legislative Council.

FRANS. MURPHY,

Legislative Assembly Chamber, Melbourne, 26th January, 1860.

Speaker.

Degrees of University of Melbourne.—Address to Her Majesty.—The Honorable T. H. Fellows moved, That the Address of the Legislative Council and Legislative Assembly to Her Majesty the Queen on the subject of Degrees of the University of Melbourne, as agreed to on the 25th ultimo by the Council, be transmitted by the President to His Excellency the Governor.

Question—put and passed.

Postponements.—The following Orders of the Day were severally postponed until Wednesday, the 8th instant:

"Divorce Bill"—(to take precedence)—to be further considered in Committee. "Pensions Bill"—to be read a second time.

"Law of Property Amendment Bill"—to be further considered in Committee.

ENT.—The following Order of the Day was postponed until Thursday next:—
"Real Property Bill"—to be further considered in Committee.

Adjournment.—The Honorable T. H. Fellows, with leave of the Council, moved, without notice, That the House, at its rising this day, adjourn until Wednesday, the 8th instant. Question—put and passed.

POSTPONEMENT.—The Honorable T. H. Fellows moved, That the business set down for Thursday, the 2nd instant, be postponed until Wednesday next, the 8th instant. Question—put and passed.

The Council adjourned at a quarter to seven o'clock, until three o'clock on Wednesday, the 8th instant.

NOTICES OF MOTION AND ORDERS OF THE DAY.

WEDNESDAY, 8TH FEBRUARY.

1. The Hon. G. S. Coppin: To ask the Honorable Member representing the Government if it is the intention of the Government to bring forward any measure for the establishment of a National Bank in connection with the proposed Mint or otherwise.

General Business.—(To take precedence.)

ORDER OF THE DAY:-

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

Government Business.

ORDERS OF THE DAY:-

- 1. Education Bill—To be further considered in Committee.
- 2. LAW OF EVIDENCE AMENDMENT BILL—To be further considered in Committee.
- 3. Pensions Bill—To be read a second time.
- 4. LAW OF PROPERTY AMENDMENT BILL-To be further considered in Committee.
- 5. SIMPLIFICATION OF TITLE TO LANDED ESTATES BILL-To be read a second time.
- 6. REGISTRY OF LANDED ESTATES BILL—To be read a second time.

General Business.

Notices of Motion:-

- 1. The Hon. J. B. Bennett: To move for leave to bring in a Bill to amend the law relating to acknowledgments of deeds by married women.
- 2. The Hon. J. B. Bennett: To move for leave to bring in a Bill to facilitate the transfer of land in Victoria.

THURSDAY, 9TH FEBRUARY.

ORDER OF THE DAY:-

1. REAL PROPERTY BILL—To be further considered in Committee.

MEETING

OF

SELECT COMMITTEE.

Wednesday, 8th February.

PRINTING COMMITTEE—At half-past 2 o'clock.

G. W. RUSDEN,

Clerk of the Council and Clerk of the Parliaments.

No. 16.

Minutes obthe Proceedings

OF THE

LEGISLATIVE COUNCIL.

WEDNESDAY, 8TH FEBRUARY, 1860.

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

The President read the Prayer.

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

Police Clothing Account.—Report of Investigation (29th October, 1859).

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 that the Committee had gone through the Bill, and had agreed to the same, with amendments.

The Honorable J. P. Fawkner moved, That the consideration of the Report of the Committee be made an Order of the Day for Wednesday, the 15th instant.

Ordered.

- POSTPONEMENT.—The Order of the Day for the further consideration of the Education Bill in Committee of the whole Council was postponed until Thursday, the 9th instant.
- LAW OF EVIDENCE AMENDMENT BILL.—The Order of the Day for the further consideratio of this Bill in Committee being read, the President left the chair.

The Chairman of Committees reported progress and asked leave to sit again after the disposal of the Order of the Day for the second reading of the Pensions Bill. Ordered.

Pensions 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.

The Honorable T. T. a'Beckett moved, That the debate be adjourned until this day week. Question—That the debate be adjourned until this day week—put and passed.

- LAW OF EVIDENCE 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 this day week. Ordered.
- POSTPONEMENTS.—The Order of the Day for the further consideration of the Law of Property Amendment Bill was postponed until Wednesday, the 15th instant; and the Orders of the Day for the second reading of the Simplification of Title to Landed Estates Bill and for the second reading of the Registry of Landed Estates Bill were severally postponed until Wednesday, the 22nd instant.
- ACKNOWLEDGMENTS OF DEEDS BY MARRIED WOMEN. The Honorable J. B. Bennett, in accordance with notice, moved, That leave be given to bring in a Bill to amend the Law relating to Acknowledgments of Deeds by Married Women.

 Question—put and passed.

Bill brought in, and on the motion of the Honorable J. B. Bennett, read a first time.

TRANSFER OF LAND BILL.—The Honorable J. B. Bennett, in accordance with notice, moved, That leave be given to bring in a Bill to facilitate the Transfer of Land in Victoria. Question—put and passed.

Bill brought in, and, on the motion of the Honorable J. B. Bennett, read a first time, ordered to be printed, and read a second time on Wednesday, the 22nd instant.

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

ORDERS OF THE DAY.

THURSDAY, 9TH FEBRUARY.

ORDERS OF THE DAY:-

- 1. REAL PROPERTY BILL-To be further considered in Committee.
- 2. Education Bill—To be further considered in Committee.

WEDNESDAY, 15TH FEBRUARY.

Government Business.

ORDERS OF THE DAY:-

- 1. Pensions Bill-Adjourned debate on second reading.
- 2. LAW OF PROPERTY AMENDMENT BILL-To be further considered in Committee.
- 3. Law of Evidence Amendment Bill-To be further considered in Committee.

General Business.

ORDER OF THE DAY:-

1. DIVORCE BILL-Adoption of Report.

WEDNESDAY, 22ND FEBRUARY.

Government Business.

ORDERS OF THE DAY:-

- 1. SIMPLIFICATION OF TITLE TO LANDED ESTATES BILL-To be read a second time.
- 2. REGISTRY OF LANDED ESTATES BILL-To be read a second time.

General Business.

ORDER OF THE DAY:-

1. TRANSFER OF LAND BILL.—To be read a second time.

MEETING

OF

SELECT COMMITTEE.

Thursday, 9th February.

Printing Committee—At half-past 2 o'clock.

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

No. 17.

Minutes of the Proceedings

OF THE

LEGISLATIVE COUNCIL.

THURSDAY, 9TH FEBRUARY, 1860.

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

Address to Her Majesty. — Degrees of University of Melbourne. — The President announced to the Council that the Address, agreed to by both Houses of Parliament, presenting the thanks of both Houses for the important privileges which Her Majesty has been pleased to confer on the University of Melbourne, by extending to its graduates rank and standing equal to those enjoyed by the graduates of the Universities of Great Britain and Ireland, had been presented to His Excellency the Governor, who had been pleased to intimate that the Address should be transmitted to England at an early date.

SEAT PROVIDED FOR THE PRESIDENT OF THE LEGISLATIVE COUNCIL OF SOUTH AUSTRALIA.—
The Honorable J. Hodgson, with leave of the Council, moved, without notice, That a seat be provided in the body of the Council Chamber for the President of the Legislative Council of South Australia now in this Colony.

Question—put and passed.

PRINTING COMMITTEE.—SECOND REPORT.—The Honorable M. Hervey brought up the Second Report of the Printing Committee, and moved that the same be adopted and printed. Question—put and passed.

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

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

The Honorable G. S. Coppin moved, That the adoption of the Report of the Committee be made an Order of the Day on Thursday, the 16th instant. Question—put and passed.

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

The Chairman of Committees reported progress, and asked leave to sit again on Wednesday, 15th instant.

Ordered.

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

ORDERS OF THE DAY.

WEDNESDAY, 15TH FEBRUARY.

Government Business.

ORDERS OF THE DAY:-

- 1. EDUCATION BILL-To be further considered in Committee.
- 2. Pensions Bill—Adjourned debate on second reading.
- 3. LAW OF PROPERTY AMENDMENT BILL-To be further considered in Committee.
- 4. LAW OF EVIDENCE AMENDMENT BILL—To be further considered in Committee.

General Business.

ORDER OF THE DAY:-

1. DIVORCE BILL-Adoption of Report.

THURSDAY, 16TH FEBRUARY.

ORDER OF THE DAY:-

1. REAL PROPERTY BILL-Adoption of Report.

WEDNESDAY, 22ND FEBRUARY.

Government Business.

ORDERS OF THE DAY:-

- 1. SIMPLIFICATION OF TITLE TO LANDED ESTATES BILL-To be read a second time.
- 2. REGISTRY OF LANDED ESTATES BILL-To be read a second time.

General Business.

ORDER OF THE DAY:-

1. Transfer of Land Bill-To be read a second time.

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

No. 18.

Minutes of the Proceedings

OF THE

LEGISLATIVE COUNCIL.

WEDNESDAY, 15TH FEBRUARY, 1860.

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

The President read the Prayer.

Major-General Macarthur.—Reply to Address of the Council.—The President announced to the Council that he had transmitted to Major-General Macarthur the Address of the Council, agreed to on the 19th ultimo, and that the following reply had been received thereto:

To the Honorable the President and Members of the Legislative Council of Victoria. MR. PRESIDENT AND GENTLEMEN.

You may well believe that it was no less grateful to be accompanied by your good wishes, on my recent departure from Melbourne, than now to receive your Address conferring so much honor on me in a locality sacred to early colonial reminiscences, and where, beneath the shade of now venerable trees, I contemplate with gratitude the transactions of the past.

Here under the parental roof, at Elizabeth Farm, were inculcated principles and maxims which in after life have been the means of my obtaining gratifying assurances that of themselves would have been ample to secure for me a memorable place in your records, even had my name not already been associated with the opening of your first Constitutional Parliament.

To me those were days of happiness, because of the disposition which then arose to do justice to the firm and able administrator, Governor the late Sir Charles Hotham, whom I succeeded, and because the land was then filled with a prosperity which has

happily not deserted it in the days that have ensued.

Sincerely do I bid you Farewell!—praying that under Providence the good sense of the inhabitants may so influence in their action the free institutions of Victoria, as to secure for her people a long career of internal peace, security, and augmenting welfare.

EDWARD MACARTHUR,

Major-General.

Elizabeth Farm, Parramatta, New South Wales, February, 1860.

ACCOUNTS OF SEWERAGE AND WATER COMMISSION.—RETURN TO ORDER.—The Honorable T. H. Fellows laid on the Table, in compliance with an order of the Council of the 18th ultimo, a Return showing the Yearly Accounts of the Sewerage and Water Commission, correspondence relating thereto, and cost of the Yan Yean Tramway.

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

The Chairman of Committees reported progress, and asked leave to sit again on Wednesday, the 22nd instant.

Ordered.

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

The Legislative Assembly transmit to the Legislative Council a Bill intituled "An Act to amend the provisions of an Act incorporating the shareholders in the "National Bank of Australasia," to which they desire the concurrence of the Legislative

FRANS. MURPHY, Legislative Assembly Chamber, Melbourne, 14th February, 1860.

Speaker.

The Honorable J. B. Bennett moved, That a Message be transmitted 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, together with the Minutes of Evidence taken before the said Committee.

Question—put and passed.

The Honorable J. B. Bennett moved, That the first reading of the Bill be made an Order of the Day for to-morrow.

Question—put and passed.

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

"Pensions Bill"-adjourned debate on second reading.

"Law of Property Amendment Bill"—to be further considered in Committee. "Law of Evidence Amendment Bill"—to be further considered in Committee.

POSTPONEMENT.—The following Order of the Day was postponed until to-morrow:—
"Divorce Bill"—adoption of Report.

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

ORDERS OF THE DAY.

THURSDAY, 16TH FEBRUARY.

ORDERS OF THE DAY:-

- 1. REAL PROPERTY BILL-Adoption of Report.
- 2. NATIONAL BANK OF AUSTRALASIA BILL-To be read a first time.
- 3. DIVORCE BILL—Adoption of Report.

WEDNESDAY, 22ND FEBRUARY.

Government Business.

ORDERS OF THE DAY:-

- 1. SIMPLIFICATION OF TITLE TO LANDED ESTATES BILL-To be read a second time. .
- 2. REGISTRY OF LANDED ESTATES BILL-To be read a second time.
- 3. Education Bill—To be further considered in Committee.
- 4. Pensions Bill-Adjourned debate on second reading.
- 5. LAW OF PROPERTY AMENDMENT BILL-To be further considered in Committee.
- 6. LAW OF EVIDENCE AMENDMENT BILL-To be further considered in Committee.

General Business.

ORDER OF THE DAY:-

1. TRANSFER OF LAND BILL-To be read a second time.

THURSDAY, 23RD FEBRUARY.

1. The Hon. J. P. FAWKNER: To ask the Honorable T. H. Fellows whether any period was fixed in the Contracts for the completion of the building of the Treasury and the Parliament Library; if so, what were the dates of the Contract and how long for each Contract, and the date at which the buildings were or are to be delivered completed.

G. W. RUSDEN,

No. 19.

Minutes of the Proceedings

OF THE

LEGISLATIVE COUNCIL.

THURSDAY, 16TH FEBRUARY, 1860.

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

The President read the Prayer.

REAL PROPERTY BILL.—The Order of the Day for the adoption of the Report of the Committee of the whole Council on this Bill being read, the Honorable G. S. Coppin moved, That the Order of the Day be discharged.

Question—put and passed.

The Honorable G. S. Coppin moved, That the Bill be now recommitted for the purpose of striking out the 41st and 42nd clauses, and amending the 81st clause.

Amendment moved by the Honorable T. T. a'Beckett, That all the words after the word "recommitted" be omitted.

Debate ensued.

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

Question—That the Bill be now recommitted—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 Thursday, the 23rd instant.

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 Report and Proceedings of the Select Committee of the Legislative Assembly on the Bill intituled "An Act to amend the provisions of an Act incorporating the Share-"holders in the National Bank of Australasia," as requested by the Legislative Council.

FRANS. MURPHY,

Legislative Assembly Chamber, Melbourne, 15th February, 1860. Speaker.

Mr. President.

The Legislative Assembly request that the Legislative Council will give leave to the Honorable Alexander Fraser, a Member of that House, to attend to be examined as a witness, and give evidence before the Select Committee of the Legislative Assembly appointed in the present session to enquire into and report upon the circumstances connected with certain purchasers of Crown Lands on the Main Murray Road.

FRANS. MURPHY,

Legislative Assembly Chamber, Melbourne, 15th February, 1860. Speaker.

NATIONAL BANK OF AUSTRALASIA BILL.—The Order of the Day for the first reading of this Bill being read, The Honorable J. B. Bennett moved, That the Bill be now read a first time. Question—put and passed.

Bill read a first time.

Ordered—That the second reading of the Bill be made an Order of the Day for Wednesday, the 29th instant.

Postponement.—The Order of the Day for the adoption of the Report of the Committee of the whole Council on the Divorce Bill was postponed until Thursday, the 23rd instant.

The Council adjourned at five minutes to six o'clock until three o'clock on Wednesday, the 22nd instant.

ORDERS OF THE DAY.

WEDNESDAY, 22ND FEBRUARY.

Government Business.

ORDERS OF THE DAY:-

- 1. SIMPLIFICATION OF TITLE TO LANDED ESTATES BILL—To be read a second time.
- 2. REGISTRY OF LANDED ESTATES BILL-To be read a second time.
- 3. EDUCATION BILL-To be further considered in Committee.
- 4. Pensions Bill-Adjourned debate on second reading.
- 5. LAW OF PROPERTY AMENDMENT BILL-To be further considered in Committee.
- 6. LAW OF EVIDENCE AMENDMENT BILL-To be further considered in Committee.

General Business.

ORDER OF THE DAY:-

1. TRANSFER OF LAND BILL-To be read a second time.

THURSDAY, 23RD FEBRUARY.

- 1. The Hon. J. P. FAWKNER: To ask the Honorable T. H. Fellows whether any period was fixed in the Contracts for the completion of the building of the Treasury and the Parliament Library; if so, what were the dates of the Contract and how long for each Contract, and the date at which the buildings were or are to be delivered completed.
- 2. The Hon. G. Urquhart: To ask the Honorable Member representing the Government how often has the Board of Land and Works met since its formation, the number of deputations received, and the decisions given, and by whom, since the establishment of the Board.

ORDERS OF THE DAY:-

- 1. REAL PROPERTY BILL-Adoption of Report.
- 2. DIVORCE BILL-Adoption of Report.

WEDNESDAY, 29TH FEBRUARY.

1. NATIONAL BANK OF AUSTRALASIA BILL—To be read a second time.

G. W. RUSDEN,

No. 20.

Minutes of the Proceedings

OF THE

LEGISLATIVE COUNCIL.

WEDNESDAY, 22ND FEBRUARY, 1860.

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

The President read the Prayer.

- Message from the Legislative Assembly.—Attendance of Honorable A. Fraser before a Select Committee of the Legislative Assembly.—The Honorable J. Hodgson, with leave of the Council, moved, without notice, That leave be given to the Honorable A. Fraser to attend, if he think fit, to give evidence as requested by the Legislative Assembly before a Select Committee of that House appointed in the present Session to enquire into and report upon the circumstances connected with certain purchasers of Crown lands on the Main Murray Road.

 Question—put and passed.
 - Ordered—That a Message be carried to the Legislative Assembly, to acquaint them that the Council have given leave to the Honorable A. Fraser to attend in the manner requested.
- Petition.—The Honorable T. H. Fellows presented to the Council a Petition, signed by James McCulloch, praying that the House will pass a law for the total abolition of the fifty-third clause of the Constitution Act.

 Petition received.
- Postponement.—The following Orders of the Day were postponed until Wednesday, the 29th instant:—
 - "Simplification of Title to Landed Estates Bill"—to be read a second time.

"Registry of Landed Estates Bill"—to be read a second time.

Education 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.

- Postponement.—The following Order of the Day was postponed until Wednesday, the 7th proximo:—
 - "Pensions Bill"--adjourned debate on second reading.
- Postponement.—The following Order of the Day was postponed until Wednesday, the 29th instant:—
 - "Law of Property Amendment Bill"—to be further considered in Committee.
- LAW OF EVIDENCE 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 adoption of the Report of the Committee be made an Order of the Day for this day week.

 Ordered.
- Postponement.—The following Order of the Day was postponed until to-morrow:—
 - "Transfer of Land Bill"—to be read a second time.
- The Council adjourned at twenty-five minutes to seven o'clock until three o'clock on Thursday, the 23rd instant.

ORDERS OF THE DAY.

THURSDAY, 23RD FEBRUARY.

- 1 The Hon. J. P. FAWKNER: To ask the Honorable T. H. Fellows whether any period was fixed in the Contracts for the completion of the building of the Treasury and the Parliament Library; if so, what were the dates of the Contract and how long for each Contract, and the date at which the buildings were or are to be delivered completed.
- 2. The Hon. G. Urqueart: To ask the Honorable Member representing the Government how often has the Board of Land and Works met since its formation, the number of deputations received, and the decisions given, and by whom, since the establishment of the Board.

ORDERS OF THE DAY:-

- 1. REAL PROPERTY BILL-Adoption of Report.
- 2. DIVORCE BILL-Adoption of Report.
- 3. Transfer of Land Bill—To be read a second time.

WEDNESDAY, 29TH FEBRUARY.

Government Business.

ORDERS OF THE DAY:-

- 1. SIMPLIFICATION OF TITLE TO LANDED ESTATES BILL-To be read a second time.
- 2. REGISTRY OF LANDED ESTATES BILL-To be read a second time.
- 3. Education Bill—To be further considered in Committee.
- 4. LAW OF PROPERTY AMENDMENT BILL-To be further considered in Committee.
- 5. LAW OF EVIDENCE AMENDMENT BILL-Adoption of Report.

General Business.

ORDER OF THE DAY:-

1. NATIONAL BANK OF AUSTRALASIA BILL-To be read a second time.

WEDNESDAY, 7TH MARCH.

ORDER OF THE DAY:-

1. Pensions Bill—Adjourned debate on second reading.

MEETING

OF

SELECT COMMITTEE.

Thursday, 23rd February.

REFRESHMENT ROOMS—(Joint Committee)—at half-past 2 o'clock.

G. W. RUSDEN,

No. 21.

Minutes of the Proceedings

OF THE

LEGISLATIVE COUNCIL.

THURSDAY, 23RD FEBRUARY, 1860.

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

The President read the Prayer.

REAL PROPERTY 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 G. S. Coppin moved, That the Report be now adopted.

Question—put and passed. Ordered—That the third reading of the Bill be made an Order of the Day for Thursday, the 1st March.

DIVORCE 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. P. Fawkner moved, That the Order of the Day be discharged.

Question—put and passed.

The Honorable J. P. Fawkner moved, That the Bill be now recommitted to a Committee of the whole Council.

Question—put and passed.

The President left the chair.

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

The Honorable J. P. Fawkner moved, That the further consideration of the Bill in Committee be made an Order of the Day for Wednesday next, then to take precedence, if the Honorable T. H. Fellows should consent to give it precedence over the Government business on that day.

Question—put and passed.

DEBENTURES UNDER THE 18TH VICTORIA, No. 40 —The Honorable W. H. F. Mitchell, in the absence of the Honorable T. H. Fellows, laid upon the Table a Return to an Order of the Council of the 18th ultimo.

TRANSFER OF LAND 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.

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." Debate ensued.

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

Contents, 8. The Hon. J. Hodgson G. W. Cole R. Thomson T. T. a'Beckett W. Highett W. H. F. Mitchell J. Henty J. B. Bennett (Teller).

Not Contents, 8. The Hon. T. H. Power J. P. Fawkner W. J. T. Clarke Dr. Hope Dr. Wilkie A. Fraser J. F. Strachan G. S. Coppin (Teller).

The President declared, That, in order that the Bill might receive further consideration, he gave his voice with the contents.

The question was therefore passed.

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

Question—put and passed. The President left the chair.

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

Ordered.

The Council adjourned at twenty-five minutes past six o'clock until three o'clock on Wednesday, the 29th February.

ORDERS OF THE DAY.

WEDNESDAY, 29TH FEBRUARY.

- 1. The Hon. J. P. FAWKNER: To ask the Honorable T. H. Fellows whether any period was fixed in the Contracts for the completion of the building of the Treasury and the Parliament Library; if so, what were the dates of the Contract and how long for each Contract, and the date at which the buildings were or are to be delivered completed.
- 2. The Hon. G. Urqueart: To ask the Honorable Member representing the Government how often has the Board of Land and Works met since its formation, the number of deputations received, and the decisions given, and by whom, since the establishment of the Board.

General Business.

ORDER OF THE DAY:-

1. DIVORCE BILL—To be further considered in Committee—(to take precedence if the Honorable T. H. Fellows consent).

Government Business.

ORDERS OF THE DAY:-

- 1. SIMPLIFICATION OF TITLE TO LANDED ESTATES BILL-To be read a second time.
- 2. REGISTRY OF LANDED ESTATES BILL-To be read a second time.
- 3. Education Bill—To be further considered in Committee.
- 4. LAW OF PROPERTY AMENDMENT BILL-To be further considered in Committee.
- 5. LAW OF EVIDENCE AMENDMENT BILL-Adoption of Report.

General Business.

ORDERS OF THE DAY:-

- 1. NATIONAL BANK OF AUSTRALASIA BILL-To be read a second time.
- 2. TRANSFER OF LAND BILL-To be further considered in Committee.

THURSDAY, 1st MARCH.

1. REAL PROPERTY BILL—To be read a third time.

WEDNESDAY, 7TH MARCH.

ORDER OF THE DAY:-

1. Pensions Bill—Adjourned debate on second reading.

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

No. 22.

Minutes of the Proceedings

OF THE

LEGISLATIVE COUNCIL.

WEDNESDAY, 29TH FEBRUARY, 1860.

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

The President read the Prayer.

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 that the Committee had gone through the Bill, and had agreed to the same with amendments.

The Honorable J. P. Fawkner moved, That the adoption of the Report of the Committee be made an Order of the Day for to-morrow. Question—put and passed.

Postponements.—The following Orders of the Day were severally postponed until after the disposal of the rest of the business on the Paper:-

"Simplification of Title to Landed Estates Bill"—to be read a second time.

"Registry of Landed Estates Bill"—to be read a second time. "Education Bill"—to be further considered in Committee.

"Law of Property Amendment Bill"—to be further considered in Committee. "Law of Evidence Amendment Bill"—Adoption of Report.

NATIONAL BANK OF AUSTRALASIA 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.

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.

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 any amendment.

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.

Transfer of Land 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 Orders of the Day previously postponed until after the rest of the business on the Paper were severally postponed until to-morrow.

The Council adjourned at five minutes past four o'clock until three o'clock on Thursday, the 1st March.

NOTICE OF MOTION AND ORDERS OF THE DAY.

THURSDAY, 1ST MARCH.

1. The Hon. G. URQUHART: To ask the Honorable Member representing the Government how often has the Board of Land and Works met since its formation; the number of deputations received, and the decisions given, and by whom, since the establishment of the Board.

2. The Hon. J. P. FAWKNER: To ask the Honorable T. H. Fellows whether any period was fixed in the Contracts for the completion of the building of the Treasury and the Parliament Library; if so, what were the dates of the Contract and how long for each Contract, and the date at which the buildings were or are to be delivered completed.

ORDERS OF THE DAY:-

- 1. REAL PROPERTY BILL-To be read a third time.
- 2. DIVORCE BILL—Adoption of Report.
- 3. NATIONAL BANK OF AUSTRALASIA BILL-Adoption of Report.
- 4. TRANSFER OF LAND BILL-To be further considered in Committee.
- 5. SIMPLIFICATION OF TITLE TO LANDED ESTATES BILL-To be read a second time.
- 6. REGISTRY OF LANDED ESTATES BILL-To be read a second time.
- 7. EDUCATION BILL—To be further considered in Committee.
- 8. LAW OF PROPERTY AMENDMENT BILL-To be further considered in Committee.
- 9. LAW OF EVIDENCE AMENDMENT BILL-Adoption of Report.

WEDNESDAY, 7TH MARCH.

ORDER OF THE DAY:-

1. Pensions Bill-Adjourned debate on second reading.

WEDNESDAY, 14TH MARCH.

NOTICE OF MOTION:-

- 1. The Hon. G. S. COPPIN: To move, That the following Returns be laid upon the Table-
 - The total number of acres of land contained in the Colony of Victoria.
 The number of surveyed acres to December 31st, 1859.
 The number of acres sold, and average price.

 - (4.) The number of acres leased, and the average price.
 - (5.) The number of acres submitted to auction open to free selection at the present time, and the average price.

Each return to separate as distinctly as possible the town, mineral, agricultural, pastoral, reserved, and valueless lands.

G. W. RUSDEN,

No. 23.

Minutes of the Proceedings

OF THE

LEGISLATIVE COUNCIL.

THURSDAY, 1st MARCH, 1860.

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

The President read the Prayer.

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

Not Contents, 4.

T. T. a'Beckett J. Henty

J. B. Bennett (Teller).

The Hon. T. H. Fellows

Debate ensued.

Question—That the Bill be now read a third time—put.

Council divided-

Contents, 15.

The Hon. J. Hodgson

J. F. Strachan

G. Urquhart

M. Hervey

T. H. Power

S. G. Henty

W. Roope

Dr. Hope

W. Highett

Dr. Wilkie

J. Stewart

A. Fraser

R. Thomson

J. P. Fawkner

G. S. Coppin (Teller).

The question was therefore passed.

Bill read a third time.

The Honorable G. S. Coppin moved, That the Bill do now pass.

Question—put and passed.

The Honorable G. S. Coppin moved, That the Title of the Bill be "An Act to simplify "the Laws relating to the Transfer and Encumbrance of Freehold and other Interests "in Land."

Question—put and passed.
Ordered—That the Bill be carried to the Legislative Assembly, with a Message to request their concurrence with the same.

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

Question—put and passed.

Ordered—That the third reading of the Bill be made an Order of the Day for Wednesday, the 7th March.

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. Ordered—That the third reading of the Bill be made an Order of the Day for Wednesday, the 7th March.

TRANSFER OF LAND BILL.—The Order of the Day for the further consideration of this Bill in Committee of the whole Council being called on, the Honorable J. B. Bennett moved, That the Order of the Day be discharged.

Question—put and passed.

POSTPONEMENTS.—The following Orders of the Day were severally postponed until Thursday,

"Simplification of Title to Landed Estates Bill"—to be read a second time.

"Registry of Landed Estates Bill"—to be read a second time.

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

The Chairman of Committees reported progress and asked leave to sit again on Wednesday

Ordered.

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

The Chairman of Committees reported progress and asked leave to sit again on Wednesday

Ordered.

LAW OF EVIDENCE 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 Hon. T. H. Fellows moved, That the Order of the Day be discharged, with a view to re-commit the Bill to be 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, with further amendments.

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

Ordered.

The Council adjourned at five minutes to seven o'clock until three o'clock on Wednesday, the 7th instant.

NOTICE OF MOTION AND ORDERS OF THE DAY.

WEDNESDAY, 7TH MARCH.

1. The Hon. G. URQUHART: To ask the Honorable Member representing the Government how often has the Board of Land and Works met since its formation; the number of deputations received, and the decisions given, and by whom, since the establishment of the Board.

Government Business.

ORDERS OF THE DAY:-

1. Pensions Bill-Adjourned debate on second reading.

2. Education Bill—To be further considered in Committee.

3. LAW OF PROPERTY AMENDMENT BILL-To be further considered in Committee.

4. LAW OF EVIDENCE AMENDMENT BILL—Adoption of Report.

General Business.

ORDERS OF THE DAY:-

1. DIVORCE BILL—To be read a third time.

2. NATIONAL BANK OF AUSTRALASIA BILL-To be read a third time.

THURSDAY, 8TH MARCH.

- 1. SIMPLIFICATION OF TITLE TO LANDED ESTATES BILL—To be read a second time.
- 2. REGISTRY OF LANDED ESTATES BILL-To be read a second time.

WEDNESDAY, 14TH MARCH.

NOTICE OF MOTION:-

- 1. The Hon. G. S. COPPIN: To move, That the following Returns be laid upon the Table:—
 - (1.) The total number of acres of land contained in the Colony of Victoria.

(2.) The number of surveyed acres to December 31st, 1859.

- (3.) The number of acres sold, and average price.(4.) The number of acres leased, and the average price.
- (5.) The number of acres submitted to auction open to free selection at the present time, and the average price.

Each return to separate as distinctly as possible the town, mineral, agricultural, pastoral, reserved, and valueless lands.

G. W. RUSDEN,

No. 24.

Minutes of the Proceedings

OF THE

LEGISLATIVE COUNCIL.

WEDNESDAY, 7TH MARCH, 1860.

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

The President read the Prayer.

- Pensions Bill.—The Order of the Day for the resumption of the adjourned debate on the second reading of this Bill being read, the Honorable T. T. a'Beckett moved, That the debate be adjourned until the 22nd March. Question—put and passed.
- EDUCATION 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 after the disposal of the other Orders of the Day. Ordered.
- LAW OF PROPERTY 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.
- LAW OF EVIDENCE 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. T. a'Beckett moved, That the Report be now adopted.

Question—put and passed. Ordered—That the third reading of the Bill be made an Order of the Day for Wednesday

- DIVORCE BILL.—The Order of the Day for the third reading of this Bill being read, the Bill, on the motion of the Honorable J. P. Fawkner, was read a third time, and passed.
 - The Honorable J. P. Fawkner moved, That the title of the Bill be "An Act to amend the Law relating to Divorce and Matrimonial Causes in Victoria."

- Question—put and passed.

 Ordered—That the Bill be carried to the Legislative Assembly with a Message desiring their concurrence therewith.
- NATIONAL BANK OF AUSTRALASIA BILL.—The Order of the Day for the third reading of this Bill being read, the Bill, on the motion of the Honorable G. S. Coppin, was read a third time and passed.
 - The Honorable G. S. Coppin moved, That the title of the Bill be "An Act to amend the provisions of an Act incorporating the Shareholders in the National Bank of $Australasia.^{\prime}$

- 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.
- Education Bill.—The Order of the Day for the further consideration of this Bill in Committee of the whole Council was postponed until to-morrow.
- The Council adjourned at five minutes to four o'clock until three o'clock on Thursday, the 8th instant.

NOTICES OF MOTION AND ORDERS OF THE DAY.

THURSDAY, 8TH MARCH.

NOTICE OF MOTION:

1. The Hon. J. P. FAWKNER: To move, That a call of this House be made on the twenty-second day of March to consider the second reading of the Pensions Bill.

ORDERS OF THE DAY:-

- 1. SIMPLIFICATION OF TITLE TO LANDED ESTATES BILL-To be read a second time.
- 2. REGISTRY OF LANDED ESTATES BILL-To be read a second time.
- 3. LAW OF PROPERTY AMENDMENT BILL-To be further considered in Committee.
- 4. Education Bill—To be further considered in Committee.

WEDNESDAY, 14TH MARCH.

Government Business.

ORDER OF THE DAY:-

1. LAW OF EVIDENCE AMENDMENT BILL-To be read a third time.

General Business.

NOTICE OF MOTION:-

- 1. The Hon. G. S. COPPIN: To move, That the following Returns be laid upon the Table:-
 - (1.) The total number of acres of land contained in the Colony of Victoria.
 - (2.) The number of surveyed acres to December 31st, 1859.
 - (3.) The number of acres sold, and average price.
 - (4.) The number of acres leased, and the average price.
 - (5.) The number of acres submitted to auction open to free selection at the present time, and the average price.

Each return to separate as distinctly as possible the town, mineral, agricultural, pastoral, reserved, and valueless lands.

THURSDAY, 22ND MARCH.

1. Pensions Bill—Adjourned debate on second reading.

G. W. RUSDEN,

No. 25.

Minutes of the Proceedings

OF THE

LEGISLATIVE COUNCIL.

THURSDAY, 8TH MARCH, 1860.

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

The President read the Prayer.

CALL OF THE HOUSE.—The Honorable J. P. Fawkner, in accordance with notice, moved, That a Call of this House be made on the twenty-second day of March, to consider the second reading of the Pensions Bill.

Debate ensued.

Question—put and passed.

PORTRAIT OF HER MAJESTY.—The President announced to the Council the receipt of the following letter from the Under Secretary:-

G.B.

1323.

Chief Secretary's Office,

Melbourne, 8th March, 1860.

Referring to my letter of the 18th January last, informing you of the shipment of Her Majesty's Portrait, I have the honor to inform you that the Government Storekeeper has reported its delivery at the Parliament Houses on the 2nd instant.

I have the honor to be,

Sir,

Your most obedient servant, J. MOORE.

Sir J. F. Palmer,

Chairman of the Library Committee, Parliament Houses.

ADDRESS OF THANKS TO HER MAJESTY.-The Honorable J. P. Fawkner, with leave of the Council, moved, without notice, That the following members be appointed to form, with an equal number of members of the Legislative Assembly, a Joint Committee to draw up an Address of Thanks to Her Most Gracious Majesty for the gift of Her Portrait to the Parliament of Victoria:—viz., The Honorables T. H. Fellows, J. Hodgson, and the President.

Question—put and passed.

The Honorable J. P. Fawkner moved, That a message be transmitted to the Legislative Assembly, inviting that body to appoint three of their members to form, with three members of this House, a Joint Committee to prepare an Address of Thanks to Her Most Gracious Majesty for the gift of Her Portrait to the Parliament of Victoria.

Question—put and passed.

POSTPONEMENTS.—The following Orders of the Day were severally postponed until Wednesday next

"Simplification of Title to Landed Estates Bill"—To be read a second time. "Registry of Landed Estates Bill"—To be read a second time.

LAW OF PROPERTY AMENDMENT BILL.—The Order of the Day for the further consideration of this Bill in Committee of the whole Council being read, the President left the Chair. The Chairman of Committees reported progress, and asked leave to sit again on Wednesday next.

Ordered.

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

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

Ordered.

Address of Thanks to Her Majesty-Joint Select Committee to prepare.-The Honorable J. P. Fawkner, with leave of the Council, moved without notice, That the Select Committee appointed to prepare an Address of Thanks to Her Most Gracious Majesty have power to sit during the adjournment of the House, and to present the Address, if need be.

Question—put and passed.

The Council adjourned at ten minutes to four o'clock until three o'clock on Wednesday, the 14th instant.

NOTICE OF MOTION AND ORDERS OF THE DAY.

WEDNESDAY, 14TH MARCH.

Government Business.

ORDERS OF THE DAY:-

LAW OF EVIDENCE AMENDMENT BILL—To be read a third time.
 SIMPLIFICATION OF TITLE TO LANDED ESTATES BILL—To be read a second time.

3. REGISTRY OF LANDED ESTATES BILL-To be read a second time.

4. LAW OF PROPERTY AMENDMENT BILL—To be further considered in Committee.

5. Education Bill—To be further considered in Committee.

General Business.

NOTICE OF MOTION:-

- 1. The Hon. G. S. COPPIN: To move, That the following Returns be laid upon the Table:
 - (1.) The total number of acres of land contained in the Colony of Victoria.

(2.) The number of surveyed acres to December 31st, 1859.

(3.) The number of acres sold, and average price.

(4.) The number of acres leased, and the average price.

(5.) The number of acres submitted to auction open to free selection at the present time, and the average price.

Each return to separate as distinctly as possible the town, mineral, agricultural, pastoral, reserved, and valueless lands.

THURSDAY, 22ND MARCH.

ORDER OF THE DAY:-

1. Pensions Bill—Adjourned debate on second reading.

MEETING

SELECT COMMITTEE.

Friday, 9th March.

TO PREPARE ADDRESS OF THANKS TO HER MAJESTY-(Joint Committee)—at halfpast 3 o'clock.

G. W. RUSDEN,

No. 26.

Minutes of the Proceedings

OF THE

LEGISLATIVE COUNCIL.

WEDNESDAY, 14TH MARCH, 1860.

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

Address of Thanks to Her Majesty.—The Honorable J. Hodgson brought up an Address prepared by the Select Committee appointed to prepare an Address of Thanks to Her Most Gracious Majesty for the gift of Her Portrait to the Parliament of Victoria. The Address was read by the Clerk as follows:-

To Her Most Gracious Majesty the Queen.

We, Your Majesty's faithful and loyal subjects, the Members of the Legislative Council and Legislative Assembly of Victoria in Parliament assembled, beg to approach Your Majesty's Throne with renewed assurances of our loyalty and affection.

We desire to express our grateful acknowledgments for the consideration which has led Your Majesty to present Your Majesty's Portrait to the Parliament of Victoriaa mark of Your Royal consideration which is most gratifying to Your loyal subjects in this distant part of Your dominions, evincing, as it does, the interest which You have invariably expressed for the prosperity of this Colony. The Honorable J. Hodgson moved, That the Address be adopted.

Question—put and passed.

The Honorable J. Hodgson moved, That a Message be sent to the Legislative Assembly to inform them that the Council have adopted the Address. Question—put and passed.

LAW OF EVIDENCE AMENDMENT BILL.—The Order of the Day for the third reading of this Bill being read, the Honorable T. T. a'Beckett moved, That the Order of the Day be

Question—put and passed.

The Honorable T. T. a'Beckett moved, That the Bill be now recommitted to the consideration of a Committee of the whole Council on Clauses XIV and XLII.

Question—put and passed. The President left the Chair.

The Chairman of Committees reported, That the Committee had considered Clauses XIV and XLII, and had agreed to the same with amendments.

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

- PAPERS.—The Honorable T. T. a'Beckett, on behalf of the Honorable T. H. Fellows, presented to the Council the following Papers :-
 - 1. Emigration to Victoria, 1859—Summary Report on. Colonial Land and Emigration Commissioners (11th January, 1860).

2. Friendly Societies—Return of, registered in 1859.

Ordered severally to lie on the Table.

- Postponements.—The following Orders of the Day were severally postponed until Wednesday, the 28th instant:
 - "Simplification of Title to Landed Estates Bill"—To be read a second time. "Registry of Landed Estates Bill"—To be read a second time.

LAW OF PROPERTY 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 this day week. Ordered.

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

The Legislative Assembly transmit to the Legislative Council a Bill intituled "An Act to abolish State Aid to Religion," with which they desire the concurrence of the Legislative Council.

FRANS. MURPHY.

Legislative Assembly Chamber, Melbourne, 8th March, 1860.

Speaker.

MR. PRESIDENT,

The Legislative Assembly acquaint the Legislative Council that the Legislative Assembly have agreed to the following resolution—" That an Address be presented to His Excellency the Governor, praying that His Excellency will be pleased to cause the number of Mining Boards to be increased;"—and in which the Legislative Assembly desire the concurrence of the Legislative Council.

FRANS. MURPHY,

Legislative Assembly Chamber, Melbourne, 14th March, 1860. Speaker.

MR. PRESIDENT.

The Legislative Assembly return to the Legislative Council the Address agreed to by the Select Committee of both Houses of Parliament, appointed to prepare an Address of thanks to Her Most Gracious Majesty, for the gift of Her Portrait to the Parliament of Victoria, and to which the Legislative Assembly have agreed.

FRANS. MURPHY.

Legislative Assembly Chamber, Melbourne, 14th March, 1860.

Speaker.

INCREASED NUMBER OF MINING BOARDS.—MESSAGE FROM THE LEGISLATIVE ASSEMBLY.—
The Honorable T. H. Fellows moved, That the consideration of the Message from the Legislative Assembly on increasing the number of Mining Boards be made an Order of the Day for this day week.

Question—put and passed.

STATE AID TO RELIGION ABOLITION BILL.—The Honorable T. H. Fellows moved, That this Bill be now read a first time, printed, and read a second time on Thursday, the 22nd

Question-put and passed.

Bill read a first time.

EDUCATION 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.

Lands sold, surveyed, leased, etc.—The Honorable G. S. Coppin, in accordance with notice, moved, That the following Returns be laid upon the Table of this House:-

The total number of acres of land contained in the Colony of Victoria.
 The number of surveyed acres to December 31st, 1859.
 The number of acres sold, and average price.
 The number of acres leased, and the average price.

(5.) The number of acres submitted to auction open to free selection at the present time, and the average price.

Each return to separate as distinctly as possible the town, mineral, agricultural, pastoral, reserved, and valueless lands.

Debate ensued.

Question—put and passed.

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

Question—put and passed. POSTPONEMENT.—The Honorable T. H. Fellows moved, That the business set down for to-morrow be postponed until Wednesday next.

The Council adjourned at half-past five o'clock until three o'clock on Wednesday, the 21st

NOTICES OF MOTION AND ORDERS OF THE DAY.

WEDNESDAY, 21st MARCH.

Government Business.

ORDERS OF THE DAY:-

LAW OF PROPERTY AMENDMENT BILL-To be further considered in Committee.

2. INCREASED NUMBER OF MINING BOARDS-Consideration of Message from Legislative Assembly.

3. Education Bill—To be further considered in Committee.

4. Law of Evidence Amendment Bill-Adoption of Report.

General Business.

NOTICES OF MOTION:-

1. The Hon. J. P. FAWKNER: To move, for a Return of the amount of Toll taken at the Studley Toll-bar, situate between Johnston-street Bridge and the Township of Kew, from the date of the commencement of taking toll up to 29th February, 1860.

2. The Hon. A. Fraser: To move, That a Select Committee be appointed to enquire into the present arrangement and management of the Immigration Depôt, with power to examine persons and papers; such Committee to consist of the Honorables J. P. Fawkner, T. T. a'Beckett, C. Vaughan, G. S. Coppin, and the Mover.

THURSDAY, 22ND MARCH.

ORDERS OF THE DAY:-

- 1. CALL OF THE HOUSE.
- 2. Pensions Bill-Adjourned debate on second reading.
- 3. STATE AID TO RELIGION BILL—To be read a second time.

WEDNESDAY, 28TH MARCH.

Government Business.

ORDERS OF THE DAY:-

- 1. SIMPLIFICATION OF TITLE TO LANDED ESTATES BILL—To be read a second time.
- 2. REGISTRY OF LANDED ESTATES BILL—To be read a second time.

G. W. RUSDEN,

.

No. 27.

Minutes of the Proceedings

OF THE

LEGISLATIVE COUNCIL.

WEDNESDAY, 21st MARCH, 1860.

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

The President read the Prayer.

Papers.—The Honorable T. H. Fellows presented to the Council the following Papers:—

1. Denominational School Board—Report of, 1858, and part of 1859.

2. Gold Fields Act.—Orders in Council.

Polling Places.—Mining District of Maryborough (6th February, 1860). Mining Leases, Auriferous Land, Castlemaine District (6th February,

Mining Leases, Auriferous Land, Sandhurst District (6th February, 1860). 3. Mails—Conveyance of, between Suez and Sydney—Correspondence relative to. Ordered severally to lie on the Table.

- LAW OF PROPERTY AMENDMENT BILL.—The Order of the Day for the further consideration of this Bill in Committee of the 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.
- Postponement.—The Order of the Day for the consideration of the Message from the Legislative Assembly, on increased number of Mining Boards, was postponed until Wednesday
- EDUCATION 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.
- LAW OF EVIDENCE 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 T. H. Fellows moved, That the Report be now adopted.

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

Tolls Taken at Studley Toll-bar.—The Honorable J. Hodgson, in the absence, and on behalf of the Honorable J. P. Fawkner moved, in accordance with notice, That a Return be laid on the Table of this House of the amount of toll taken at the Studley toll-bar, situate between Johnston-street Bridge and the Township of Kew, from the date of the commencement of taking toll up to 29th February, 1860.

The Hon. J. B. Bennett moved, That the debate be adjourned until to-morrow. Question-That the debate be adjourned until to-morrow-put and passed.

Immigration Depôt.—The Honorable A. Fraser, in accordance with notice, moved, That a Select Committee be appointed to enquire into the present arrangement and management of the Immigration Depôt, with power to examine persons and papers; such Committee to consist of the Honorables J. P. Fawkner, T. T. a'Beckett, C. Vaughan, G. S. Coppin, and the Mover.

Debate ensued.

Question—put and negatived.

The Council adjourned at half-past six o'clock until three o'clock on Thursday, the 22nd instant.

NOTICES OF MOTION AND ORDERS OF THE DAY.

THURSDAY, 22ND MARCH.

Notices of Motion:

- 1. The Hon. W. H. F. MITCHELL: To move for a Return showing the number of acres sold as Country Lots during the years 1857, 1858, 1859, and up to the present time, at £1 per acre; and the number sold in each of these years at a price over £1 per acre, with the amount realized for the same.
- 2. The Hon. T. T. A'BECKETT: To move for leave to bring in a Bill to amend an Act, intituled, "An Act for the establishment of Municipal Institutions in Victoria."
- 3. The Hon. W. H. F. MITCHELL: To move for a Return of the number of Farms over forty acres now registered as mortgaged, with the total amount of the sum for which they are mortgaged.

ORDERS OF THE DAY:-

- 1. CALL OF THE HOUSE.
- 2. Pensions Bill-Adjourned debate on second reading.
- 3. STATE AID TO RELIGION BILL-To be read a second time.
- 4. LAW OF PROPERTY AMENDMENT BILL-To be further considered in Committee.
- 5. Education Bill—To be further considered in Committee.
- 6. LAW OF EVIDENCE AMENDMENT BILL—To be read a third time.
- 7. Tolls taken at Studley Toll-bar.—Adjourned debate on Mr. Fawkner's motion for a Return of the amount of Toll taken at the Studley Toll-bar, situate between Johnston-street Bridge and the Township of Kew, from the date of the commencement of taking toll up to 29th February, 1860.

Wednesday, 28th March.

Government Business.

- ORDERS OF THE DAY:-
- 1. SIMPLIFICATION OF TITLE TO LANDED ESTATES BILL—To be read a second time.
- 2. REGISTRY OF LANDED ESTATES BILL-To be read a second time.
- 3. Increased Number of Mining Boards—Consideration of Message from Legislative Assembly.

G. W. RUSDEN,

No. 28.

Minutes of the Proceedings

OF THE

LEGISLATIVE COUNCIL.

THURSDAY, 22nd MARCH, 1860.

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

The President read the Prayer.

VACATION OF SEAT BY A MEMBER.—The President announced to the Council that the Clerk of the Parliaments had been informed by a letter from the Private Secretary that George Urquhart, Esquire, had resigned his seat in the Legislative Council for the North-Western Province, and that a writ had been issued, returnable on the nineteenth day of May next, for a new member.

COUNTRY LOTS.—The Honorable W. H. F. Mitchell, in accordance with notice of motion, moved, That there be laid on the Table of this House a Return showing the number of acres sold as Country Lots during the years 1857, 1858, 1859, and up to the present time, at £1 per acre; and the number sold in each of these years at a price over £1 per acre, with the amount realized for the same.

Question-put and passed.

MUNICIPAL INSTITUTIONS ACT AMENDMENT BILL.—The Honorable T. T. a'Beckett, in accordance with notice of motion, moved, That leave be given to bring in a Bill to amend an Act, intituled, "An Act for the establishment of Municipal Institutions in Victoria."

Debate ensued.

Question—put and passed.

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

FARMS OVER FORTY ACRES REGISTERED AS MORTGAGED.—The Honorable W. H. F. Mitchell, in accordance with notice, moved, That there be laid on the Table of this House a Return of the number of Farms over forty acres now registered as mortgaged, with the total amount of the sum for which they are mortgaged.

Question—put and passed.

POSTPONEMENTS.—The following Orders of the Day were severally postponed until after the disposal of the sixth Order of the Day :-

" Call of the House."

"Pensions Bill"—adjourned debate on second reading. " State Aid to Religion Bill"—to be read a second time.

"Law of Property Amendment Bill"—to be further considered in Committee. "Education Bill"—to be further considered in Committee.

LAW OF EVIDENCE AMENDMENT BILL.—The President having reported that the Chairman of Committees had certified that the fair print of this Bill was in accordance with the Bill as reported from a Committee of the whole Council, the Bill, on the motion of the Honorable T. T. a'Beckett, was read a third time and passed.

The Honorable T. T. a'Beckett moved, That the title of the Bill be, "An Act further to amend and to consolidate the Law of Evidence."

Question—put and passed.

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

Postponements.—The Orders of the Day previously postponed were severally postponed until after the disposal of the seventh Order of the Day.

TOLLS TAKEN AT STUDLEY TOLL-BAR.—The Order of the Day for the resumption of the adjourned debate on the Honorable J. P. Fawkner's motion for a Return of the amount of Toll taken at the Studley Toll-bar, situate between Johnston-street Bridge and the Township of Kew, from the date of the commencement of taking toll up to 29th February, 1860, being read, the

Debate was resumed.

Question, as amended by the Honorable J. P. Fawkner, with leave of the Council—That there be laid on the Table of this House a Return of the amount of Toll taken at the Hawthorn Toll-bar and the Studley Toll-bar, situate between Johnston-street bridge and the township of Kew, from the date of the commencement of taking toll up to 29th February, 1860, together with the rates charged on passengers, cattle and vehicles—put and passed.

POSTPONEMENTS.—The following Orders of the Day were severally postponed until after the disposal of the succeeding Order of the Day:-

" Call of the House."

"Pensions Bill"—to be read a second time.

" State Aid to Religion Bill"—to be read a second time.

LAW OF PROPERTY AMENDMENT BILL.—The Order of the Day for the further consideration of this Bill in Committee of the whole Council being read, the President left the Chair. The Chairman of Committees reported progress, and asked leave to sit again on Wednesday next.

Ordered.

CALL OF THE HOUSE.—The Order of the Day for a Call of the House being called on, the names of the members of the House were called over by the Clerk, by direction of the President, by Provinces, in the following order:—The Central Province, the South Province, the South-Western Province, the Western Province, the North-Western Province, the Eastern Province:—the names of those members being called first who had held seats, for each province, for the longest period.

It appeared that the members absent were the Honorable W. J. T. Clarke, J. F. Strachan, D. P. Keogh, and Benjamin Williams.

The Honorable James Ford Strachan having written a letter to the President, explaining that ill-health prevented his attendance, his absence was excused.

The Honorable A. Fraser stated that urgent and unexpected business prevented the attendance of the Honorable W. J. T. Clarke.

The Honorable J. Hodgson produced a letter from the Honorable Benjamin Williams, stating that he was in the interior of the colony, and was prevented by ill-health from attending.

The Honorable J. P. Fawkner moved, That the Honorable Dennis Patrick Keogh, having failed to attend in compliance with the Order for the Call of the House, is guilty of contempt and breach of the privileges of this House, and that he be sent for in custody of the Usher attending this House; and that the President do issue a warrant accordingly.

Question—put and passed.

Pensions 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.

The President pointed out to the Council that, as the Bill came under the provisions of clause LX. of the Constitution Act, it would be requisite that the number of members voting for the Bill should be recorded, and therefore he required the members voting for the second reading of the Bill to go to the right of the Chair.

It appeared that there were eighteen members voting for the Bill, and two voting against it. The question was therefore passed.

Bill read a second time.

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

Question—put and passed.

The President left the Chair.

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

The Honorable T. H. Fellows moved, That the report 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,

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The Honorable T. H. Fellows moved, That the Bill be now read a third time.
     Debate ensued.
     Question put.
     Council divided.
                  Contents, 19.
                                                                 Not Contents, 4.
     The Hon. J. Henty
                                                       The Hon. T. T. a'Beckett
                J. Hodgson
                                                                  N. Black
                G. S. Coppin
                                                                  J. B. Bennett
                S. G. Henty
                                                                  Dr. Hope (Teller)
               M. Hervey
               G. W. Cole
W. H. F. Mitchell
                T. H. Power
               D. Kennedy
               J. Stewart
                C. Vaughan
               Dr. Wilkie
                A. Fraser
               J. P. Fawkner
               W. Roope
               G. Rutherford
               R. Thomson
                W. Highett
               T. H. Fellows (Teller).
     The question was therefore passed.
    Bill read a third time, and, on the motion of the Honorable T. H. Fellows, passed.

The Honorable T. H. Fellows moved, That the title of the Bill be, "An Act to abolish Pensions to Retiring Responsible Officers."
     Question—put and passed.
    Ordered—That the Bill be carried to the Legislative Assembly with a Message acquainting
        them that the Council have agreed to the Bill, with amendments, and requesting their
       concurrence with the same.
Adjournment.—The Council adjourned at twenty-five minutes to seven o'clock until a quarter
       past seven o'clock.
     The President resumed the Chair.
STATE AID TO RELIGION ABOLITION BILL.—The Order of the Day for the second reading of
       this Bill being read, the Honorable T. H. Fellows moved, That the Bill be now read a
       second time.
    Debate ensued.
    Question—put. Council divided.
                 Contents, 13.
                                                                  Not Contents, 9.
     The Hon. T. H. Fellows
                                                       The Hon. T. T. a'Beckett
               G. S. Coppin
                                                                  S. G. Henty
               J. Stewart
                                                                 M. Hervey
               A. Fraser
                                                                 D. Kennedy
               T. H. Power
                                                                 N. Black
               J. Henty
                                                                  W. H. F. Mitchell
               W. Roope
                                                                 R. Thomson
               Dr. Hope
                                                                 G. W. Cole
               Dr. Wilkie
                                                                 J. B. Bennett (Teller).
               C. Vaughan
               J. P. Fawkner
               G. Rutherford
               J. Hodgson (Teller).
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The question was therefore passed.

The President announced that the Bill was one which required at its second reading the concurrence of an absolute majority of the whole number of the members of the Council under Clause LX. of the Constitution Act, and that it had not received that concurrence.

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

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

Leave of Absence to a Member.—The Honorable J. B. Bennett, with leave of the Council, moved, without notice, That leave of absence be given to the Honorable N. Black to be absent from the deliberations of this House for a period of three weeks.

Question—put and passed.

Honorable D. P. Keogh.—The Honorable T. H. Fellows moved, with leave of the Council, without notice, That the Honorable D. P. Keogh do attend in his place in this House on Wednesday, the 4th April next.

Question—put and passed.

The Council adjourned at ten minutes to ten o'clock until three o'clock on Wednesday the 28th instant.

ORDERS OF THE DAY.

WEDNESDAY, 28TH MARCH.

Government Business.

ORDERS OF THE DAY:-

- 1. SIMPLIFICATION OF TITLE TO LANDED ESTATES BILL—To be read a second time.
- 2. REGISTRY OF LANDED ESTATES BILL—To be read a second time.
- 3. INCREASED NUMBER OF MINING BOARDS—Consideration of Message from Legislative Assembly.
- 4. Law of Property Amendment Bill—To be further considered in Committee.
- 5. Education Bill—To be further considered in Committee.

THURSDAY, 29TH MARCH.

ORDER OF THE DAY:-

1. MUNICIPAL INSTITUTIONS ACT AMENDMENT BILL—To be read a second time.

G. W. RUSDEN,

Clerk of the Council and Clerk of the Parliaments.

No. 29.

Minutes of the Proceedings

OF THE

LEGISLATIVE COUNCIL.

WEDNESDAY, 28TH MARCH, 1860.

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

The President read the Prayer.

LAW OF EVIDENCE AMENDMENT BILL.—The Honorable J. Hodgson, with leave of the Council, moved, without notice, That a message be transmitted to the Legislative Assembly, to acquaint them that, in the following amendment attached to the Bell, "Clause 11, line 8, leave out 'prothonotary,' and insert 'proper officer,'" a clerical error occurred in the transcription, by which "line 7" was substituted for "line 8," and to request that the error may be rectified by the proper officer. Question—put and passed.

- Postponements.—The following Orders of the Day were severally postponed until after the disposal of the fourth Order of the Day:-
 - "Simplification of Title to Landed Estates Bill," to be read a second time.

"Registry of Landed Estates Bill," to be read a second time.

- "Increased Number of Mining Boards," consideration of Message from Legislative Assembly.
- LAW OF PROPERTY 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.
- Postponements.—The Orders of the Day previously postponed were postponed until Wednesday the 4th April next.
- EDUCATION 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.

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

The Legislative Assembly transmit to the Legislative Council a Bill, intituled, " An Act to amend an Act intituled 'An Act to authorize the construction of a Main "' Trunk Line of Railway from Melbourne to the River Murray and of a Main Trunk "'Line of Railway from Geelong to Ballaarat."

Also, a Bill, intituled, "An Act to amend the Law relating to Registration," to which they desire the concurrence of the Legislative Council.

FRANS. MURPHY,

Legislative Assembly Chamber, Melbourne, 23rd March, 1860. Speaker.

PAPER.—The Honorable T. H. Fellows presented to the Council the following Paper:— Experimental Farm-Progress Report of Director, to January, 1860.

Ordered to lie on the Table.

Tolls taken at Studley Toll Bar.—The Honorable T. H. Fellows laid on the Table a Return to an Order of the Council of the 21st instant.

MAIN TRUNK RAILWAY ACT AMENDMENT BILL.—The Honorable T. H. Fellows moved, That this Bill be now read a first time, printed, and read a second time on the first day of meeting after the recess.

Question—put and passed.

Bill read a first time.

REGISTRATION ACT AMENDMENT BILL.—The Honorable T. H. Fellows moved, That this Bill be now read a first time, printed, and read a second time on the first day of meeting after the recess.

Question—put and passed.

Bill read a first time.

The Council adjourned at five minutes to seven o'clock until three o'clock on Thursday, the 29th instant.

NOTICE OF MOTION AND ORDERS OF THE DAY.

THURSDAY, 29TH MARCH.

NOTICE OF MOTION:-

1. The Hon. J. P. FAWKNER, to move: That on each day the Council meets for business, immediately after the President has read the prayer, the names of the members present be entered on the day's proceedings by the clerk; and every member entering after that hour have his name and the hour he entered recorded, upon application to the Clerk of the Parliaments.

ORDERS OF THE DAY:-

- 1. MUNICIPAL INSTITUTIONS ACT AMENDMENT BILL-To be read a second time.
- 2. LAW OF PROPERTY AMENDMENT BILL-To be further considered in Committee.
- 3. Education Bill—To be further considered in Committee.

WEDNESDAY, 4TH APRIL.

Government Business.

ORDERS OF THE DAY:-

- 1. SIMPLIFICATION OF TITLE TO LANDED ESTATES BILL—To be read a second time.
- 2. REGISTRY OF LANDED ESTATES BILL—To be read a second time.
- 3. Increased Number of Mining Boards—Consideration of Message from Legislative Assembly.

G. W. RUSDEN,

No. 30.

Minutes of the Proceedings

OF THE

LEGISLATIVE COUNCIL.

THURSDAY, 29TH MARCH, 1860.

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

The President read the Prayer.

Honorable D. P. Keogh.—The President informed the Council that he had received a letter from the Honorable D. P. Keogh, stating that engagements on the Lower Murray had prevented him from knowing that a Call of the Council had been made, and that he did not mean the slightest disrespect or contempt for the Council, and that he regrets much that the absence of any communication from him should have been so interpreted.

The Honorable J. P. Fawkner, with leave of the Council, moved, without notice, That if the Honorable D. P. Keogh should not appear before this House, or in the precincts thereof, on Wednesday next, in obedience to the Order of this House, he be ordered to appear in his place on Wednesday, the 18th April next.

Debate ensued.

Question—put and passed.

MEMBERS ATTENDING THE HOUSE.—The Honorable J. P. Fawkner, in accordance with amended notice, moved, That on each day the Council meets for business, immediately after the Orders of the Day have been read, and also on the motion for adjournment, the names of the members present be recorded by the Clerk of the Parliaments in a book to be kept for the purpose.

Debate ensued.

Question-put.

Council divided.

Contents, 12.

The Hon. G. S. Coppin

J. B. Bennett

G. W. Cole

T. T. a'Beckett

T. H. Power

S. G. Henty

Dr. Hope

W. Highett

Dr. Wilkie

A. Fraser

J. P. Fawkner

J. Hodgson (Teller).

The question was therefore passed.

Not Contents, 6.

The Hon. R. Thomson D. Kennedy

G. Rutherford J. Henty

M. Hervey

J. Stewart (Teller).

MUNICIPAL INSTITUTIONS ACT AMENDMENT BILL.—The Order of the Day for the second reading of this Bill having been read, the Honorable T. T. a'Beckett 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 that the Committee had gone through the Bill, and had agreed to the same with amendments.

The Honorable T. T. a'Beckett moved, That the adoption of the Report of the Committee be made an Order of the Day for the first day of meeting after the recess.

Question—put and passed.

LAW OF PROPERTY 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 the next day of meeting of the Council.

Ordered.

Education 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 next day of meeting of the Council.

Ordered.

- ADJOURNMENT.—The Honorable T. H. Fellows, with leave of the Council, moved, without notice, That the House, at its rising, adjourn until Wednesday, the 18th April. Question—put and passed.
- SURVEY OF THE WHOLE COAST OF THE COLONY AND BASS'S STRAITS.—The Honorable T. H. Fellows laid on the Table a Return to an Order of the Council of the 18th January last.
- The Council adjourned at five minutes to seven o'clock until three o'clock on Wednesday, the 18th April.

ORDERS OF THE DAY.

WEDNESDAY, 18TH APRIL.

Government Business.

ORDERS OF THE DAY:-

- 1. MAIN TRUNK RAILWAY ACT AMENDMENT BILL-To be read a second time.
- 2. REGISTRATION ACT AMENDMENT BILL-To be read a second time.
- 3. LAW OF PROPERTY AMENDMENT BILL-To be further considered in Committee.
- 4. EDUCATION BILL—To be further considered in Committee.

General Business.

ORDER OF THE DAY:-

1. Municipal Institutions Act Amendment Bill-Adoption of Report.

G. W. RUSDEN, Clerk of the Council and Clerk of the Parliaments. No. 31.

Minutes of the Proceedings

OF THE

LEGISLATIVE COUNCIL.

WEDNESDAY, 18TH APRIL, 1860.

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

The President read the Prayer.

VACATION OF SEAT BY A MEMBER.—The President announced to the Council that the Clerk of the Parliaments had been informed by a letter from the Private Secretary, that D. P. Keogh, Esq., had resigned his seat as a Member of the Legislative Council, for the North-Western Province, and that a Writ had been issued by His Excellency the Governor, returnable on the 11th June next, for a new member.

MAIN TRUNK RAILWAY ACT AMENDMENT BILL.—The Order of the Day for the second reading of this Bill being read, the Honorable T. H. Fellows moved, That the Bill be now read a second time.

Question—put and passed.

Bill read a second time.

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 to-morrow. Ordered.

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

Question—put and passed.

Bill read a second time.

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 to-morrow. Ordered.

LAW OF PROPERTY 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.

Education 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.

Papers.—The Honorable T. H. Fellows, by command of His Excellency the Governor, presented to the Council the following paper:—

1. National Education Rules—(15th February, 22nd February, 1860).

Ordered to lie on the Table.

MUNICIPAL INSTITUTIONS ACT AMENDMENT BILL.—The Order of the Day for the adoption of the Report of the Committee of the whole Council on this Bill being read, the Honorable J. 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 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 amend an "Act intituled 'An Act for the establishment of Municipal Institutions in Victoria."

Question—put and passed.

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

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

NOTICES OF MOTION AND ORDERS OF THE DAY.

THURSDAY, 19TH APRIL.

NOTICE OF MOTION:-

1. The Hon. T. H. Fellows: To move for leave to bring in a Bill concerning Weights and Measures.

ORDERS OF THE DAY:-

- 1. MAIN TRUNK RAILWAY ACT AMENDMENT BILL-To be further considered in Committee.
- 2. REGISTRATION ACT AMENDMENT BILL-To be further considered in Committee.
- 3. LAW OF PROPERTY AMENDMENT BILL-To be further considered in Committee.

WEDNESDAY, 25TH APRIL.

Government Business.

ORDER OF THE DAY:-

1. EDUCATION BILL-To be further considered in Committee.

THURSDAY, 26TH APRIL.

NOTICE OF MOTION:-

1. The Hon. G. S Coppin: To move, That in the opinion of this House it is desirable that the Government should prepare and bring in a Bill to amend the Constitution by reducing the amount secured for Public Worship under Schedule D to such sum as may be deemed sufficient for country districts, and for the discontinuance of State Aid to Religion in all cities, towns, and municipalities, after the 31st day of December, 1861.

G. W. RUSDEN,

Clerk of the Council and Clerk of the Parliaments.

No. 32.

Minutes of the Proceedings

OF THE

LEGISLATIVE COUNCIL.

THURSDAY, 19TH APRIL, 1860.

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

The President read the Prayer.

FARMS OVER FORTY ACRES REGISTERED AS MORTGAGED. - The Honorable W. H. F. Mitchell, with leave of the Council, moved, without notice, That the Order of the House, of the 22nd March last, for a Return, be rescinded. Question—put and passed.

WEIGHTS AND MEASURES BILL.—The Honorable T. H. Fellows, in accordance with notice, moved for leave to bring in a Bill concerning Weights and Measures.

Question—put and passed.

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

MAIN TRUNK RAILWAY 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 without amendment.

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

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

"an Act intituled 'An Act to authorise the construction of a Main Trunk Line of "' Railway from Melbourne to the River Murray and of a Main Trunk Line of " 'Railway from Geelong to Ballaarat.'"

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 Wednesday next. Ordered.

LAW OF PROPERTY 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, with a view to alter clauses XXV, XXXII, XXXIII, XXXVI, and XXXVIII, and to consider a new clause, already in the hands of members.

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.

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

MR. PRESIDENT.

The Legislative Assembly return to the Legislative Council the Bill, intituled "An Act further to amend and to consolidate the Law of Evidence," and acquaint them that the Assembly have agreed to some of the amendments, disagreed to others, and agreed to others with amendments, in which they desire the concurrence of the Legislative Council.

FRANS. MURPHY,

Legislative Assembly Chambers, Melbourne, 19th April, 1860. Speaker.

Speaker.

Mr. President,

The Legislative Assembly transmit to the Legislative Council a Bill, intituled "An Act to incorporate the Board of Land and Works and to vest in the said Board "the undertaking of the Geelong and Melbourne Railway Company and other "property," to which they desire the concurrence of the Legislative Council.

FRANS. MURPHY,

Legislative Assembly Chamber, Melbourne, 18th April, 1860.

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Mr. President,

The Legislative Assembly transmit to the Legislative Council a Bill, intituled "An Act to repeal the fourth and sixteenth sections of the Australasian Fire and Life "Insurance Company's Act 1857 and to substitute other provisions in lieu thereof," to which they desire the concurrence of the Legislative Council.

FRANS. MURPHY,

Legislative Assembly Chamber, Melbourne, 19th April, 1860. Speaker.

GEELONG AND MELBOURNE RAILWAY PURCHASE BILL.—The Honorable T. H. Fellows moved, That this Bill be now read a first time, printed, and read a second time on Thursday

Question—put and passed.

Bill read a first time.

LAW OF EVIDENCE AMENDMENT BILL.—The Honorable T. H. Fellows moved, That the consideration of the Message from the Legislative Assembly with amendments on amendments made by the Legislative Council in this Bill, be made an Order of the Day for Wednesday next.

Ordered.

Australasian Fire and Life Insurance Act Amendment Bill.—The Honorable A. Fraser moved, with leave of the Council, without notice, That a Message be sent to the Legislative Assembly to request 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, together with the Minutes of Evidence taken before the said Committee.

Question—put and passed.

LAW OF PROPERTY AMENDMENT BILL.—The Honorable T. H. Fellows moved, That the adoption of the Report of the Committee of the whole Council on this Bill be made an Order of the Day for Wednesday next.

Lands Sold, Surveyed, Leased, Etc.—The Honorable T. H. Fellows laid upon the Table a Return to the Order of the Council made on the 14th March last.

COUNTRY LOTS.—The Honorable T. H. Fellows laid upon the Table a Return to the Order of the Council made on the 22nd March last.

PAPERS.—The Honorable T. H. Fellows, by command of His Excellency the Governor, presented to the Council the following paper:—

Crown Lands Alienated.—1st July to 31st December, 1859.

Ordered to lie on the Table.

The Council adjourned at half-past five o'clock until three o'clock on Wednesday, the 25th instant.

NOTICES OF MOTION AND ORDERS OF THE DAY.

WEDNESDAY, 25TH APRIL.

Government Business.

ORDERS OF THE DAY:-

1. Education Bill—To be further considered in Committee.

2. REGISTRATION ACT AMENDMENT BILL-To be further considered in Committee.

- 3. LAW OF EVIDENCE AMENDMENT BILL.—Consideration of Amendments of Legislative Assembly.
- 4. LAW OF PROPERTY AMENDMENT BILL-Adoption of Report.

General Business.

NOTICE OF MOTION:-

1. The Hon. A. Fraser: To move, That the Australasian Fire and Life Insurance Act Amendment Bill be now read a first time.

THURSDAY, 26TH APRIL.

NOTICE OF MOTION:-

1. The Hon. G. S COPPIN: To move, That in the opinion of this House it is desirable that the Government should prepare and bring in a Bill to amend the Constitution by reducing the amount secured for Public Worship under Schedule D to such sum as may be deemed sufficient for country districts, and for the discontinuance of State Aid to Religion in all cities, towns, and municipalities, after the 31st day of December, 1861.

ORDERS OF THE DAY:-

- 1. Weights and Measures Bill.—To be read a second time.
- 2. GEELONG AND MELBOURNE RAILWAY PURCHASE BILL.—To be read a second time.

G. W. RUSDEN,

No. 33.

Minutes of the Proceedings

OF THE

LEGISLATIVE COUNCIL.

WEDNESDAY, 25TH APRIL, 1860.

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

The President read the Prayer.

Education 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.

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 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 to-morrow.

Ordered.

LAW OF EVIDENCE AMENDMENT BILL.—The Order of the Day for the consideration of the Message from the Legislative Assembly, with amendments on the amendments made by the Legislative Council in this Bill, being read, the message and amendments were read.

The following amendment being read, "Amendment to leave out clause XI. disagreed to," the Honorable T. H. Fellows moved, That this House insist upon the amendment to "leave out clause XI."

Question—put and passed.

The following amendment being read, "New clause in lieu of clause XXXIX. agreed to with the following amendment therein, viz., omit 'twenty' in tenth line and insert 'ten' instead thereof," the Honorable T. H. Fellows moved, That this House agree to the amendment.

Question—put and passed.

The following amendment being read, "Second amendment in line 1, clause XL., disagreed to," the Honorable T. H. Fellows moved, That this House do not insist on the amendment.

Question—put and passed.

The following amendment being read, "Amendment in line 13, clause XL., agreed to, with the addition of the word 'regulation' after 'bye-law,'" the Honorable T. H. Fellows moved, That this House agree to the amendment.

Question—put and passed.

The following amendment being read, "Amendment in line 15 of same clause agreed to, with the addition of the word 'regulation' after 'bye-law,'" the Honorable T. H. Fellows moved, That this House agree to the amendment.

Question—put and passed.

The following amendment being read, "Amendments in lines 1 and 2, clause XLIV., disagreed to," the Honorable T. H. Fellows moved, That this House do not insist upon the amendments.

Question—put and passed.

The following amendment being read, "New clause to follow clause XLVIII. agreed to, with the insertion of the word 'Registrar-General' after the first word 'Court' in line 7 of such clause," the Honorable T. H. Fellows moved, That this House agree to the amendment.

Question—put and passed.

The following amendment being read, "Amendment in clause LI. disagreed to"-

Debate ensued.

The Honorable J. P. Fawkner moved, That the debate be adjourned until to-morrow. Question—That the debate be adjourned until to-morrow—put and passed.

LAW OF PROPERTY 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 it be postponed until to-morrow.

Question—put and passed.

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

National Education Board—Rules of (21st March, 1860). Health Officer—Report of—Half year ending 31st December, 1860.

Ordered severally to lie on the Table.

POSTPONEMENT.—The Honorable A. Fraser, with leave of the Council, postponed his notice of motion, That the Australasian Fire and Life Insurance Act Amendment Bill be read a first time, until to-morrow.

The Council adjourned at five minutes after four o'clock until three o'clock on Thursday, the

26th instant.

NOTICES OF MOTION AND ORDERS OF THE DAY.

THURSDAY, 26TH APRIL.

Notices of Motion:-

- 1. The Hon. G. S COPPIN: To move, That in the opinion of this House it is desirable that the Government should prepare and bring in a Bill to amend the Constitution by reducing the amount secured for Public Worship under Schedule D to such sum as may be deemed sufficient for country districts, and for the discontinuance of State Aid to Religion in all cities, towns, and municipalities, after the 31st day of December, 1861.
- 2. The Hon. M. HERVEY: To move for leave to bring in a Bill to give a preferable lien on Wool from season to season, and to give greater efficacy to mortgages of Stock.
- 3. The Hon. J. P. FAWKNER: To move, That an Address be presented to His Excellency the Governor asking for a copy of the contract for the work done at the rear of the Treasury and the Printing Office, said to be for a new set of offices for the Chief Secretary, with the date of the order on which it was decided the contemplated offices for the Chief Secretary should be built; together with the estimate of the Department of Public Works of the probable or contemplated cost of the said offices, the amount now expended, and what further sum, if any, it is contemplated to expend in filling in of loose earth in front or around the present foundation; the names of the officer or officers in charge of this Department of Public Works, and also the name and pay of the officer who superintends this and such like buildings, with any changes in officers that may have taken place since the resolution to build these offices was first arrived at, with the names and dates of change, if any.

4. The Hon. A. Fraser: To move, That the Australasian Fire and Life Insurance Act Amendment Bill be now read a first time.

ORDERS OF THE DAY :-

1. Weights and Measures Bill.—To be read a second time.

2. GEELONG AND MELBOURNE RAILWAY PURCHASE BILL.—To be read a second time.

3. REGISTRATION ACT AMENDMENT BILL.—Adoption of Report.

4. LAW OF EVIDENCE AMENDMENT BILL.—Adjourned debate on consideration of Amendments of Legislative Assembly.

5. Law of Property Amendment Bill.—Adoption of Report.

WEDNESDAY, 2ND MAY.

Government Business.

Order of the Day:-

1. Education Bill.—To be further considered in Committee.

MEETING

SELECT COMMITTEE.

Thursday, 26th April.

Printing Committee—at half-past two o'clock.

G. W. RUSDEN,

No. 34.

Minutes of the Proceedings

OF THE

LEGISLATIVE COUNCIL.

THURSDAY, 26TH APRIL, 1860.

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

The President read the Prayer.

Papers.—The Honorable T. H. Fellows presented to the Council the following Paper:—
Fitz Roy Ward Improvement—Expenditure for year ending 31st August, 1859.
Ordered to lie on the Table.

PRINTING COMMITTEE—THIRD REPORT OF.—The Honorable M. Hervey, as Chairman of the Select Committee on Printing, brought up the Third Report of the Printing Committee, and moved that it be adopted and printed.

Question—put and passed.

LIEN ON WOOL BILL.—The Honorable M. Hervey, in accordance with notice of motion, moved for leave to bring in a Bill to give a preferable Lien on Wool from season to season, and to give greater efficacy to Mortgages on Stock.

Question—put and passed.

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

Weights and Measures Bill.—The Order of the Day for the second reading of this Bill being read, the Honorable T. H. Fellows moved that the same be discharged. Question—put and passed.

GEELONG AND MELBOURNE RAILWAY PURCHASE BILL.—The Order of the Day for the second reading of this Bill being read, the Honorable T. H. Fellows moved, That this Bill be now read a second time.

Question—put and passed.

Bill read a second time.

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 Wednesday next.

Ordered.

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

Question—put and passed.

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

time and passed.
The Honorable T. H. Fellows moved, That the title of the Bill be "An Act to amend the

Law relating to Registration."

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 an amendment, with which they desire the concurrence of the Legislative Assembly.

LAW OF EVIDENCE AMENDMENT BILL.—The Order of the Day for the resumption of the debate on the amendments made by the Legislative Assembly on the amendments made by the Council in this Bill being read, the following amendment was read by the Clerk-"Amendment in Clause LI. disagreed to."

The Honorable T. H. Fellows moved, That the Council insist on the amendment made

by the Council in Clause LI.

Question—put and passed.

The following amendment being read, "Second amendment in line 4, of Clause LII., disagreed to," The Honorable T. H. Fellows moved, That this house do not insist on the amendment.

Question—put and passed.

The Honorable T. H. Fellows moved, That the Bill be carried to the Legislative Assembly with a Message to acquaint them that the Legislative Council have agreed to the amendments made by the Legislative Assembly: that they insist on the amendments made by the Legislative Council in striking out Clause XI., and in amending Clause LI., but do not insist on the other amendments disagreed with by the Legislative Assembly. Question—put and passed.

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

Question—put and passed.

The President having certified that the fair print of the Bill was in accordance with the Bill as reported from a Committee of the whole Council, the Bill, on the motion of the Honorable T. 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 of Property and for other purposes." $\,$

Question—put and passed. Ordered—That the Bill be carried to the Legislative Assembly with a message desiring their concurrence therewith.

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 copy of the Bill, intituled, "An Act to amend the provisions of an Act incorporating the Shareholders "in the National Bank of Australasia," certified by the Clerk of the Parliaments, and acquaint the Legislative Council that they have agreed to the following amendments, proposed by his Excellency the Governor, to be made therein, viz., the omission of the words, "doubts have been entertained whether, under the provisions of this Act, the said Banking Company are not legally authorised to establish, out of the Colony of Victoria, a branch bank, or agency in the nature of a branch bank, and it is expedient to remove such doubts;" and the substitution, in lieu thereof, of the words, "it is expedient to amend the provisions of the said recited Act," in which they desire the concurrence of the Legislative Council.

FRANS. MURPHY,

Speaker.

Legislative Council Chambers, Melbourne, 26th April, 1860.

Mr. President.

The Legislative Assembly transmit to the Legislative Council copies of the Report and Proceedings from the Select Committee of the Legislative Assembly, on the Bill, intituled, "An Act to Repeal the Fourth and Sixteenth Sections of the Australasian "Fire and Life Insurance Company's Act, 1857," and to substitute other provisions in lieu thereof, together with the Minutes of Evidence taken before such Committee.

FRANS. MURPHY,

Legislative Assembly Chambers, Melbourne, 26th April, 1860. Speaker.

NATIONAL BANK OF AUSTRALASIA BILL.—The Honorable J. B. Bennett moved, That this Council do agree with the amendment proposed by His Excellency the Governor to be made therein.

The amendment was read by the Clerk.

Question—That this Council do agree with the amendment proposed by His Excellency the Governor in the Bill-put and passed.

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

AUSTRALASIAN FIRE AND LIFE INSURANCE ACT AMENDMENT 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 the Bill be now read a first time.

Question—put and passed.

Bill read a first time.

The Honorable A. Fraser moved, That the second reading of the Bill be made an Order of the Day for Wednesday, the 9th proximo.

Ordered.

The Council adjourned at a quarter to five o'clock until three o'clock on Wednesday, the 2nd proximo.

NOTICES OF MOTION AND ORDERS OF THE DAY.

WEDNESDAY, 2ND MAY.

Government Business.

ORDERS OF THE DAY:-

- 1. Education Bill.—To be further considered in Committee.
- 2. Geelong and Melbourne Railway Purchase Bill.—To be further considered in Committee.

General Business.

Notices of Motion:-

- 1. The Hon. J. P. FAWKNER (for the Hon. W. H. F. Mitchell): To move for leave to bring in a Bill to enable persons admitted as Solicitors or Procurators by the Sheriff Courts of Scotland, or qualified to be so admitted, to practise as Attorneys, Solicitors, Proctors, and Conveyancers of the Supreme Court of Victoria.
- 2. The Hon. G. S COPPIN: To move, That in the opinion of this House it is desirable that the Government should prepare and bring in a Bill to amend the Constitution by reducing the amount secured for Public Worship under Schedule D to such sum as may be deemed sufficient for country districts, and for the discontinuance of State Aid to Religion in all cities, towns, and municipalities, after the 31st day of December, 1861.
- 3. The Hon. J. P. Fawkner: To move, That an Address be presented to His Excellency the Governor asking for a copy of the contract for the work done at the rear of the Treasury and the Printing Office, said to be for a new set of offices for the Chief Secretary, with the date of the order on which it was decided the contemplated offices for the Chief Secretary should be built; together with the estimate of the Department of Public Works of the probable or contemplated cost of the said offices, the amount now expended, and what further sum, if any, it is contemplated to expend in filling in of loose earth in front or around the present foundation; the names of the officer or officers in charge of this Department of Public Works, and also the name and pay of the officer who superintends this and such like buildings, with any changes in officers that may have taken place since the resolution to build these offices was first arrived at, with the names and dates of change, if any.

WEDNESDAY, 9TH MAY.

General Business:-

ORDER OF THE DAY:-

1. Australasian Fire and Life Insurance Act Amendment Bill.—To be read a second time.

THURSDAY, 10TH MAY.

ORDER OF THE DAY:-

1. LIEN ON WOOL BILL.—To be read a second time.

G. W. RUSDEN,

No. 35.

Minutes of the Proceedings

COUNCIL. LEGISLATIVE

WEDNESDAY, 2ND MAY, 1860.

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

The President read the Prayer.

EDUCATION 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 progress, and asked leave to sit again to-morrow. Ordered.

GEELONG AND MELBOURNE RAILWAY PURCHASE 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.

MESSAGE FROM THE LEGISLATIVE ASSEMBLY.—The following Message was brought from the Legislative Assembly by Mr. Service and four other Members:

Mr. President,

The Legislative Assembly transmit to the Legislative Council a Bill, intituled, "An Act for regulating the sale of Crown Lands and for other purposes," to which they desire the concurrence of the Legislative Council.

FRANS. MURPHY,

Speaker.

Legislative Assembly Chambers, Melbourne, 2nd May, 1860.

The Messengers withdrew.

CROWN LANDS SALES 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.

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

Mr. President,

The Legislative Assembly return to the Legislative Council the Bill, intituled, "An Act to amend the Law relative to Registration," and acquaint them that the Legislative Assembly have agreed to the amendment made therein by the Legislative Council. FRANS. MURPHY,

Legislative Assembly Chambers, Melbourne, 2nd May, 1860.

MR. PRESIDENT,

The Legislative Assembly transmit to the Legislative Council a Bill, intituled, "An Act to amend the Customs Act 1857," to which they desire the concurrence of the Legislative Council.

Legislative Assembly Chambers, Melbourne, 2nd May, 1860. FRANS. MURPHY,

Speaker.

Speaker.

Mr. President,

The Legislative Assembly transmit to the Legislative Council a Bill, intituled, "An Act to provide for the Better Regulation and Discipline of Armed Vessels in the "service of Her Majesty's Local Government in Victoria," to which they desire the concurrence of the Legislative Council.

FRANS. MURPHY,

Legislative Assembly Chambers, Melbourne, 2nd May, 1860.

Speaker.

CUSTOMS ACT AMENDMENT BILL.—The Honorable T. H. Fellows 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.

Armed Vessels Regulation Bill.—The Honorable T. H. Fellows moved, That this Bill be now read a first time, printed, and read a second time on Wednesday next.

Question—put and passed.

Bill read a first time.

GEELONG AND MELBOURNE RAILWAY PURCHASE BILL.—The Honorable T. H. Fellows moved, That this Bill be now further considered in Committee of the whole Council.

Question—put and passed.

The President left the Chair.

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

PAPERS.—The Honorable T. H. Fellows presented to the Council the following Papers:—

1. Telegraphic Communication between Great Britain and Australia—Correspondence relating to (February, 1860).

2. Dandenong County Court.—Order in Council (23rd April, 1860).

Ordered severally to lie on the Table.

Scotch Procurators.—The Honorable R. Thomson, in the absence of the Honorable W. H. F. Mitchell, moved for leave to bring in a Bill to enable persons admitted as Solicitors or Procurators by the Sheriff Courts of Scotland, or qualified to be so admitted, to practise as Attorneys, Solicitors, Proctors, and Conveyancers of the Supreme Court of Victoria. Question—put and passed.

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

NEW OFFICES FOR THE CHIEF SECRETARY.—The Honorable J. P. Fawkner, in accordance with amended notice, moved, That an Address be presented to His Excellency the Governor asking for a copy of the contract for the work done at the rear of the Treasury and the Printing Office, said to be for a new set of offices for the Chief Secretary, with the date of the order on which it was decided the contemplated offices for the Chief Secretary should be built; together with the estimate of the Department of Public Works of the probable or contemplated cost of the said offices, the amount now expended, and what further sum, if any, it is contemplated to expend in filling in of loose earth in front or around the present foundation; the names of the officer or officers in charge of this Department of Public Works, and also the name and pay of the officer who superintends this and such like buildings, with any changes in officers that may have taken place since the resolution to build these offices was first arrived at, with the names and dates of change, if any; and also the date of the first advertisement of this contract.

Debate ensued.

Question—put and passed.

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

NOTICES OF MOTION AND ORDERS OF THE DAY.

THURSDAY, 3RD MAY, 1860.

Notices of Motion:-

1. The Hon. J. B. Bennett: To move, That inasmuch as, by the Constitution Act, this Council is precluded from amending Bills for appropriating any part of the revenue, or for imposing any duty, rate, tax, rent, return, or impost, it is expedient that all such Bills should be strictly confined to such appropriation or imposition, and that all enactments connected therewith respectively and embodying or relating to principles or details should be submitted in a separate measure.

2. The Hon. J. P. FAWKNER: To move, That there be a call of the House on the 17th of May

to consider the second reading of the Crown Land Sales Bill.

ORDERS OF THE DAY:-

- 1. Education Bill.—To be further considered in Committee.
- 2. Customs Act Amendment Bill.—To be read a second time.
- 3. Geelong and Melbourne Railway Purchase Bill.—To be further considered in Committee.

WEDNESDAY, 9TH MAY.

Government Business.

NOTICES OF MOTION:-

1. The Hon. T. H. Fellows: To move, That the Crown Land Sales Bill be now read a second time.

ORDER OF THE DAY:-

1. Armed Vessels Regulation Bill.—To be read a second time.

General Business.

NOTICE OF MOTION:-

1. The Hon. G. S. COPPIN: To move, That in the opinion of this House it is desirable that the Government should prepare and bring in a Bill to amend the Constitution by reducing the amount secured for Public Worship under Schedule D to such sum as may be deemed sufficient for country districts, and for the discontinuance of State Aid to Religion in all cities, towns, and municipalities, after the 31st day of December, 1861.

ORDERS OF THE DAY:-

- 1. Australasian Fire and Life Insurance Act Amendment Bill.—To be read a second time.
- 2. Scotch Procurators Bill.—To be read a second time.

THURSDAY, 10TH MAY.

ORDER OF THE DAY:-

1. Lien on Wool Bill.—To be read a second time.

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

No. 36.

Minutes of the Proceedings

OF THE

LEGISLATIVE COUNCIL.

THURSDAY, 3RD MAY, 1860.

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

The President read the Prayer.

Honorable J. F. Strachan—Absence of.—The Honorable J. P. Fawkner informed the Council that he had been requested by the Honorable J. F. Strachan to state that he was prevented by illness from attending in his place in the House.

Call of the House—Crown Lands Sales Bill.—The Honorable J. P. Fawkner, in accordance with notice of motion, moved, That there be a call of the House on the 17th May, to consider the second reading of the Crown Lands Sales Bill.

Debate ensued.

Question—put and negatived.

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

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

Ordered.

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

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 Wednesday next.

Ordered.

GEELONG AND MELBOURNE RAILWAY PURCHASE 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 the consideration of a Committee of the whole Council, on the first and second clauses. Question—put and passed.

The President left the Chair.

The Chairman of Committees reported, That the Committee had gone through the clauses re-committed, and had agreed to the same with further amendments.

The Honorable T. H. Fellows moved, That the adoption of the report be made an Order of the Day for Wednesday next.

Question—put and passed.

The Council adjourned at twenty-five minutes past five o'clock until three o'clock on Wednesday, the 9th instant.

NOTICES OF MOTION AND ORDERS OF THE DAY.

WEDNESDAY, 9TH MAY.

Government Business.

Notices of Motion:-

- 1. The Hon. T. H. Fellows: To move, That the Crown Lands Sales Bill be read a second time; and (contingent on such reading being ordered) to move, That it be read a second time to-morrow.
- 2. The Hon. T. H. Fellows: To move, That during the remainder of this Session, the Council shall meet for despatch of business on Tuesdays and Fridays.

ORDERS OF THE DAY:-

- 1. Armed Vessels Regulation Bill.—To be read a second time.
- 2. Education Bill.—To be further considered in Committee.
- 3. Customs Act Amendment Bill.—To be further considered in Committee.
- 4. GEELONG AND MELBOURNE RAILWAY PURCHASE BILL.—Adoption of Report.

General Business.

Notices of Motion:-

- 1. The Hon. G. S. COPPIN: To move, That in the opinion of this House it is desirable that the Government should prepare and bring in a Bill to amend the Constitution by reducing the amount secured for Public Worship under Schedule D to such sum as may be deemed sufficient for country districts, and for the discontinuance of State Aid to Religion in all cities, towns, and municipalities, after the 31st day of December, 1861.
- 2. The Hon. J. B. Bennett: To move, That inasmuch as, by the Constitution Act, this Council is precluded from amending Bills for appropriating any part of the revenue, or for imposing any duty, rate, tax, rent, return, or impost, it is expedient that all such Bills should be strictly confined to such appropriation or imposition, and that all enactments connected therewith respectively and embodying or relating to principles or details should be submitted in a separate measure.

ORDERS OF THE DAY:-

- 1. Australasian Fire and Life Insurance Act Amendment Bill.—To be read a second time.
- 2. Scotch Procurators Bill.—To be read a second time.

THURSDAY, 10TH MAY.

ORDER OF THE DAY:-

1. LIEN ON WOOL BILL.—To be read a second time.

G. W. RUSDEN.

No. 37.

Minutes of the Proceedings

OF THE

LEGISLATIVE COUNCIL.

WEDNESDAY, 9TH MAY, 1860.

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

- Honorable J. F. Strachan—Absence of.—The President informed the Council that he had been informed that the Honorable J. F. Strachan was unable to attend in his place in the House.
- PETITION-SCOTCH PROCURATORS BILL.—The Honorable R. Thomson presented a Petition, signed by D. Prophet, praying that the Council will pass the Bill intituled "An Act to enable persons admitted as Solicitors or Procurators by the Sheriff Courts of Scotland, or qualified to be so admitted, to practise as Attorneys, Solicitors, Proctors, and Conveyancers of the Supreme Court of the Colony of Victoria."
 - Petition received. The Honorable R. Thomson, with leave of the Council, moved, without notice, That the Petition be referred to the Committee of the whole Council to which the Scotch Procurators Bill may be referred.
- Question—put and passed. Petition—Scotch Procurators Bill.—The Honorable J. P. Fawkner presented a Petition, signed by James Scott, on the Scotch Procurators Bill.

Petition withdrawn, on account of informality.

- Petition—Crown Lands Sales Bill.—The Honorable T. H. Fellows presented to the Council a Petition, signed by Francis Longmore and other residents in the vicinity of Lake Learmonth, praying the Council to pass the Land Bill now under consideration.
- Petition—Crown Lands Sales Bill.—The Honorable T. H. Fellows presented to the Council a Petition, signed by William Lamble and other residents at Clunes, praying the Council to pass the Land Bill now under consideration. Petition received.
- Papers.—The Honorable T. H. Fellows presented to the Council the following Papers:—
 - 1. Gold Fields Act.—Orders in Council.—Polling Places, Mining District of Ararat. (16th April, 1860.)
 - 2. Order in Council.—Court of Mines, Mount Egerton, Discontinuance of. (30th April, 1860.)
- SURVEY OF THE WHOLE COAST OF THE COLONY AND BASS'S STRAITS.—The Honorable T. H. Fellows presented to the Council further Papers on this subject, in continuance of a Return laid on the Table on the 29th ultimo, already ordered to be printed, and moved, That the Additional Papers be printed.
- Question—put and passed. Crown Lands Sales Bill.—The Honorable T. H. Fellows, in accordance with notice, moved, That the second reading of this 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 a view to insert the words "Friday, the 18th instant," instead thereof.
 - Question-That the word "to-morrow," proposed to be omitted, stand part of the question—put and negatived.
 - Question-That the words "Friday, the 18th instant," proposed to be inserted, be so
 - inserted—put and passed. Question—That the second reading of the Bill be made an Order of the Day for Friday, the 18th instant—put and passed.

Armed Vessels Regulation 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 progress.

The Honorable T. H. Fellows moved, That the Bill be further considered in Committee of the whole Council this day week.

Question—put and passed.

Friday a Day of Business.—The Honorable T. H. Fellows, with leave of the Council, in accordance with amended notice, moved, That after the present week the Council shall meet for despatch of business on Wednesdays, Thursdays, and Fridays. Question—put and passed.

EDUCATION 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.

Customs 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 adoption of the Report of the Committee be made an Order of the Day for this day week.

Question—put and passed.

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

Mr. President.

The Legislative Assembly return to the Legislative Council a Bill intituled "An Act further to amend and to consolidate the Law of Evidence," and inform the Legislative Council that the Legislative Assembly do not insist in disagreeing to the amendment made by the Legislative Council in Clause LI., but do agree with the same; and that they insist in disagreeing to the amendment made by the Legislative Council to leave out Clause XI., for the following reasons:—

1. If the eleventh clause compelled a wife to give evidence against her husband, it might justly be styled harsh and oppressive; but it does not do so, it merely enables the husband to examine his wife as a witness for him.

2. If the evidence of a wife is admitted in civil trials, a fortiori it ought to be admitted in criminal trials, where she alone may be able to give evidence which

may save, not his property but, his liberty or life.

3. If the evidence of a wife be excluded in courts of law, it may nevertheless be subsequently received in those cases where a wife can speak to facts tending to prove her husband's innocence, as no Executive would refuse to receive the petition of a wife, praying for pardon for her husband, on the ground that he had been unjustly convicted, owing to the exclusion of her evidence. Her statement of facts on such an occasion would be taken into consideration, although not given on oath, nor subjected to the test of cross-examination. If her evidence is to be received at all, it is surely better that it be given in open court, where a jury can from her demeanor judge whether she is entitled to credence, and where, if she utters falsehoods, they are likely to be detected on cross-examination. It may be pointed out that the twelfth clause prevents a wife, even in cross-examination, from being called on to give evidence as to any statement made to her by her husband, and therefore no admission of his having made a confession of guilt could be extracted from her.

4. According to the present law, if a man lives in a state of concubinage with a woman, she may be examined as a witness on his behalf; it therefore virtually declares that a concubine is a trustworthy witness, while a wife is not.

5. It may be urged that, if the eleventh clause should become law, perjury will be of very frequent occurrence, as a husband accused of the commission of a crime will invariably call his wife as a witness on his behalf, although she may be totally ignorant of all matters connected with the case; but in practice it will be found that in criminal, as in civil trials, wives will comparatively seldom be called as witnesses. A husband must know that his wife's evidence will naturally be received with suspicion, and he will therefore not call her as a witness, except in those cases where he knows that she is acquainted with facts demonstrating his innocence. Again, the accused person, desirous of calling witnesses to give evidence contrary to the truth, would call a man rather than a woman, as a man would be better able than a woman to retain self-possession while under cross-examination.

6. The whole course of modern legislation has been to throw down the barriers which excluded certain classes of evidence. The testimony of interested witnesses was first admitted; then that of the parties themselves and their wives; and the Bill only proposes to extend the principle already sanctioned, by rendering the evidence of husbands and wives admissible in criminal as it already is in civil cases.

FRANS. MURPHY,

Legislative Assembly Chambers, Melbourne, 9th May, 1860.

Speaker.

The Honorable T. H. Fellows moved, That the Message be taken into consideration this day week.

Question—put and passed.

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

Question—put and passed.

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

The Honorable T. H. Fellows moved, That the title of the Bill be "An Act for the Purchase of the Undertaking of the Geelong and Melbourne Railway Company.

Question—put and passed.

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

AUSTRALASIAN FIRE AND LIFE INSURANCE ACT AMENDMENT 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.

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 Wednesday next.

Ordered.

POSTPONEMENT.—The Order of the Day for the second reading of the Scotch Procurators Bill was postponed until Wednesday next.

ADJOURNMENT.—The Honorable T. H. Fellows, with leave of the Council, moved, without notice, That the House at its rising adjourn until Wednesday next. Question—put and passed.

POSTPONEMENT.—The following Order of the Day, set down for Thursday, the 10th instant, was postponed until Wednesday, the 16th instant:-"Lien on Wool Bill"—to be read a second time.

The Council adjourned at five minutes to six o'clock until three o'clock on Wednesday, the 16th instant.

NOTICES OF MOTION AND ORDERS OF THE DAY.

Wednesday, 16th May.

Government Business.

ORDERS OF THE DAY:-

- 1. Armed Vessels Regulation Bill.—To be further considered in Committee.
- 2. Education Bill.—To be further considered in Committee.

3. Customs Act Amendment Bill.—Adoption of Report.

4. LAW OF EVIDENCE AMENDMENT BILL.—Consideration of Message from Legislative Assembly.

General Business.

Notices of Motion:-

1. The Hon. G. W. Cole: To move, That the Return of Wrecks and Casualties, laid upon

the Table of this House on the 22nd February, 1859, be printed.

2. The Hon. J. B. BENNETT: To move, That inasmuch as, by the Constitution Act, this Council is precluded from amending Bills for appropriating any part of the revenue, or for imposing any duty, rate, tax, rent, return, or impost, it is expedient that all such Bills should be strictly confined to such appropriation or imposition, and that all enactments connected therewith respectively and embodying or relating to principles or details should be submitted in a separate measure.

ORDERS OF THE DAY:-

- 1. Australasian Fire and Life Insurance Act Amendment Bill.—To be further considered in Committee.
- 2. Scotch Procurators Bill.—To be read a second time.
- 3. Lien on Wool Bill.—To be read a second time.

FRIDAY, 18TH MAY.

ORDER OF THE DAY:-

1. Crown Lands Sales Bill.—To be read a second time.

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

No. 38.

Minutes of the Proceedings

OF THE

LEGISLATIVE COUNCIL.

WEDNESDAY, 16TH MAY, 1860.

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

NEW MEMBER.—The Honorable George Rolfe being introduced (a letter having been received from the Private Secretary, reporting, for the information of the President, that a writ issued by the Governor on the 22nd day of March last, for the election of a Member for the North-Western Province, in place of the Honorable G. Urquhart, resigned, had been returned to His Excellency, by which it appears, upon the authority of W. F. Preshaw, Esq., the Returning Officer, that George Rolfe, Esq., was duly elected), 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 Rolfe, do declare and testify that I am duly seised at law or in equity of an estate of freehold for my own use and benefit in lands or tenements in the Colony of Victoria of the value of five thousand pounds sterling money, above all charges and incumbrances affecting the same: And, further, that the lands and tenements out of which such qualification arises are situate in the parish of Prahran, in the county or reputed county of Bourke, the descriptions of which lands and tenements are as follow:

—Portion 166 A, in the parish of Prahran, and county of Bourke, containing three acres and twenty perches; portion 167 A in the parish of Prahran, and in the county of Bourke, containing three acres and twenty perches; portion 215a, in the parish of Prahran, in the county of Bourke, on which are erected dwellings of the annual value of £400; part of portion 147a, parish Prahran, in the county of Bourke; lot 4 of section 16, Laanecorie parish; lot 1 of section 16, Laanecorie parish, together 302 acres. 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 ROLFE."

Petition.—Scotch Procurators Bill.—The Honorable J. P. Fawkner presented to the Council a Petition signed by James Scott, praying the Council to pass the Scotch Procurators Bill now under consideration.

Petition received.

Papers.—The Honorable T. H. Fellows presented to the Council the following Papers:—
1. Immigration for the year 1859—Report of Immigration Agent.

2. Steamers calling at Kangaroo Island—Further Correspondence. (Downing street, 17th March, 1860.)

Ordered severally to lie on the Table.

NEW OFFICES FOR THE CHIEF SECRETARY.—The Honorable T. H. Fellows laid on the Table a Return to an Order of the House of the 2nd instant.

Petition.—Land Bill.—The Honorable G. S. Coppin presented to the Council a Petition signed by Richard Fitzgerald, of Richmond, praying the Council to pass the Land Bill now under consideration.

Petition received.

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

The Honorable T. H. Fellows moved, That the Bill be now re-committed for consideration of Clause X.

Question—put and passed.

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

The President left the Chair.

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

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

Question—put and passed.

EDUCATION 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.

MESSAGES FROM THE LEGISLATIVE ASSEMBLY .- The President announced 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 Administration of the Estates of Deceased Persons in certain cases," to which they desire the concurrence of the Legislative Council.

FRANS. MURPHY,

Speaker.

Legislative Assembly Chambers, Melbourne, 16th May, 1860.

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 sixty and for other purposes," to which they desire the concurrence of the Legislative Council.

FRANS. MURPHY,

Legislative Assembly Chambers, Melbourne, 16th May, 1860. Speaker.

APPROPRIATION BILL.—The Honorable T. H. Fellows moved, That this Bill be now read a first time, printed, and read a second time on Friday next.

Question—put and passed.

Bill read a first time.

ESTATES OF DECEASED PERSONS ADMINISTRATION BILL.—The Honorable T. H. Fellows moved, That this Bill be now read a first time, printed, and read a second time on Friday next. Question—put and passed.

Bill read a first time.

CUSTOMS 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 re-committed to the consideration of a Committee of the whole Council.

Question—put and passed.

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

The President left the Chair.

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

The Honorable T. H. Fellows moved, That the Bill be now re-committed to the consideration of a Committee of the whole Council, on Clauses VII. and VIII.

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

The President left the Chair.

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

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

Question—put and passed.

Postponement.—The Order of the Day for the consideration of the Message from the Legislative Assembly on the Law of Evidence Amendment Bill, was postponed until Friday next, to take precedence of all Orders of the Day, except that for the second reading of the Land Bill.

WRECKS AND CASUALTIES.—The Honorable G. W. Cole, in accordance with notice, moved, That the Return of Wrecks and Casualties laid upon the Table of this House on the 22nd February, 1859, be printed.

Question—put and passed.

AUSTRALASIAN FIRE AND LIFE INSURANCE 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 without any amendment.

The Honorable A. Fraser moved, That the adoption of the Report of the Committee be made an Order of the Day for Friday next. Ordered.

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

Question—put and passed.

Scotch Procurators Bill.—The Order of the Day for the second reading of this Bill being read, the Honorable R. Thomson moved, That the Bill be now read a second time.

Question—put and passed. Bill read a second time.

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

Question—put and passed. Bill read a second time.

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

Question—put and passed.

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

The President left the Chair.

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

Ordered.

The Council adjourned at twenty minutes to seven o'clock until three o'clock on Friday, the 18th instant.

NOTICES OF MOTION AND ORDERS OF THE DAY.

FRIDAY, 18TH MAY.

NOTICES OF MOTION:-

- 1. The Hon. J. P. FAWKNER: To move, That the Petition from James Scott, presented by him on the 15th instant, be referred to the Committee of the whole Council on the Scotch Procurators Bill.
- 2. The Hon. J. B. Bennett: To move, That inasmuch as, by the Constitution Act, this Council is precluded from amending Bills for appropriating any part of the revenue, or for imposing any duty, rate, tax, rent, return, or impost, it is expedient that all such Bills should be strictly confined to such appropriation or imposition, and that all enactments connected therewith respectively and embodying or relating to principles or details should be submitted in a separate measure.
- 3. The Hon. A. Thomson: To move, That the Scotch Procurators Bill be referred to a Select Committee, to consist of the Honorables T. H. Fellows, J. Hodgson, G. S. Coppin, G. Rolfe, and the Mover, three to form a quorum.

ORDERS OF THE DAY:-

- 1. Crown Lands Sales Bill.—To be read a second time.
- 2. LAW OF EVIDENCE AMENDMENT BILL.—Consideration of Message from Legislative Assembly.
- 3. Armed Vessels Regulation Bill.—Adoption of Report.
- 4. APPROPRIATION BILL.—To be read a second time.
- 5. Estates of Deceased Persons Administration Bill.—To be read a second time.
- 6. Customs Act Amendment Bill.—Adoption of Report.
- 7. Australasian Fire and Life Insurance Act Amendment Bill.—Adoption of Report.

WEDNESDAY, 23RD MAY.

Government Business.

ORDER OF THE DAY:-

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

General Business.

ORDER OF THE DAY:-

1. LIEN ON WOOL BILL.—To be further considered in Committee.

G. W. RUSDEN,

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Minutes of the Proceedings

OF THE

LEGISLATIVE COUNCIL.

FRIDAY, 18TH MAY, 1860.

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

The President read the Prayer.

Petitions—Land Bill.—The Honorable G. Rolfe presented a Petition from John Paton and other inhabitants of Camperdown, praying the Council to pass the Land Bill now under consideration.

Petition received.

The Honorable J. P. Fawkner presented a similar Petition, signed by Maynard Ord and other inhabitants at Pleasant Creek.

Petition received.

Petition of James Scott.—The Honorable J. P. Fawkner, in accordance with notice, moved, That the Petition from James Scott, presented by him on the 15th instant, be referred to the Committee of the whole Council to which the Scotch Procurators Bill may be referred.

Question—put and passed.

Scotch Procurators Bill—Select Committee on.—The Honorable R. Thomson, in accordance with amended notice, moved, That the Scotch Procurators Bill be referred to a Select Committee, to consist of the Honorables T. H. Fellows, J. Hodgson, G. S. Coppin, G. Rolfe, J. B. Bennett, W. H. F. Mitchell, and the Mover. Question—put and passed.

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

Petition—Land Bill.—The Honorable J. P. Fawkner, with leave of the Council, presented a Petition from John Allen and other inhabitants of Ararat, praying the Council to pass the Land Bill now under consideration.

Petition received.

Crown Lands Sales Bill.—Debate resumed.

Adjournment.—At six o'clock the Council adjourned for one hour.
At seven o'clock the President resumed the Chair.

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 Collingwood, Fitz Roy, and District "Gas and Coke Company,' and for other purposes," to which they desire the concurrence of the Legislative Council.

FRANS. MURPHY,

Legislative Assembly Chamber, Melbourne, 18th May, 1860. Speaker.

Mr. President,

The Legislative Assembly transmit to the Legislative Council a Bill intituled "An Act to alter the Boundaries of the Electoral District of Belfast," to which they desire the concurrence of the Legislative Council.

FRANS. MURPHY, Speaker.

Legislative Assembly Chamber, Melbourne, 18th May, 1860. COLLINGWOOD, FITZ ROY, AND DISTRICT GAS AND COKE COMPANY'S BILL.—The Honorable G. S. Coppin 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.

The Honorable G. S. Coppin moved, with leave of the Council, without notice, That a Message be sent to the Legislative Assembly, to request 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, together with the Minutes of Evidence taken before the said Committee.

Question—put and passed.

Belfast Boundaries Bill.—The Honorable A. Fraser moved, That this Bill be now read a first time, printed, and read a second time on Wednesday next.

Question—put and passed.

Bill read a first time.

CROWN LANDS SALES BILL.—Debate resumed.

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

Bill read a second time.

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

Debate ensued.

Amendment moved by the Honorable J. B. Bennett, That the Bill be referred to a Select Committee, consisting of ten members, viz.:—The Honorables T. T. a'Beckett, G. S. Coppin, J. P. Fawkner, T. H. Fellows, J. Henty, M. Hervey, H. Miller, The President, T. H. Power, and the Mover.

Debate ensued.

Amendment, by leave, withdrawn.

Original question, by leave, withdrawn.

The Honorable T. H. Fellows moved, That the committal of the Bill to the consideration of a Committee of the whole Council be made an Order of the Day for Wednesday next. Question—put and passed.

POSTPONEMENT.—The Order of the Day for the consideration of the Message from the Legislative Assembly on the Law of Evidence Amendment Bill was postponed until Wednesday next.

Armed Vessels Regulation 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 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 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 provide for "the better Regulation and Discipline of Armed Vessels in the service of Her Majesty's

"Local Government in Victoria."

Question—put and passed. Ordered—That the Bill be carried to the Legislative Assembly, with a Message to inform them that the Council have agreed to the Bill with amendments, and to request their concurrence therewith.

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

Debate ensued.

Question—put and passed.

Bill read a second time.

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

Question—put and passed.

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

The President left the Chair.

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

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

Question—put and passed.

Ordered-That the third reading of the Bill be made an Order of the Day for Wednesday next. POSTPONEMENT.—The Order of the Day for the second reading of the Estates of Deceased Persons Administration Bill was postponed until Wednesday next.

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

Question—put and passed.

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

The Honorable T. H. Fellows moved, That the title of the Bill be "An Act to amend the

"Customs Act 1857."

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 with the same.

PAPER.—The Honorable T. H. Fellows presented to the Council the following Paper:-Gold Fields Act-Order in Council. General Regulations respecting Leases and Applications for Leases of Auriferous Crown Lands. (7th May, 1860.) Ordered to lie on the Table.

AUSTRALASIAN FIRE AND LIFE INSURANCE 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 A. Fraser moved, That the Report be now adopted.

Question—put and passed. The Honorable A. Fraser moved, That the third reading of the Bill be made an Order of

the Day for Wednesday next. Question—put and passed.

The Council adjourned at a quarter past ten o'clock until three o'clock on Wednesday, the 23rd instant.

NOTICES OF MOTION AND ORDERS OF THE DAY.

Wednesday, 23rd May.

- 1. The Hon. Dr. Hope: To ask the Honorable Member representing the Government-
 - (1.) If an order of the Executive does not exist giving instructions to grant pre-emptive rights where no improvements are on the section applied for.

(2.) If such rights have not been granted in many instances where there are no improvements on the section.

(3.) If it is now the intention of the Government to grant these rights to all applicants holding a license.

Government Business.

ORDERS OF THE DAY:--

- 1. Estates of Deceased Persons Administration Bill.—To be read a second time.
- 2. Education Bill.—To be further considered in Committee.
- 3. Crown Lands Sales Bill.—To be considered in Committee.
- 4. LAW OF EVIDENCE AMENDMENT BILL.—Consideration of Message from Legislative Assembly.
- 5. Appropriation Bill.—To be read a third time.

General Business.

Notice of Motion:-

1. The Hon. G. Rolfe: To move for a Return of all lands alienated within the last three years for ecclesiastical purposes, viz., for church building and for the erection of parsonages; the quantity of land alienated; the time when such grants were made, and when such lands were occupied for the purpose for which they were alienated.

ORDERS OF THE DAY:-

- 1. LIEN ON WOOL BILL.—To be further considered in Committee.
- 2. Belfast Boundaries Bill.—To be read a second time.
- 3. Australasian Fire and Life Insurance Act Amendment Bill.—To be read a third time.

G. W. RUSDEN,

No. 40.

Minutes of the Proceedings

OF THE

LEGISLATIVE COUNCIL.

WEDNESDAY, 23RD MAY, 1860.

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

The President read the Prayer.

Petition—Crown Lands Sales Bill.—The Honorable J. P. Fawkner presented to the Council a Petition, signed by James Gray and other residents at Pleasant Creek, praying that the Council will pass the Crown Lands Sales Bill, now under consideration.

Petition received.

Scotch Procurators Bill—Powers of Select Committee extended.—The Honorable R. Thomson, with leave of the Council, moved, without notice, That the Select Committee appointed on the Scotch Procurators Bill have power to take evidence and call for persons and papers.

Question—put and passed.

LIBRARY COMMITTEE—PROGRESS REPORT.—The Honorable J. Hodgson, on behalf of the Chairman of the Library Committee, brought up the Progress Report of the Committee, and moved, That the same be received and read.

Question—put and passed.

The Report was read at the Table by the Clerk.

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

Debate ensued.

Amendment moved by the Honorable J. P. Fawkner, That the Report be printed, and that its adoption be made an Order of the Day for Wednesday next.

Original question, by leave, withdrawn.

Question—That the Report be printed, and that its adoption be made an Order of the Day for Wednesday next—put and passed.

Petition.—Collingwood, Fitz Roy, and District Gas and Coke Company's Bill.—The Honorable J. B. Bennett presented to the Council a Petition signed by Robert Kerr and other Directors of the City of Melbourne Gas and Coke Company, praying that certain alterations may be made in the Collingwood, Fitz Roy, and District Gas and Coke Company's Bill, now under consideration.

Petition received.

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

"Estates of Deceased Persons Administration Bill"—to be read a second time.

"Education Bill"—to be further considered in Committee. "Crown Lands Sales Bill"—to be considered in Committee.

"Law of Evidence Amendment Bill"—consideration of Message from Legislative Assembly.

"Appropriation Bill"—to be read a third time.

ECCLESIASTICAL PURPOSES, LANDS ALIENATED FOR.—The Honorable G. Rolfe, in accordance with notice, moved, for a Return of all lands alienated within the last three years for ecclesiastical purposes, viz., for church building and for the erection of parsonages; the quantity of land alienated; the time when such grants were made, and when such lands were occupied for the purpose for which they were alienated.

Question—put and passed.

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

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

Ordered.

Belfast Boundaries 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.

Question—put and passed. Bill read a second time.

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

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

The President left the Chair.

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

Ordered That the adoption of the Report of the Committee be made an Order of the Day for Wednesday next. 7

AUSTRALASIAN FIRE AND LIFE INSURANCE 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 A. Fraser, was read a third time and passed.

The Honorable A. Fraser moved, That the title of the Bill be "An Act to repeal the "fourth and sixteenth sections of 'The Australasian Fire and Life Insurance Company's "'Act 1857' and to substitute other provisions in lieu thereof."

Question—put and passed.

The Honorable A. Fraser moved, That a Message be taken to the Legislative Assembly to acquaint them that the Council have agreed to the Bill without any amendment.

Question—put and passed.

LEAVE FOR PRESIDENT TO ATTEND SUPREME COURT.—The President having informed the Council that he had received a subpœna to attend as a witness at the Supreme Court, the Honorable J. Hodgson, with leave of the Council, moved, without notice, That the President have leave to attend at the Supreme Court. Question—put and passed.

ADJOURNMENT.—The Honorable J. Hodgson, with leave of the Council, moved, without notice, That the House at its rising this day adjourn until Friday next. Amendment moved by the Honorable J. F. Strachan, That the word "Friday" be omitted,

with the view of inserting the word "Wednesday" instead thereof.

Debate ensued.

Motion and amendment by leave withdrawn.

The Council adjourned during pleasure.

At five o'clock the President resumed the Chair.

TUESDAY A DAY OF BUSINESS .- The Honorable T. H. Fellows, with leave of the Council, moved, That Tuesdays, Wednesdays, Thursdays, and Fridays be the days on which the Council shall meet for despatch of business during the remainder of the Session, and that four o'clock be the hour of meeting on each day.

Question—put and passed.

POSTPONEMENT.—The following Orders of the Day were severally postponed until after the other business on the Paper:-

"Estates of Deceased Persons Administration Bill"—to be read a second time.

"Education Bill"—to be further considered in Committee.

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

The Legislative Assembly transmit to the Legislative Council copies of the Report and Proceedings from the Select Committee of the Legislative Assembly on the Bill intituled "An Act to incorporate a Company to be called the Collingwood Fitz Roy "and District Gas and Coke Company and for other purposes," together with the Minutes of Evidence taken before such Committee.

FRANS. MURPHY,

Speaker.

Legislative Assembly Chamber, Melbourne, 23rd May, 1860.

Mr. President,

The Legislative Assembly return to the Legislative Council a Bill intituled "An "Act to incorporate the Board of Land and Works and to vest in the said Board the "undertaking of the Geelong and Melbourne Railway Company and other Property," and acquaint the Legislative Council that the Legislative Assembly have disagreed to the amendments made therein by the Legislative Council.

FRANS. MURPHY,

Speaker.

Legislative Council Chamber, Melbourne, 23rd May, 1860. CROWN LANDS SALES BILL.—The Order of the Day for the consideration of this Bill in Committee of the whole Council being read, the Honorable T. H. Fellows moved, That the Bill be now considered in Committee of the whole.

Question—put and passed.

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

The President left the Chair.

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

Ordered.

GEELONG AND MELBOURNE RAILWAY PURCHASE BILL—CONSIDERATION OF MESSAGE FROM THE LEGISLATIVE ASSEMBLY.—The Honorable T. H. Fellows moved, That the Message from the Legislative Assembly with this Bill be read.

The Message was read at the Table by the Clerk.

The Honorable T. H. Fellows moved, That this Council do not insist on its amendments in this Bill.

Debate ensued.

Question—put and passed.

Ordered—That a Message be carried to the Legislative Assembly to acquaint them that the Council do not insist on their amendments in the Bill.

LAW OF EVIDENCE AMENDMENT BILL—CONSIDERATION OF MESSAGE FROM LEGISLATIVE Assembly.—The Order of the Day for the consideration of the Message from the Legislative Assembly on the amendment insisted on by the Council in this Bill being read, the Honorable T. H. Fellows moved, That the Message be read.

The Message was read at the Table by the Clerk.

The Honorable T. H. Fellows moved, That the Council do insist on the amendment to leave out Clause XI.

Question—put and passed.

The Honorable T. H. Fellows moved, That the further consideration of the Message be made an Order of the Day for Tuesday next.

Question—put and passed.

APPROPRIATION 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 appropriate "the Consolidated Revenue to the service of the year One thousand eight hundred and

" sixty, and for other purposes."

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

ESTATES OF DECEASED PERSONS ADMINISTRATION BILL.—The Order of the Day for the second reading of this Bill being read, the Honorable T. H. Fellows moved, That the Bill be now read a second time.

Question—put and passed.

Bill read a second time.

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

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

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

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

Question—put and passed.

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

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

Ordered.

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

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

NOTICES OF MOTION AND ORDERS OF THE DAY.

TUESDAY, 29TH MAY,

NOTICE OF MOTION:-

1. The Hon. J. B. Bennett: To move, That inasmuch as, by the Constitution Act, this Council is precluded from amending Bills for appropriating any part of the revenue, or for imposing any duty, rate, tax, rent, return, or impost, it is expedient that all such Bills should be strictly confined to such appropriation or imposition, and that all enactments connected therewith respectively and embodying or relating to principles or details should be submitted in a separate measure.

ORDERS OF THE DAY:-

- 1. Estates of Deceased Persons Administration Bill.—Adoption of Report.
- 2. Crown Lands Sales Bill.—To be further considered in Committee.
- 3. Law of Evidence Amendment Bill.—Further consideration of Message from Legislative Assembly.

WEDNESDAY, 30TH MAY.

Government Business.

ORDER OF THE DAY:-

1. Education Bill.—To be further considered in Committee.

General Business.

ORDERS OF THE DAY:-

- 1. LIBRARY COMMITTEE.—Adoption of Progress Report.
- 2. LIEN ON WOOL BILL.—To be further considered in Committee.
- 3. Belfast Boundaries Bill.—Adoption of Report.

TUESDAY, 5TH JUNE.

Notice of Motion:-

1. The Hon. G. S. COPPIN: To move, That the Collingwood, Fitz Roy, and District Gas and Coke Railway Company's Bill be now read a second time.

MEETING

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SELECT COMMITTEE.

Wednesday, 30th May.

SCOTCH PROCURATORS BILL—at 12 o'clock.

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

No. 41.

Minutes of the Proceedings

OF THE

LEGISLATIVE COUNCIL.

TUESDAY, 29TH MAY, 1860.

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

The President read the Prayer.

Petition.—Crown Lands Sales Bill.—The Honorable J. P. Fawkner presented to the Council a Petition signed by Andrew Crockett and other inhabitants of Mansfield and its vicinity, praying that the Council will pass the Land Bill now under consideration. Petition received.

The Honorable J. P. Fawkner, with leave of the Council, moved, without notice, That the Petition be referred to the Committee of the whole Council to which the Crown Lands Sales Bill may be referred.

Question—put and passed.

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

Question—put and passed.

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

The Honorable T. H. Fellows moved, That the title of the Bill be "An Act for the "Administration of the Estates of Deceased Persons in certain Cases."

Question—put and passed.

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

Crown Lands Sales 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.

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

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

The Legislative Assembly transmit to the Legislative Council a Bill intituled "An Act to prevent Frauds upon Creditors by secret Bills of Sale, and to give a preferable Lien upon Growing Crops without delivery," to which they desire the concurrence of the Legislative Council.

FRANS. MURPHY,

Speaker.

MR. PRESIDENT,

The Legislative Assembly return to the Legislative Council a Bill intituled "An Act to provide for the better regulation and discipline of Armed Vessels in the "service of Her Majesty's Local Government in Victoria," and acquaint the Legislative Council that the Legislative Assembly have agreed to the amendments made therein by the Legislative Council.

FRANS. MURPHY,

Legislative Assembly Chambers, Melbourne, 29th May, 1860. Speaker.

POSTPONEMENT.—The following Order of the Day was postponed until Thursday, the 31st instant:—

"Law of Evidence Amendment Bill"—further consideration of Message from Legislative Assembly.

Postponements.—The business set down for Wednesday, the 30th instant, was postponed until Thursday next.

The Council adjourned at twenty minutes to ten o'clock until four o'clock on Thursday, the 31st instant.

NOTICES OF MOTION AND ORDERS OF THE DAY.

THURSDAY, 31st MAY.

NOTICE OF MOTION:-

1. The Hon. T. H. Fellows: To move for leave to bring in a Bill to Remit certain Penalties.

ORDERS OF THE DAY:-

- 1. Crown Lands Sales Bill .- To be further considered in Committee.
- 2. LAW OF EVIDENCE AMENDMENT BILL.—Further consideration of Message from Legislative Assembly.
- 3. Education Bill.—To be further considered in Committee.
- 4. LIBRARY COMMITTEE.—Adoption of Progress Report.
- 5. LIEN ON WOOL BILL.—To be further considered in Committee.
- 6. Belfast Boundaries Bill.—Adoption of Report.

TUESDAY, 5TH JUNE.

Notice of Motion:—

1. The Hon. G. S. COPPIN: To move, That the Collingwood, Fitz Roy, and District Gas and Coke Company's Bill be now read a second time.

MEETING

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SELECT COMMITTEE.

Thursday, 31st May.

SCOTCH PROCURATORS BILL—at 12 o'clock.

G. W. RUSDEN,

VICTORIA.

No. 42.

Minutes of the Proceedings

OF THE

LEGISLATIVE COUNCIL.

THURSDAY, 31st MAY, 1860.

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

The President read the Prayer.

Papers.—The Honorable T. H. Fellows presented to the Council the following Papers:—

1. Railway Expenditure Report (10th May, 1860).

2. Civil Service Commission. Supplemental Report (23rd May, 1860).

Ordered severally to lie on the Table.

Adjournment.—The Honorable T. H. Fellows moved, That this House at its rising do adjourn until Tuesday next.

Debate ensued.

Question—put and passed.

The Council adjourned at twenty minutes past five o'clock until four o'clock on Tuesday, the 5th proximo.

NOTICES OF MOTION AND ORDERS OF THE DAY.

TUESDAY, 5TH JUNE.

Notice of Motion:-

1. The Hon. G. S. COPPIN: To move, That the Collingwood, Fitz Roy, and District Gas and Coke Company's Bill be now read a second time.

MEETING

OF

SELECT COMMITTEE.

Tuesday, 5th June.

SCOTCH PROCURATORS BILL—at 2 o'clock.

G. W. RUSDEN,

Clerk of the Council and Clerk of the Parliaments.

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No. 43.

Minutes of the Proceedings

OF THE

LEGISLATIVE COUNCIL.

TUESDAY, 5TH JUNE, 1860.

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

Election of Member.—The President laid on the Table a letter received from the Private Secretary to His Excellency the Governor, reporting for the information of the President of the Council that a Writ issued by the Governor on the sixteenth day of April, 1860, for an election of one member to serve in the Legislative Council for the North-Western Province, had been returned to His Excellency, by which it appears, upon the authority of W. F. Preshaw, Esquire, the Returning Officer, that Francis Robertson, Esquire, was duly elected.

NEW MEMBER.—The Honorable Francis Robertson, 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, Francis Robertson, of Carlsruhe, in the Colony of Victoria, landowner, 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 upwards 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 as follows:—Two hundred and ninety acres of land in the Parish of Edgecombe, in the County of Dalhousie; one hundred and fifty-six acres of land in the Parish of Carlsruhe and County of Dalhousie; one thousand four hundred and twenty-three acres of land in the Parish of Newham, in the County of Bourke; six hundred and twenty acres of land in the Parish of Maryburong, with the hotel called the 'Railway Inn,' and other improvements, erected thereon; and one hundred and forty acres of land in the Parish of Doutta Galla, together with houses and improvements upon all the said land. 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.

"FRANCIS ROBERTSON."

ROYAL ASSENT TO BILLS.—The President announced 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 Legislative Council on Friday, the eighth day of June, at half-past four o'clock, to assent, in Her Majesty's name, to certain Bills passed by the Legislative Council and Legislative Assembly.

Petition.—The Honorable G. S. Coppin presented to the Council a Petition from J. Jones and other residents in Melbourne, praying that the Council will pass the Collingwood Gas Company's Bill during the present Session.

Petition received.

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

Question—put and passed.

Lapsed Business.—The Honorable J. Hodgson, with leave of the Council, moved, without notice, That all the business which stood on the paper on the 31st ultimo be restored to the business paper for Thursday next, in the order in which it stood on the 31st ultimo.

Question—put and passed.

The Council adjourned at twenty minutes past four o'clock until four o'clock on Thursday next.

NOTICES OF MOTION AND ORDERS OF THE DAY.

THURSDAY, 7TH JUNE.

NOTICE OF MOTION:

1. The Hon. T. H. Fellows: To move for leave to bring in a Bill to Remit certain Penalties.

ORDERS OF THE DAY:-

- 1. Crown Lands Sales Bill.—To be further considered in Committee.
- 2. LAW OF EVIDENCE AMENDMENT BILL.—Further consideration of Message from Legislative Assembly.
- 3. Education Bill.—To be further considered in Committee.
- 4. LIBRARY COMMITTEE.—Adoption of Progress Report.
- 5. LIEN ON WOOL BILL.—To be further considered in Committee.
- 6. Belfast Boundaries Bill.—Adoption of Report.

Notice of Motion:-

1. The Hon. G. S. COPPIN: To move, That the Collingwood, Fitz Roy, and District Gas and Coke Company's Bill be now read a second time.

MEETING

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SELECT COMMITTEE.

Thursday, 7th June.

PARLIAMENT BUILDINGS—at 3 o'clock.

G. W. RUSDEN,

No. 44.

Minutes of the Proceedings

OF THE

LEGISLATIVE COUNCIL.

THURSDAY, 7TH JUNE, 1860.

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

Papers.—The Honorable T. H. Fellows presented to the Council the following Paper:—National Education—Rule of Board of.—21st May, 1860.

Penalties Remission Bill.—The Honorable T. H. Fellows, in accordance with notice, moved for leave to bring in a Bill to remit certain Penalties.

Ouestion—put and passed

Question—put and passed.

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

CROWN LANDS SALES 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 until Friday the 8th instant.

"Law of Evidence Amendment Bill"—further consideration of Message from Legislative Assembly.

" Education Bill"—to be further considered in Committee.

Parliament Buildings (Joint) Committee.—The Honorable J. Hodgson, on behalf of the Chairman, brought up a Report from the Joint Committee appointed for the superintendence and management of the Parliament Buildings, and moved, That the same be read and adopted.

The Report was read by the Clerk as follows:-

The Joint Committee appointed for the superintendence and management of the Parliament Buildings have the honor to report that they have agreed to the following resolution, viz., "That curtains be provided to surround the corridors of the Legislative Council Chamber."

J. F. PALMER, Chairman.

7th June, 1860.

Question—That the Report be adopted—put and passed.

The Honorable J. Hodgson moved, That a Message be carried to the Legislative Assembly to acquaint them that the Council have agreed to the Report, and to desire their concurrence therewith.

Question—put and passed.

LIBRARY (JOINT) COMMITTEE—REPORT OF.—The Order of the Day for the adoption of the Report of the Library (Joint) Committee being read, the Honorable J. Hodgson moved, That the Report be now adopted.

Debate ensued.

The Honorable M. Hervey moved—That the debate be adjourned until Tuesday next.

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

Lien on Wool 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.

Belfast Boundaries Bill.—The Order of the Day for the adoption of the Report of the Committee of the whole Council on this Bill being read, the Honorable A. Fraser moved, That the Report be now adopted.

Question—put and passed.

The President having reported that the Chairman of Committees had certified that the fair print of the Bill was in accordance with the Bill as reported 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 alter the

Boundaries of the Electoral District of Belfast."

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.

COLLINGWOOD, FITZROY, AND DISTRICT GAS AND COKE COMPANY'S BILL.—The Honorable G. S. Coppin, 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 G. S. Coppin moved, That the Bill be now considered in Committee of the whole Council.

Question—put and passed. The President left the Chair.

The Chairman of Committees reported progress.

The Honorable G. S. Coppin moved, That the Bill be further considered in Committee of the whole Council on Tuesday next.

Question—put and passed.

The Council adjourned at ten minutes to eleven o'clock until four o'clock on Friday, the 8th instant.

ORDERS OF THE DAY.

FRIDAY, 8TH JUNE.

ORDERS OF THE DAY:-

- 1. Crown Lands Sales Bill.—To be further considered in Committee.
- 2. LAW OF EVIDENCE AMENDMENT BILL.—Further consideration of Message from Legislative Assembly.
- 3. EDUCATION BILL.—To be further considered in Committee.
- 4. LIEN ON WOOL BILL.—To be further considered in Committee.

TUESDAY, 12TH JUNE.

ORDERS OF THE DAY:-

- 1. Penalties Remission Bill.—To be read a second time.
- 2. LIBRARY (JOINT) COMMITTEE.—Adjourned debate on adoption of Report.
- 3. COLLINGWOOD, FITZROY, AND DISTRICT GAS AND COKE COMPANY'S BILL .- To be further considered in Committee.

MEETING

SELECT COMMITTEE.

Tuesday, 12th June.

SCOTCH PROCURATORS BILL-at 2 o'clock.

G. W. RUSDEN.

No. 45.

Minutes of the Proceedings

OF THE

LEGISLATIVE COUNCIL.

FRIDAY, 8TH JUNE, 1860.

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

The President read the Prayer.

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

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

- " An Act to amend An Act intituled 'An Act to authorize the Construction of a " 'Main Trunk Line of Railway from Melbourne to the River Murray, and " 'of a Main Trunk Line of Railway from Geelong to Ballaarat."
- " An Act to amend the provisions of an Act incorporating the Shareholders in the "National Bank of Australasia."
 "An Act to amend the Law relating to Registration."

"An Act to incorporate the Board of Land and Works, and to vest in the said "Board the undertaking of the Geelong and Melbourne Railway Company " and other Property."

"An Act to provide for the better regulation and discipline of Armed Vessels in "the service of Her Majesty's Local Government in Victoria."

"An Act to repeal the fourth and sixteenth sections of 'The Australasian Fire "' and Life Insurance Company's Act, 1857,' and to substitute other provisions "in lieu thereof."

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

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

"HENRY BARKLY,

"Governor."

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

His Excellency the Governor left the Council Chamber.

Crown Lands Sales 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.

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

- "Law of Evidence Amendment Bill"-further consideration of Message from Legislative Assembly.
- " Education Bill"—to be further considered in Committee. " Lien on Wool Bill"—to be further considered in Committee.
- The Council adjourned at ten o'clock until four o'clock on Tuesday, the 12th instant.

ORDERS OF THE DAY.

TUESDAY, 12TH JUNE.

ORDERS OF THE DAY:-

- 1. Penalties Remission Bill.—To be read a second time.
- 2. LIBRARY (JOINT) COMMITTEE.—Adjourned debate on adoption of Report.
- 3. Collingwood, Fitzroy, and District Gas and Coke Company's Bill.—To be further considered in Committee.
- 4. Crown Lands Sales Bill.—To be further considered in Committee.
- 5. LAW OF EVIDENCE AMENDMENT BILL.—Further consideration of Message from Legislative Assembly.
- 6. Education Bill.—To be further considered in Committee.
- 7. LIEN ON WOOL BILL.—To be further considered in Committee.

MEETING

OF

SELECT COMMITTEE.

Tuesday, 12th June.

SCOTCH PROCURATORS BILL-at 2 o'clock.

G. W. RUSDEN,

Clerk of the Council and Clerk of the Parliaments.

No. 46.

Minutes of the Proceedings

OF THE

LEGISLATIVE COUNCIL.

TUESDAY, 12TH JUNE, 1860.

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 signed by William C. Smith, Chairman of the Municipal Council of Ballaarat West, praying that the Council will re-commit the Land Bill for further consideration. Petition received.

Petition.—The Honorable J. P. Fawkner presented to the Council a Petition signed by James Scott, praying that he may be allowed to appear and suggest questions to be put to witnesses examined before the Select Committee on the Scotch Procurators Bill, and that he may address the Committee on the evidence adduced. Petition received.

Postponement.—The Order of the Day for the second reading of the Penalties Remission Bill was postponed until after the consideration of the third Order of the Day.

LIBRARY (JOINT) COMMITTEE.—The Order of the Day for the resumption of the adjourned debate on the motion for the adoption of the Report of the Library Committee being read, the debate was resumed.

The Honorable G. Rolfe moved, That there be added to the schedule of names attached to the Report the following names:—The Rev. R. Fletcher, President of the Congregational Union; Rev. J. Taylor, Baptist; Rev. D. J. Draper, Wesleyan; the Moderator of the Presbyterian Church; the Jewish Rabbi; as representatives of their respective denominations.

The Honorable J. P. Fawkner moved as an amendment, That the Report be referred back to the Library Committee for re-consideration and re-arrangement of the names in the Schedule, and for the expunging of the eighth clause.

The Honorable G. Rolfe, with leave of the Council, withdrew his proposition.

Question—That the Report be referred back to the Library Committee for re-consideration, and re-arrangement of the names in the Schedule, and for the expunging of the eighth clause—put and passed.

The Honorable J. P. Fawkner moved, That a Message be carried to the Legislative Assembly to acquaint them that the Council have referred back the Report to the Library Committee for re-consideration and re-arrangement of the names in the Schedule, and for the expunging of the eighth clause.

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 for supplying the District of the Ovens with Water," to which they desire the concurrence of the Legislative Council.

FRANS. MURPHY, Speaker.

Legislative Assembly Chamber, Melbourne, 12th June, 1860.

Ovens Water Supply Bill.—The Honorable T. H. Fellows produced a certificate of the payment of the amount required to be paid to the Colonial Treasurer for the public uses of the Colony, and moved, That this Bill be now read a first time.

Question—put and passed.

Bill read a first time.

The Honorable T. H. Fellows moved, That 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, together with the Minutes of Evidence taken before the said Committee.

Question—put and passed.

PAPERS.—The Honorable T. H. Fellows presented to the Council the following Papers:— Gold Fields Act—Order in Council (28th May, 1860). Gisborne County Court.—Order in Council (4th June, 1860).

Ordered severally to lie on the Table.

COLLINGWOOD, FITZ ROY, AND DISTRICT GAS AND COKE 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 progress.

The Honorable G. S. Coppin moved, That the Bill be further considered in Committee of the whole Council to-morrow.

Question—put and passed.

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

Question—put and passed.

Bill read a second time.

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

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

The President left the Chair.

The Chairman of Committees reported that the Committee had gone through the Bill, and

had agreed to the same with amendments.

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

Question—put and passed.

CROWN LANDS SALES 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 until Wednesday, the 13th instant:

"Law of Evidence Amendment Bill"-further consideration of Message from

Legislative Assembly.

" Education Bill"—to be further considered in Committee.

" Lien on Wool Bill"—to be further considered in Committee.

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

ORDERS OF THE DAY.

WEDNESDAY, 13TH JUNE, 1860.

1. The Hon. G. Rolfe: To ask the Honorable Member representing the Government if the Government are aware that, under the New Customs Regulations in New South Wales, goods have been detained in crossing the border; if so, whether any steps are taken to adjust the matter.

Government Business.

ORDERS OF THE DAY:-

- 1. Penalties Remission Bill.—Adoption of Report.
- 2. Crown Lands Sales Bill.—To be further considered in Committee.
- 3. LAW OF EVIDENCE AMENDMENT BILL.—Further consideration of Message from Legislative
- 4. Education Bill.—To be further considered in Committee.

General Business.

ORDERS OF THE DAY:-

- 1. COLLINGWOOD, FITZ ROY, AND DISTRICT GAS AND COKE COMPANY'S BILL.—To be further considered in Committee.
- 2. LIEN ON WOOL BILL.—To be further considered in Committee.

G. W. RUSDEN,

Clerk of the Council and Clerk of the Parliaments.

No. 47.

Minutes of the Proceedings

OF THE

LEGISLATIVE COUNCIL.

WEDNESDAY, 13TH JUNE, 1860.

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

Petition.—The Honorable James Henty presented to the Council, a Petition signed by E. B. Cozens and other landowners and farmers in the neighborhood of the Little River, County of Grant, praying the Council to pass the Crown Lands Sales Bill. Petition received.

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

Question—put and passed.

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

The Honorable T. H. Fellows moved, That the title of the Bill be "An Act for the "Remission of Penalties, and the Discharge of Persons from Imprisonment in certain

Question—put and passed. Ordered—That the Bill be carried to the Legislative Assembly, with a Message desiring their concurrence with the same.

CROWN LANDS SALES 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.

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

The Legislative Assembly transmit to the Legislative Council copies of the Report and Proceedings from the Select Committee of the Legislative Assembly on the Bill, intituled "An Act for supplying the District of the Ovens with Water," together with the Minutes of Evidence taken before such Committee, in accordance with the request of the Legislative Council.

FRANS. MURPHY,

Legislative Assembly Chamber, Melbourne, 13th June, 1860. Speaker.

The Legislative Assembly transmit to the Legislative Council a Bill, intituled "An Act to amend an Act intituled 'An Act for amending the Laws relating to the "'Gold Fields," to which they desire the concurrence of the Legislative Council. FRANS. MURPHY,

Legislative Assembly Chamber, Melbourne, 13th June, 1860.

Speaker.

Mr. President.

The Legislative Assembly transmit to the Legislative Council a Bill, intituled "An Act to incorporate a Company to be called the Bendigo Gas Company, and for "other purposes," to which they desire the concurrence of the Legislative Council. FRANS. MURPHY,

Legislative Assembly Chamber, Melbourne, 13th June, 1860.

GOLD FIELDS ACT AMENDMENT BILL.—The Honorable A. Fraser moved, That this Bill be now read a first time.

Question—put and passed.

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

LAW OF EVIDENCE AMENDMENT BILL.—The Order of the Day for the further consideration of the Message from the Legislative Assembly, insisting on disagreeing with the amendment made by the Council to leave out Clause XI of this Bill being read, the Honorable T. H. Fellows moved, That this House do insist upon the amendment to leave out Clause XI for the following reasons:—

(1.) That it does compel a wife, when cross-examined, to give evidence against her

husband

(2.) That if, as stated in the fifth reason of the Legislative Assembly, "it will be "found that, in criminal trials, wives will comparatively seldom be called as "witnesses," there seems but little necessity for introducing an alteration of which but few, if any, will avail themselves.

(3.) That the circumstance that wives are not called as witnesses in civil trials, is no guarantee that they will not be called in criminal trials, in which the interest at stake affords much greater inducement to subornation of perjury.

- (4.) That, if it should be found that wives are called as witnesses in criminal trials, the temptation to commit perjury would be too great to be resisted; and if it were not resisted, the crime when committed in defence of a husband would be regarded as a trivial if not a venial offence.
- (5.) That, if perjury in such cases were regarded as a trivial offence, it would eventually be so regarded by many persons in other cases, and would have a very demoralizing influence on the whole community.

The reasons were read at the Table by the Clerk.

Question—put and passed.

The Honorable T. H. Fellows moved, That a message be carried to the Assembly, with the reasons for which the Council insist on the amendment to leave out Clause XI. Question—put and passed.

Bendigo Gas Company Bill.—The Honorable W. H. F. Mitchell, with leave of the Council, moved, without notice, That a Message be sent to the Legislative Assembly, requesting that they will be pleased to communicate to this Council, copies of the Report and Proceedings from the Select Committee of that house, appointed in the present session of Parliament, on this Bill, together with the Minutes of Evidence taken before the said Committee.

Question—put and passed.

Postponement.—The Order of the Day for the further consideration of the Education Bill in

Committee of the whole Council was postponed until this day week.

COLLINGWOOD, FITZ ROY, AND DISTRICT GAS AND COKE 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 with amendments.

The Honorable G. S. Coppin moved, That the adoption of the Report of the Committee be made an Order of the Day for Tuesday next. Question—put and passed.

Postponement.—The Order of the Day for the further consideration of the Lien on Wool Bill
• in Committee of the whole Council was postponed until Thursday, the 14th instant.

The Council adjourned at half-past ten o'clock until four o'clock on Thursday, the 14th instant.

NOTICES OF MOTION AND ORDERS OF THE DAY.

THURSDAY, 14TH JUNE.

NOTICES OF MOTION:-

- 1. The Hon. J. P. FAWKNER: To move, That the Petition presented by him on the 12th instant, from James Scott, be referred to the Select Committee on the Scotch Procurators Bill.
- 2. The Hon. J. B. Bennett: To move, That the Bill, intituled "An Act to prevent Frauds "upon Creditors by Secret Bills of Sale and to give a Preferable Lien upon Growing "Crops without delivery," be read a second time to-morrow.

ORDERS OF THE DAY:-

- 1. Crown Lands Sales Bill.—To be further considered in Committee.
- 2. LIEN ON WOOL BILL.—To be further considered in Committee.

TUESDAY, 19TH JUNE.

1. GOLD FIELDS ACT AMENDMENT BILL.—To be read a second time.

2. Collingwood, Fitz Roy, and District Gas and Coke Company's Bill.—Adoption of Report.

WEDNESDAY, 20TH JUNE.

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

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

VICTORIA.

No. 48.

Minutes of the Proceedings

OF THE

LEGISLATIVE COUNCIL.

THURSDAY, 14TH JUNE, 1860.

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

The President read the Prayer.

James Scott—Petition of.—The Honorable J. P. Fawkner, in accordance with notice, moved, That the Petition presented by him on the 12th instant, from James Scott, be referred to the Select Committee on the Scotch Procurators Bill.

Question—put and passed.

Frauds on Creditors Prevention Bill.—The Honorable J. B. Bennett, in accordance with amended notice, moved, That the first reading of this Bill (brought from the Legislative Assembly on the 29th ultimo) be made an Order of the Day for to-morrow. Question—put and passed.

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

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

Ordered.

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

Mr. President,

The Legislative Assembly transmit to the Legislative Council copies of the Report and Proceedings from the Select Committee of the Legislative Assembly on the Bill intituled "An Act to incorporate a Company to be called 'The Bendigo Gas Company,' "and for other purposes," together with the Minutes of Evidence taken before such Committee, in accordance with the request of the Legislative Council.

FRANS. MURPHY, Speaker.

Legislative Assembly Chamber, Melbourne, 14th June, 1860.

Bendigo Gas Company Bill.—The Honorable W. H. F. Mitchell, with leave of the Council, moved, without notice, That this Bill, (brought from the Legislative Assembly on the 13th instant,) be now read a first time.

Question—put and passed.

Bill read a first time.

POSTPONEMENT.—The Order of the Day for the further consideration of the Lien on Wool Bill in Committee of the whole Council was postponed until Tuesday next.

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

Question—put and passed.

Postponements.—The Honorable J. Hodgson moved, That all business set down for to-morrow be postponed until Tuesday next.

Question—put and passed.

The Council adjourned at eleven o'clock until four o'clock on Tuesday, the 19th instant.

NOTICES OF MOTION AND ORDERS OF THE DAY.

TUESDAY, 19TH JUNE.

Notices of Motion:—

- 1. The Hon. T. H. Fellows: To move, That the Ovens Gold Fields Water Company's Bill be now read a second time.
- 2. The Hon. W. H. F. MITCHELL: To move, That the Standing Order CXV be suspended, with a view to allowing the Bendigo Gas Company's Bill to be read a second time.

ORDERS OF THE DAY:

- 1. GOLD FIELDS ACT AMENDMENT BILL.—To be read a second time.
- 2. Collingwood, Fitz Roy, and District Gas and Coke Company's Bill.—Adoption of Report.
- 3. Crown Lands Sales Bill.—To be further considered in Committee.
- 4. Lien on Wool Bill.—To be further considered in Committee.
- 5. Frauds on Creditors Prevention Bill.—To be read a first time.

WEDNESDAY, 20TH JUNE.

1. Education Bill.—To be further considered in Committee.

MEETING

OF

SELECT COMMITTEE.

Tuesday, 19th June.

SCOTCH PROCURATORS BILL-at 2 o'clock.

G. W. RUSDEN, Clerk of the Council and Clerk of the Parliaments. No. 49.

Minutes of the Proceedings

OF THE

LEGISLATIVE COUNCIL.

TUESDAY, 19TH JUNE, 1860.

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

The President read the Prayer.

ABSENCE OF MEMBERS.—The President announced to the Council that he had received intimation from the Honorable J. Hodgson and the Honorable J. P. Fawkner to the effect that they were prevented by illness from attending in their places in the House.

PAPERS.—The Honorable T. H. Fellows presented to the Council the following Papers:

Victoria Steamer.—Detention in New Zealand—Correspondence respecting.
 Gold Fields Act.—Orders in Council—

Regulating Special Leases of Crown Land-Mining District of Maryborough (4th June, 1860).

Polling Places—Mining District of Sandhurst (4th June, 1860).

Ordered severally to lie on the Table.

OVENS GOLD FIELDS WATER COMPANY BILL.—The Honorable T. H. Fellows, 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 T. H. Fellows moved, That the consideration of the Bill in Committee of the whole Council be made an Order of the Day for to-morrow. Question—put and passed.

BENDIGO GAS COMPANY'S BILL.—The Honorable J. B. Bennett, in the absence of the Honorable W. H. F. Mitchell, moved, with leave of the Council, on his behalf, in accordance with amended notice, That the Bendigo Gas Company's Bill be now read a second time.

Question—put and passed.

Bill read a second time.

The Honorable J. B. Bennett moved, That the consideration of the Bill in Committee of the whole Council be made an Order of the Day for to-morrow.

Question—put and passed.

GOLD FIELDS ACT AMENDMENT 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

Question—put and passed.

Bill read a second time.

The Honorable A. Fraser moved, That the consideration of the Bill in Committee of the whole Council be made an Order of the Day for to-morrow.

Question—put and passed.

COLLINGWOOD, FITZ ROY, AND DISTRICT GAS AND COKE 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 G. S. Coppin moved, That the Report be now adopted. Question—put and passed.

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

Question—put and passed.

CROWN LANDS SALES 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 Honorable J. Henty, Chairman of the Committee reported progress, and asked leave to sit again to-morrow.

Ordered.

LIEN ON WOOL 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 the Committee reported progress, and asked leave to sit again to-morrow.

FRAUDS ON CREDITORS PREVENTION BILL.—The Order of the Day for the first reading of this Bill being read, the Honorable J. B. Bennett moved, That the Bill be now read a first time.

Question—put and passed.

Bill read a first time, and, on the motion of the Honorable J. B. Bennett, ordered to be printed, and read a second time on Thursday next.

The Council adjourned at five minutes to ten o'clock until four o'clock on Wednesday, the 20th instant.

ORDERS OF THE DAY.

WEDNESDAY, 20TH JUNE.

The Hon. G. Rolfe: To ask the Honorable Member representing the Government—

 (1.) If any steps are taken towards the erecting a Bridge across the Bet Bet Creek on the surveyed line of the Maryborough and Mount Korong road.

(2.) Also if any steps are taken towards the erection of the Bridge across the Loddon on

the telegraphic line of road from Dunolly to Maldon.

Government Business.

ORDERS OF THE DAY:-

- 1. EDUCATION BILL.—To be further considered in Committee.
- 2. Crown Lands Sales Bill.—To be further considered in Committee.

General Business.

ORDERS OF THE DAY:-

- 1. OVENS WATER SUPPLY BILL.—To be considered in Committee.
- 2. Bendigo Gas Company's Bill.—To be considered in Committee.
- 3. GOLD FIELDS ACT AMENDMENT BILL.—To be considered in Committee.
- 4. Collingwood, Fitz Roy, and District Gas and Coke Company's Bill.—To be read a third time.
- 5. LIEN ON WOOL BILL.—To be further considered in Committee.

THURSDAY, 21st JUNE.

ORDER OF THE DAY:-

1. Frauds on Creditors Prevention Bill.—To be read a second time.

G. W. RUSDEN, Clerk of the Council and Clerk of the Parliaments. No. 50.

Minutes of the Proceedings

OF THE

LEGISLATIVE COUNCIL.

WEDNESDAY, 20th JUNE, 1860.

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

The President read the Prayer.

Absence of Members.—The President announced to the Council that he had received intimation from the Honorable J. Hodgson and the Honorable G. Rutherford to the effect that they were prevented by illness from attending in their places in the House.

Papers.—The Honorable T. H. Fellows presented to the Council the following Papers:— University of Melbourne.—Report of Proceedings for year ending 31st May, 1860. Ordered to lie on the Table.

Petition.—The Honorable T. H. Fellows presented to the Council, signed by Francis Longmore and other residents in the farming districts of Glendaruel, Ascot, &c., praying that the Land Bill may be passed in its integrity.

Petition received.

Postponement.—The Order of the Day for the further consideration of the Education Bill in Committee of the whole Council was postponed until Wednesday, the 4th of July next.

Crown Lands Sales 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 Honorable J. Henty, Chairman of the Committee, reported progress, and asked leave to sit again on Friday 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 return to the Legislative Council a Bill, intituled "An "Act for the Administration of the Estates of Deceased Persons in certain cases," and acquaint the Legislative Council that the Legislative Assembly have agreed to the amendments made in this Bill by the Legislative Council.

FRANS. MURPHY,

Legislative Assembly Chamber, Melbourne, 20th June, 1860. Speaker.

Mr. President,

The Legislative Assembly return to the Legislative Council the Bill, intituled "An Act to amend the Customs Act 1857," and acquaint them that the Legislative Assembly have disagreed to some and agreed to others of the amendments made in this Bill by the Legislative Council.

FRANS. MURPHY,

Legislative Assembly Chamber, Melbourne, 20th June, 1860. Speaker.

Mr. President,

The Legislative Assembly transmit to the Legislative Council a Bill, intituled "An Act to limit the Liability of Mining Partnerships," to which they desire the concurrence of the Legislative Council.

FRAS. MURPHY,

Legislative Assembly Chamber, Melbourne, 20th June, 1860. Speaker.

MINING PARTNERSHIPS BILL.—The Honorable T. H. Fellows 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.

CUSTOMS ACT AMENDMENT BILL-MESSAGE FROM LEGISLATIVE ASSEMBLY,—The Honorable T. H. Fellows moved, That the Message from the Legislative Assembly returning this Bill be taken into consideration on Friday next.

Amendment moved by the Honorable J. B. Bennett, That the word "Friday" be omitted

with a view to insert the words "this day fortnight" instead thereof.

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

Question—that the words "this day fortnight," proposed to be inserted, be so inserted—put and negatived.

The Honorable T. H. Fellows moved, That the word "Tuesday" be inserted.

Question—put and passed.

Question—That the Message from the Legislative Assembly, with this Bill, be taken into consideration on Tuesday next—put and passed.

OVENS WATER SUPPLY BILL.—The Order of the Day for the consideration of this Bill in Committee of the whole Council being read, The Honorable T. H. Fellows moved, That the Bill be now considered in Committee of the whole Council.

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

The President left the Chair.

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

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

Question—put and passed.

BENDIGO GAS COMPANY'S BILL.—The Order of the Day for the consideration of this Bill in Committee of the whole Council being read, the Honorable J. B. Bennett moved, That the Bill be now considered in Committee of the whole Council.

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

The President left the Chair.

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

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.

GOLD FIELDS ACT AMENDMENT BILL.—The Order of the Day for the consideration of this Bill in Committee of the whole Council being read, the Honorable A. Fraser moved, That the Bill be now considered in Committee of the whole Council.

Question—put and passed.

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

The President left the Chair.

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

Ordered.

COLLINGWOOD, FITZ ROY, AND DISTRICT GAS AND COKE 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 the Committee of the whole Council, the Bill, on the motion of the Honorable G. S. Coppin, was read a third time

The Honorable G. S. Coppin moved, That the title of the Bill be "An Act to incorporate "a company to be called the Collingwood Fitz Roy and District Gas and Coke Company

"and for other purposes."

Question—put and passed.

Question—put and passed.

The Honorable G. S. Coppin moved, That the Bill be carried to the Legislative Assembly, with a Message acquainting them that the Council have agreed to the Bill with amendments, and desiring their concurrence with the same.

LIEN ON WOOL 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 the Committee reported progress, and asked leave to sit again to-morrow.

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

ORDERS OF THE DAY.

THURSDAY, 21st JUNE.

ORDERS OF THE DAY:-

- 1. Frauds on Creditors Prevention Bill.—To be read a second time.
- 2. MINING PARTNERSHIPS BILL.—To be read a second time.
- 3. Ovens Water Supply Bill .- Adoption of Report.
- 4. Bendigo Gas Company's Bill.—Adoption of Report.
- 5. LIEN ON WOOL BILL.—To be further considered in Committee.

FRIDAY, 22ND JUNE.

ORDER OF THE DAY:-

1. Crown Lands Sales Bill.—To be further considered in Committee.

TUESDAY, 26TH JUNE.

ORDERS OF THE DAY:-

- 1. Customs Act Amendment Bill.—Consideration of Message from Legislative Assembly.
- 2. GOLD FIELDS ACT AMENDMENT BILL.—To be further considered in Committee.

WEDNESDAY, 4TH JULY.

Government Business.

ORDER OF THE DAY:-

1. Education Bill.—To be further considered in Committee.

G. W. RUSDEN, Clerk of the Council and Clerk of the Parliaments. No. 51.

Minutes of the Proceedings

OF THE

LEGISLATIVE COUNCIL.

THURSDAY, 21st JUNE, 1860.

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

The President read the Prayer.

Frauds on Creditors Prevention 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.

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.

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

The President left the Chair.

The Honorable T. T. a'Beckett, Chairman of the Committee, reported progress, and asked leave for the Committee to sit again on Tuesday next. Ordered.

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

OVENS WATER SUPPLY 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.

The Honorable J. P. Fawkner moved, That the debate be adjourned till to-morrow.

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

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

The Honorable J. B. Bennett moved, That the third reading of the Bill be made an Order of the Day for Wednesday next.

Question—put and passed.

Bendigo 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 moved, That the third reading of the Bill be made an Order of the Day for Wednesday next.

Question—put and passed.

LIEN ON WOOL 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 Honorable C. Vaughan, Chairman of the Committee, reported progress, and asked leave to sit again on Tuesday next.

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

The Honorable J. B. Bennett moved, That the debate be adjourned until Tuesday next. Question—put and passed.

The Council adjourned at five minutes past five o'clock until four o'clock on Friday, the 22nd instant.

ORDERS OF THE DAY.

FRIDAY, 22ND JUNE.

ORDER OF THE DAY:-

1. Crown Lands Sales Bill.—To be further considered in Committee.

TUESDAY, 26TH JUNE.

ORDERS OF THE DAY:-

- 1. Customs Act Amendment Bill.—Consideration of Message from Legislative Assembly.
- 2. GOLD FIELDS ACT AMENDMENT BILL.—To be further considered in Committee.
- 3. Frauds on Creditors Prevention Bill.—To be further considered in Committee.
- 4. LIEN ON WOOL BILL.—To be further considered in Committee.
- 5. MINING PARTNERSHIPS BILL.—Adjourned debate on second reading.

WEDNESDAY, 27TH JUNE.

General Business.

ORDERS OF THE DAY:-

- 1. Ovens Water Supply Bill.—To be read a third time.
- 2. Bendigo Gas Company's Bill.—To be read a third time.

WEDNESDAY, 4TH JULY.

Government Business.

ORDER OF THE DAY:-

1. Education Bill.—To be further considered in Committee.

G. W. RUSDEN,

Clerk of the Council and Clerk of the Parliaments.

VICTORIA.

No. 52.

Minutes of the Proceedings

OF THE

LEGISLATIVE COUNCIL.

FRIDAY, 22ND JUNE, 1860.

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

The President read the Prayer.

CROWN LANDS SALES 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 Honorable J. Henty, Chairman of the Committee, reported that the Committee had gone through the Bill, and had agreed to the same with amendments.

The Honorable T. H. Fellows moved, That the Bill be re-committed to the consideration of a Committee of the whole Council, and that the re-committal be made an Order of the Day for Tuesday next, then to take precedence. Question—put and passed.

Papers.—The Honorable T. H. Fellows presented to the Council the following Paper:— Health Officer—Report of Diseases for 1859.

Ordered to lie on the Table.

The Council adjourned at ten minutes past six o'clock until four o'clock on Tuesday, 26th instant.

ORDERS OF THE DAY.

TUESDAY, 26TH JUNE.

ORDERS OF THE DAY:-

1. Crown Lands Sales Bill.—To be re-committed.

- 2. Customs Act Amendment Bill.—Consideration of Message from Legislative Assembly.
- 3. Gold Fields Act Amendment Bill.—To be further considered in Committee.
- 4. Frauds on Creditors Prevention Bill.—To be further considered in Committee.
- 5. Lien on Wool Bill.—To be further considered in Committee.
- 6. MINING PARTNERSHIPS BILL.—Adjourned debate on second reading.

WEDNESDAY, 27TH JUNE.

General Business.

ORDERS OF THE DAY:-

- 1. Ovens Water Supply Bill.—To be read a third time.
- 2. Bendigo Gas Company's Bill.—To be read a third time.

WEDNESDAY, 4TH JULY.

Government Business.

ORDER OF THE DAY:-

1. Education Bill.—To be further considered in Committee.

G. W. RUSDEN,

Clerk of the Council and Clerk of the Parliaments.

By Authority: John Ferres, Government Printer, Melbourne.

No. 53.

Minutes of the Proceedings

OF THE

LEGISLATIVE COUNCIL.

TUESDAY, 26TH JUNE, 1860.

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

The President read the Prayer.

Absence of Member.—The President informed the Council that he had received intimation from the Honorable J. P. Fawkner to the effect that illness prevented his attendance in his place in the House.

Crown Lands Sales Bill.—The Order of the Day for the recommittal of this Bill being read, the Honorable T. H. Fellows 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 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 inform the Legislative Council that they do not insist upon disagreeing with the amendment made by the Legislative Council in the Bill, intituled, "An Act further to amend and to consolidate the Law of Evidence," by striking out the eleventh clause.

> FRANS. MURPHY, Speaker.

Legislative Assembly Chamber, Melbourne, 26th June, 1860.

Postponements.—The following Orders of the Day were severally postponed until to-morrow:— "Customs Act Amendment Bill"—consideration of Message from Legislative Assembly.

"Gold Fields Act Amendment Bill"—to be further considered in Committee. "Frauds on Creditors Prevention Bill"—to be further considered in Committee.

"Lien on Wool Bill"—to be further considered in Committee. "Mining Partnerships Bill"—adjourned debate on second reading.

The Council adjourned at five minutes past ten o'clock until four o'clock on Wednesday, 27th instant.

ORDERS OF THE DAY.

Wednesday, 27th June.

Government Business.

ORDERS OF THE DAY:-

- 1. Crown Lands Sales Bill.—To be further considered in Committee.
- 2. Customs Act Amendment Bill.—Consideration of Message from Legislative Assembly.
- 3. MINING PARTNERSHIPS BILL.—Adjourned debate on second reading.

General Business.

ORDERS OF THE DAY:-

- 1. Ovens Water Supply Bill.—To be read a third time.
- 2. Bendigo Gas Company's Bill.—To be read a third time.
- 3. GOLD FIELDS ACT AMENDMENT BILL.—To be further considered in Committee.
- 4. Frauds on Creditors Prevention Bill.—To be further considered in Committee.
- 5. Lien on Wool Bill.—To be further considered in Committee.

WEDNESDAY, 4TH JULY.

Government Business.

ORDER OF THE DAY:-

1. Education Bill.—To be further considered in Committee.

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

No. 54.

Minutes of the Proceedings

OF THE

LEGISLATIVE COUNCIL.

WEDNESDAY, 27TH JUNE, 1860.

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

The President read the Prayer,

Absence of Member.—The President informed the Council that he had received intimation from the Honorable T. T. a'Beckett to the effect that he was prevented by illness from attending in his place in the House.

Petition.—The Honorable W. H. F. Mitchell presented to the Council a petition from Charles Mackenzie, of Sandhurst, praying that certain alterations may be made in the Gold Fields Act Amendment Bill.

Petition received.

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

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

The Honorable T. H. Fellows moved, That the Bill be now re-committed on Clauses XVIII, XXIII, XXV, and XXXI.

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

The Chairman of Committees reported that the Committee had gone through the clauses re-committed, and had agreed to the same with amendments.

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

Question—put and passed.

CUSTOMS ACT AMENDMENT BILL.—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 by the Clerk.

The amendments made by the Council in Clauses I and III, and disagreed with by the Legislative Assembly, having been read, the Honorable T. H. Fellows moved, That this Council do not insist on the amendments made in Clauses I and III of the Bill.

Amendment moved by the Honorable J. F. Strachan, That the word "not" be omitted. Debate ensued.

Question—That the word "not," proposed to be omitted, stand part of the question—put and negatived.

Question—That this Council do insist on the amendments made in Clauses I and III of the Bill—put and passed.

The Honorable J. F. Strachan moved, That the further consideration of the Message be made an Order of the Day for Tuesday next.

Question—put and passed.

MINING PARTNERSHIPS 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.

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

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

The President left the Chair.

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

Ovens Water Supply 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 for supplying "the District of the Ovens with Water."

Question—put and passed.

The Honorable A. Fraser moved, That a Message be taken to the Legislative Assembly to acquaint them that the Council have agreed to the Bill without amendment.

Question—put and passed.

Bendigo Gas Company 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 incorporate a

"Company to be called 'The Bendigo Gas Company,' and for other purposes."

Question—put and passed.

The Honorable A. Fraser moved, That a Message be carried to the Legislative Assembly to acquaint them that the Council have agreed to the Bill without amendment.

Question—put and passed.

GOLD FIELDS 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 A. Fraser moved, That the Bill be now re-committed to the consideration of a Committee of the whole Council.

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

The President left the Chair.

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

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

Question—put and passed.

FRAUDS ON CREDITORS PREVENTION 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 to-morrow.

Ordered.

LIEN ON WOOL 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 M. Hervey moved, That the Bill be now re-committed to the consideration of a Committee of the whole Council.

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

The President left the Chair.

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

The Council adjourned at ten minutes to six o'clock until four o'clock on Thursday, the 28th instant.

ORDERS OF THE DAY.

THURSDAY, 28TH JUNE.

ORDERS OF THE DAY:-

1. Crown Lands Sales Bill.—Adoption of Report.

2. MINING PARTNERSHIPS BILL.—To be further considered in Committee.

3. GOLD FIELDS ACT AMENDMENT BILL.—Adoption of Report.

- 4. Frauds on Creditors Prevention Bill.—To be further considered in Committee.
- 5. LIEN ON WOOL BILL.—To be further considered in Committee.

TUESDAY, 3RD JULY.

ORDER OF THE DAY:-

1. Customs Act Amendment Bill.—Further consideration of Message from Legislative Assembly.

WEDNESDAY, 4TH JULY.

Government Business.

ORDER OF THE DAY:-

1. Education Bill.—To be further considered in Committee.

G. W. RUSDEN, Clerk of the Council and Clerk of the Parliaments. No. 55.

Minutes of the Proceedings

OF THE

LEGISLATIVE COUNCIL.

THURSDAY, 28TH JUNE, 1860.

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

Absence of Member.—The President informed the Council that he had received intimation from the Honorable J. Hodgson, to the effect, that he was prevented by illness from attending in his place in the House.

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

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

Question—put and passed.

The President having reported that the Chairman of Committees had certified that the fair print of the Bill was in accordance with the Bill as reported from a Committee of the whole Council, the Bill, on the motion of the Honorable T. H. Fellows, was read a

third time and passed.

The Honorable T. H. Fellows moved, That the title of the Bill be, "An Act for regulating

"the Sale of Crown Lands and for other purposes." Question—put and passed.

The Honorable T. H. Fellows moved, That the Bill be carried to the Legislative Assembly, with a Message, acquainting them that the Council have agreed to the Bill with amendments, and desiring their concurrence with the same. Question—put and passed.

MINING PARTNERSHIPS 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 Honorable C. Vaughan, Chairman of the Committee, reported that the Committee had

gone through the Bill, and had agreed to the same with amendments.

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

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

Mr. President,

The Legislative Assembly acquaint the Legislative Council that the Clerk of the Parliaments having reported that the following clerical error has occurred in the Bill intituled, "An Act further to amend and to consolidate the Law of Evidence," viz.:-"In the transcription of the following words, added by the Legislative Council as an amendment to Clause XXVI., line 13, viz., insert, 'the judge's order being made a rule of court before or at the time of the application for an attachment,' the word 'an' was written by a clerical error instead of the word 'the' before the word 'application,' the Legislative Assembly desire that the same should be corrected accordingly.

FRANS. MURPHY, Legislative Assembly Chamber, Melbourne, 28th June, 1860.

Speaker.

Mr. President,

The Legislative Assembly return to the Legislative Council the Bill intituled, "An Act to Abolish Pensions to retiring Responsible Officers," and acquaint them that they have agreed to the amendments made therein by the Legislative Council.

Legislative Assembly Chamber, Melbourne, 28th June, 1860. FRANS. MURPHY, Speaker. Mr. President,

The Legislative Assembly return to the Legislative Council a Bill intituled, "An Act to incorporate a Company to be called 'The Collingwood, FitzRoy, and District Gas and Coke Company,' and for other purposes," and acquaint them that they have agreed to the amendments made therein by the Legislative Council.

FRANS. MURPHY,

Legislative Assembly Chamber, Melbourne, 28th June, 1860.

LAW OF EVIDENCE AMENDMENT BILL—CLERICAL ERROR IN.—The Honorable T. H. Fellows moved, That this House do concur with the Legislative Assembly in desiring the correction of the clerical error reported, by substituting the word "the" for the word "an."

Question—put and passed. Ordered—That a Message be carried to the Legislative Assembly to acquaint them that the Council have concurred in desiring the correction of the error reported.

GOLD FIELDS 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 A. Fraser moved, That the Order be discharged.

Question—put and passed.

The Honorable A. Fraser moved, That the Bill be now re-committed to the consideration of a Committee of the whole Council.

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

The President left the Chair.

The Honorable C. Vaughan, Chairman of the Committee, reported that the Committee

had gone through the Bill, and had agreed to the same with further amendments.

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

Question—put and passed.

FRAUDS ON CREDITORS PREVENTION 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

The Honorable C. Vaughan, Chairman of the Committee, reported progress, and asked leave for the Committee to sit again on Wednesday next. Ordered.

LIEN ON WOOL 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 Honorable C. Vaughan, Chairman of the Committee, reported progress, and asked leave for the Committee to sit again on Wednesday next.

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

ORDERS OF THE DAY.

WEDNESDAY, 4TH JULY.

Government Business.

ORDERS OF THE DAY :-

- 1. MINING PARTNERSHIPS BILL.—Adoption of Report.
- 2. Education Bill.—To be further considered in Committee.

General Business.

ORDERS OF THE DAY:-

1. GOLD FIELDS ACT AMENDMENT BILL.—Adoption of Report.

2. Frauds on Creditors Prevention Bill.—To be further considered in Committee.

3. LIEN ON WOOL BILL.—To be further considered in Committee.

G. W. RUSDEN.

Clerk of the Council and Clerk of the Parliaments.

No. 56.

Minutes of the Proceedings

OF THE

LEGISLATIVE COUNCIL.

WEDNESDAY, 4TH JULY, 1860.

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

The President read the Prayer.

PRE-EMPTIVE RIGHTS.—The Honorable T. H. Fellows laid on the Table a Return to an Order of the Council made on the 18th January last.

Papers.—The Honorable T. H. Fellows presented to the Council the following Paper:— Statistics of Victoria, for year ending 31st March, 1859, with Preliminary Notes. Ordered to lie on the Table.

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

Question—put and passed. The President having reported that the Honorable C. Vaughan, Chairman of the Committee, had certified that the fair print of the Bill was in accordance with the Bill as reported from the Committee, the Bill, on the motion of the Honorable T. H. Fellows, was read a

third time and passed.

The Honorable T. H. Fellows moved, That the title of the Bill be "An Act to limit the "Liability of Mining Partnerships."

Question—put and passed.

The Honorable T. H. Fellows moved, That the Bill be carried to the Legislative Assembly, with a Message acquainting them that the Council have agreed to the Bill with amendments, and desiring their concurrence therewith.

Question—put and passed.

POSTPONEMENT.—The following Order of the Day was postponed until Wednesday, the 11th instant:-

"Education Bill"—To be further considered in Committee.

GOLD FIELDS 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 A. Fraser moved, That the Order be discharged.

Question—put and passed.

The Honorable A. Fraser moved, That the Bill be now re-committed to the consideration of a Committee of the whole Council.

Question—put and passed.

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

The President left the Chair.

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

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

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

Ordered.

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

The Legislative Assembly return to the Legislative Council a Bill intituled "An "Act for the remission of Penalties and the discharge of persons from Imprisonment in "certain cases," and inform the Legislative Council that they have agreed to the same with amendments, to which they desire the concurrence of the Legislative Council.

Legislative Assembly Chambers, Melbourne, 4th July, 1860.

Speaker.

FRANS. MURPHY.

Penalties Remission Bill.—Consideration of Message from Legislative Assembly.—The Honorable T. H. Fellows moved, That the amendments made by the Legislative Assembly in this Bill be now taken into consideration.

Question—put and passed.

The amendments were read at the Table by the Clerk.

The following amendment being read, "Clause 1, line 17, omit the words 'the Governor' and insert 'Her Majesty,'" the Honorable T. H. Fellows moved, That the Council do agree to the amendment.

Question—put and passed.

The following amendment being read, "Clause 1, line 21, omit the words 'to extend the Royal mercy to and," the Honorable T. H. Fellows moved, That the Council do agree to the amendment.

Question—put and passed.

The following amendment being read, "Line 24 omit all words after the word 'Crown' to to the end of the clause," the Honorable T. H. Fellows moved, That this Council do agree to the amendment.

Question—put and passed.

The following amendment being read, "Insert the following as new clause, 'It shall be lawful for the Governor to order the discharge from prison of any person who may be imprisoned in default of finding sureties to keep the peace or to be of good behaviour or in default of compliance with orders made under the provisions of the Act hereinbefore mentioned," the Honorable T. H. Fellows moved, That the Council do agree to the amendment.

Question—put and passed.

The Honorable T. H. Fellows moved, That a Message be taken to the Legislative Assembly to acquaint them that the Council have agreed to the amendments made by them in the Bill.

Question-put and passed.

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

Question—put and passed.

POSTPONEMENT OF BUSINESS.—The Honorable T. H. Fellows moved, That all business set down for to-morrow be postponed until Tuesday next.

Question—put and passed.

LIEN ON WOOL 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 M. Hervey moved, That the adoption of the Report of the Committee be made an Order of the Day for Tuesday next.

Question—put and passed.

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

ORDERS OF THE DAY.

TUESDAY, 10TH JULY.

ORDERS OF THE DAY:-

- 1. Frauds on Creditors Prevention Bill.—To be further considered in Committee.
- 2. GOLD FIELDS ACT AMENDMENT BILL.—To be further considered in Committee.
- 3. LIEN ON WOOL BILL.-Adoption of Report.

WEDNESDAY, 11TH JULY.

Government Business.

ORDER OF THE DAY:-

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

G. W. RUSDEN,

Clerk of the Council and Clerk of the Parliaments.

No. 57.

Minutes of the Proceedings

OF THE

LEGISLATIVE COUNCIL.

TUESDAY, 10TH JULY, 1860.

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

The President read the Prayer.

- ABSENCE OF MEMBER.—The President informed the Council that he had received intimation from the Honorable J. F. Strachan to the effect that he was prevented by illness from attending in his place in the House.
- FRAUDS ON CREDITORS PREVENTION 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.
- GOLD FIELDS 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 A. Fraser moved, That the adoption of the Report be made an Order of the Day for this day week.

Question—put and passed.

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

Question—put and passed.

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

The Honorable M. Hervey moved, That the title of the Bill be "An Act to give a prefer-"able Lien on Wool from season to season and to give greater efficacy to Mortgages on

" Stock."

- Question—put and passed.
 Ordered—That the Bill be carried to the Legislative Assembly, with a Message requesting their concurrence with the Bill.
- ADJOURNMENT.—The Honorable T. H. Fellows, with leave of the Council, moved, without notice, That the House at its rising this day adjourn until Tuesday next. Question—put and passed.
- POSTPONEMENTS.—The Honorable T. H. Fellows moved, That all business set down for Wednesday, the 11th instant, be postponed until Tuesday, the 17th instant.
- Question—put and passed. PAPERS.—The Honorable T. H. Fellows presented to the Council the following Papers:-Order in Council-Establishing County Courts at Creswick and Pleasant Creek. (3rd July, 1860.)

Order in Council-Establishing Courts of Mines at Creswick and Pleasant Creek. (3rd July, 1860.)

Magnetic, Nautical, and Meteorological Observations-March, 1858, to February,

Ordered severally to lie on the Table.

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

ORDERS OF THE DAY.

TUESDAY, 17TH JULY.

ORDERS OF THE DAY:-

- 1. GOLD FIELDS ACT AMENDMENT BILL.—Adoption of Report.
- 2. Frauds on Creditors Prevention Bill.—To be further considered in Committee.
- 3. Education Bill.—To be further considered in Committee.

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

No. 58.

Minutes of the Proceedings

OF THE

LEGISLATIVE COUNCIL.

TUESDAY, 17TH JULY, 1860.

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

The President read the Prayer.

Message from His Excellency the Governor.—The Honorable J. P. Fawkner, in the absence of the Honorable T. H. Fellows, presented to the Council the following Message from His Excellency the Governor:—

1859-60.—VICTORIA.

Temporary withdrawal of the Head Quarter's Staff.

HENRY BARKLY,

Governor.

Message No.

The Governor thinks it right to communicate to the Legislative Council copy of correspondence with the Major-General Commanding Her Majesty's Forces in Australasia, respecting the temporary withdrawal of the Head Quarter's Staff and of the Head Quarters of the 40th Regiment for service in New Zealand.

The Governor relies on the loyalty and prudence of the Legislature to make proper provision for guarding against any risk of aggression from without, as well as for the maintenance of tranquillity within, during such absence of the ordinary garrison.

Government Offices, 16th July, 1860.

The Message with its Enclosures were read at the Table by the Clerk.

Papers.—The Honorable J. P. Fawkner, in the absence of the Honorable T. H. Fellows, presented to the Council the following Papers:—

New Postal Arrangement.—Correspondence (Downing street, 18th May, 1860). University of Melbourne.—Despatch from Secretary of State, acknowledging Address of Parliament of Victoria.

Yarra Bend Lunatic Asylum.—Report for year 1859.

Ordered severally to lie on the Table.

LIBRARY (JOINT) COMMITTEE.—The Honorable J. Hodgson brought up a Report from the Joint Library Committee on the Progress Report referred back to the Committee, and moved that the same be printed, and taken into consideration on Tuesday next.

Question—put and passed.

GOLD FIELDS 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 A. Fraser moved, That the Report be now adopted.

Question—put and passed.

The President having reported that the Chairman of Committees had certified that the fair print of the Bill was in accordance with the Bill as reported from the 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 amend an Act

"intituled 'An Act for amending the laws relating to the Gold Fields."

Question—put and passed.

The Honorable A. Fraser moved, That the Bill be carried to the Legislative Assembly with a Message acquainting them that the Council have agreed to the Bill with amendments, and desiring their concurrence with the same.

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 for the better security of Mechanics and others performing work or furnishing "materials therefor:"

Also, a Bill intituled "An Act to remove doubts as to the validity of certain "Mining Regulations and Bye-laws:"

Also, a Bill intituled "An Act to abolish Imprisonment for Debt:" to which they desire the concurrence of the Legislative Council.

Legislative Assembly Chambers, Melbourne, 17th July, 1860. FRANS. MURPHY. Speaker.

Mr. President,

The Legislative Assembly return to the Legislative Council the Bill intituled "An Act for regulating the Sale of Crown Lands and for other purposes," and acquaint the Legislative Council that they have agreed to some of the amendments made therein by the Legislative Council, have disagreed to other of the amendments, and agreed to other of the amendments with amendments, and have made some amendments in the Bill consequent on the amendments made by the Legislative Council, in which various amendments they desire the concurrence of the Legislative Council.

Legislative Assembly Chamber, Melbourne, 17th July, 1860. FRANS. MURPHY,

Speaker.

Crown Lands Sales Bill—Consideration of Message from Legislative Assembly.—
The Honorable J. P. Fawkner moved, That the consideration of the Message from the Legislative Assembly be made an Order of the Day for Thursday next, then to take precedence.

Question—put and passed.

LIEN (CONTRACTORS AND WORKMEN) BILL.—The Honorable J. P. Fawkner 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.

FRONTAGE SYSTEM BILL.—The Honorable J. P. Fawkner 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.

IMPRISONMENT FOR DEBT ABOLITION BILL.—The Honorable J. P. Fawkner 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.

Frauds on Creditors Prevention 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.

Education 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 Friday next. Ordered.

ADJOURNMENT.—The Honorable J. P. Fawkner, 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. P. Fawkner moved, That all business set down for Wednesday, the 18th instant, be postponed until the 19th instant.

Question—put and passed.

The Council adjourned at twenty-three minutes to five o'clock until four o'clock on Thursday, the 19th instant.

ORDERS OF THE DAY.

THURSDAY, 19TH JULY.

1. The Hon. G. S. COPPIN: To ask the Honorable Member representing the Government if it is the intention of the Government to introduce a Bill for the purpose of establishing hundreds and district municipalities, giving powers of assessment, with the management of the commons and of the leased lands, and the expenditure of the commonage rates and the rents of public lands for local purposes.

ORDERS OF THE DAY:-

- 1. Crown Lands Sales Bill.—Consideration of Message from Legislative Assembly—(to take precedence).
- 2. LIEN (CONTRACTORS AND WORKMEN) BILL.—To be read a second time.
- 3. Frontage System Bill.—To be read a second time.
- 4. Imprisonment for Debt Abolition Bill.—To be read a second time.
- 5. Frauds on Creditors Prevention Bill.—To be further considered in Committee.

FRIDAY, 20TH JULY.

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

TUESDAY, 24TH JULY.

1. LIBRARY (JOINT) COMMITTEE.—Consideration of Report.

G. W. RUSDEN,

Clerk of the Council and Clerk of the Parliaments.

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No. 59.

Minutes of the Proceedings

OF THE

LEGISLATIVE COUNCIL.

THURSDAY, 19TH JULY, 1860.

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

The President read the Prayer.

Petition.—The Honorable G. S. Coppin presented to the Council a petition signed by Edmund Albert Paige and others, miners and inhabitants at Ballaarat, praying that the Council will pass the Frontage System Bill now before the Council, and moved, That the same be received and referred to the Committee of the whole Council to which the said Bill may be referred.

Question—put and passed.

Crown Lands Sales Bill.—The Order of the Day for the consideration of the Message from the Legislative Assembly with this Bill being read, the Honorable T. H. Fellows moved, That this House do not insist on the amendments disagreed to by the Legislative Assembly, and agree to the amendments made by the Legislative Assembly on the amendments made by the Legislative Council in the Bill.

Debate ensued.

The Honorable J. P. Fawkner moved, That all the words after the word "That" be omitted, with a view to insert the words—the amendments made by the Legislative Assembly be considered *seriatim*.

Question—That the words proposed to be so 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 amendments made by the Legislative Assembly be considered seriatim

-put and passed.

The Honorable T. H. Fellows moved, That the Council do not insist on the amendment in Clause II. to insert the words—"Provided always that if an Address shall be presented to the Governor by the Legislative Council and Legislative Assembly and published in the Government Gazette praying that any land permanently reserved as aforesaid may be sold or reserved for any other of the purposes hereinbefore mentioned such land may at any time afterwards be sold or reserved for such other purpose in like manner as if no such reservation thereof had been originally made."

Question—put and passed.

The Honorable T. H. Fellows moved, That the Council do not insist on the amendment in Clause IV., lines 9, 10, and 14.

Question—put and passed.

The Honorable T. H. Fellows moved, That the Council do not insist on the amendment in Clause VII., line 29, to leave out the words "and required."

Question—put and passed.

The Honorable T. H. Fellows moved, That the Council do not insist on the amendments in Clause X.

Question—put and passed.

The Honorable T. H. Fellows moved, That the Council agree to the amendments made by the Legislative Assembly in Clause XII., line 14, to insert the word "commencement" instead of the word "passing" in the amendment made by the Council, viz., after "alienated" insert "before the passing of this Act."

Question—put and passed.

The Honorable T. H. Fellows moved, That the consideration of the amendment made by the Legislative Assembly in Clause XII., to add the words—"Provided that the Governor in Council shall be authorized to declare any land within half a mile of land already alienated to be country land on the memorial of any ten persons who declare their intention of becoming settlers on the same"— be postponed.

Question—put and passed.

The Honorable T. H. Fellows moved, That the Council do not insist on the amendments made by the Council in Clause XIII., lines 18, 19, and 19.

Question—put and passed.

The Honorable J. P. Fawkner moved, That the Council do insist on the amendment in Clause XIV., line 26, leave out "four," insert "two."

Debate ensued.

Question—put.

Council divided.

Contents, 19. The Hon. G. S. Coppin J. Hodgson J. F. Strachan D. Kennedy S. G. Henty N. Black H. Miller M. Hervey W. H. F. Mitchell C. Vaughan W. Roope W. Highett Dr. Hope F. Robertson T. H. Power J. B. Bennett J. P. Fawkner J. Henty J. Stewart (Teller).

Not Contents, 5. The Hon. T. H. Fellows G. W. Cole A. Fraser G. Rolfe T. T. a'Beckett (Teller).

The question was therefore passed.

The Honorable T. H. Fellows moved, That the Council do agree to the amendment made by the Legislative Assembly on the amendment made by the Council, viz., to insert the word "seven," in place of the word "three" in the amendment made by the Council in Clause XV., line 38, to leave out "terms" and insert the words "term not exceeding seven years.

Question—put and passed.

The Honorable T. H. Fellows moved, That the Council agree to the amendment made by the Legislative Assembly, viz., to omit "one" and insert "three" in the amendment made by the Council in Clause XVII., line 46, to leave out "four millions of," and insert "one million."

Debate ensued.

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Amendment moved by the Honorable T. H. Power, That the word "two" be substituted for the word "three," in the clause as amended by the Legislative Assembly on the amendment made by the Council.

Question—That the word "two" be substituted for the word "three"—put and passed. Question-That the Council agree to the amendment on the amendment as amended-put

and passed.

The Honorable T. H. Fellows moved, That the Council agree to the amendment made by the Legislative Assembly, viz., to omit the word "either," and insert "any," in the amendment made by the Council in Clause XVIII., line 47, insert "the fee simple of either subdivision."

Question—put and passed.

The Honorable T. H. Fellows moved, That the consideration of the following amendments so far as Clause XXIII., line 34, be postponed.

Question—put and passed.

The Honorable T. H. Fellows moved, That the Council do not insist on the amendment in Clause XXIII., line 34, to insert the words "such subdivision shall be forthwith and before determining on any other applications sold by open auction at which."

Debate ensued.

Amendment moved by the Honorable J. P. Fawkner, That the word "not" be omitted. Question—That the word "not," proposed to be omitted, stand part of the question—put. Council divided.

Contents, 4. The Hon. T. H. Fellows G. W. Cole G. Rolfe T. T. a'Beckett (Teller).

Not Contents, 19. The Hon. C. Vaughan J. Hodgson G. S. Coppin J. Stewart N. Black T. H. Power S. G. Henty A. Fraser F. Robertson Dr. Hope Dr. Wilkie W. Highett W. Roope D. Kennedy J. P. Fawkner W. H. F. Mitchell M. Hervey J. F. Strachan J. Henty (Teller).

The question was therefore negatived.

Question—That the Council do insist on the amendment in Clause XXIII., line 34, to insert the words "such subdivision shall be forthwith, and before determining on any other applications, sold by open auction at which"—put and passed.

The Honorable T. H. Fellows moved, That the following amendments, so far as line 50 of

Clause XXIV., be postponed.

Question—put and passed.

The Honorable T. H. Fellows moved, That the Council agree to the amendment made by the Legislative Assembly on the amendment made by the Council in Clause XXIV., line 51, viz.:—Leave out "shilling and sixpence for every acre in such subdivision or subdivisions," in which the Assembly have agreed to leave out the words "and sixpence," but have disagreed to omit the other words, and that the Council do not insist on the amendment to insert the words "farthing for such subdivision."

Question—put and passed.

The Honorable T. H. Fellows moved, That the following amendments, so far as Clause XXXVI., be postponed.

Question—put and passed.

The Honorable T. H. Fellows moved, That the Council do not insist on the amendment in Clause XXXVI., line 40, leave out "not within one year from the commencement of the term thereby created have effected on the purchased subdivision or subdivisions of the same allotment improvements of the value of one pound for every acre of such purchased subdivision or subdivisions or if he shall."

Question—put and passed.

The Honorable T. H. Fellows moved, That the Council do not insist on the amendment in Clause XXXVI., line 47, to insert "if demanded."

Question—put and passed.

The Honorable T. H. Fellows moved, That the following amendments, so far as the end of Clause XLVIII., be postponed.

Question—put and passed.

The Honorable T. H. Fellows moved, That the Council agree to the amendment made by the Legislative Assembly, to omit "shall" and insert "may" in the first line of a new clause inserted by the Council after Clause XLVIII.

Question—put and passed.

The Honorable T. H. Fellows moved, That the Council agree to the amendment made by the Legislative Assembly to add the following words to the new Clause inserted by the Council after Clause XLVIII., "Provided always that nothing herein contained shall authorize more than one valuation under any one right license or authority and the area to be sold with such improvements shall not in any case exceed six hundred and forty acres Provided also that in any case where the right of pre-emption has been exercised previous to the commencement of this Act no such valuation shall be granted for improvements effected for pastoral purposes on any part of the same run in respect to which such pre-emption has been exercised."

Question—put and passed.

The Honorable T. H. Fellows moved that the following amendments so far as Clause LXIV. be postponed.

Question—put and passed.

The Honorable T. H. Fellows moved, That the Council do not insist on the amendment to leave out the words "in Council" in Clause LXVII., line 3.

The Honorable M. Hervey moved, That the Council adjourn for one hour.

Question—That the Council adjourn for one hour—put and passed.

The President left the Chair.

After lapse of one hour the President resumed the Chair.

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 liability of Mining Partnerships," and acquaint the Legislative Council that they have agreed to the amendments made therein by the Legislative Council. FRANS. MURPHY,

Legislative Assembly Chamber, Melbourne, 19th July, 1860. Speaker.

Mr. President,

The Legislative Assembly return to the Legislative Council a Bill intituled "An Act to amend the Law relating to Divorce and Matrimonial Causes in Victoria," and acquaint the Legislative Council that they have agreed to the same with amendments, in which they desire the concurrence of the Legislative Council.

FRANS. MURPHY.
Speaker.

Legislative Assembly Chambers, Melbourne, 19th July, 1860. DIVORCE BILL.—MESSAGE FROM LEGISLATIVE ASSEMBLY.—The Honorable J. P. Fawkner moved, That the Message from the Legislative Assembly, with amendments in this Bill, be taken into consideration on Tuesday next.

Question—put and passed.

CROWN LANDS SALES BILL.—MESSAGE FROM LEGISLATIVE ASSEMBLY.—Debate resumed on the motion of the Honorable T. H. Fellows, That the Council do not insist upon the amendment in Clause LXVII., line 3, to leave out the words "in Council."

Question—put and passed.

The Honorable T. H. Fellows moved, That the Council agree to the amendment made by the Legislative Assembly to omit "contiguous," and insert "adjacent," in the following amendment made by the Council in Clause LXVII., line 4, insert "not less than five hundred acres of contiguous."

Debate ensued.

Question—put and passed.

The Honorable T. H. Fellows moved, That the Council agree to the amendment made by the Legislative Assembly to leave out "one mile," and insert "five miles," in the following amendment made by the Council in Clause LXVII., line 6, leave out "in the vicinity," insert within "one mile."

Debate ensued. Question—put. Council divided.

Contents, 11.
The Hon. T. H. Fellows
J. Hodgson
S. G. Henty
W. H. F. Mitchell
F. Robertson
A. Fraser
J. Henty
J. P. Fawkner
G. Rolfe
G. W. Cole

Not Contents, 7.
The Hon. M. Hervey
J. Stewart
C. Vaughan
J. F. Strachan
N. Black
J. B. Bennett
T. H. Power (Teller).

The question was therefore passed.

G. S. Coppin (Teller).

The Honorable T. H. Fellows moved, That the Council do not insist in the amendment in Clause LXVII., line 8, to leave out the words "three times."

Debate ensued.

Question—put and passed.

The Honorable T. H. Fellows moved, That the Council do agree to the amendment made by the Legislative Assembly to omit "half," insert "fourth," in the amendment made by the Council in Clause LXVII., line 10, to leave out "in such agricultural district," and insert "as shall cultivate at least one half of his or their purchased land."

Question—put and passed.

The Honorable T. H. Fellows moved, That the Council do not insist on the amendment in Clause LXXI., line 39, to leave out "increase."

Question—put and passed.

The Honorable T. H. Fellows moved, That the Council do not insist on the amendment in Clause LXXIV., line 18, to leave out "five pounds for the second offence a sum not exceeding."

Question—put and passed.

The Honorable T. H. Fellows moved, That the Council do not insist on the amendments in Clause LXXVII., line 55, to leave out "by proclamation," line 10 (page 14) leave out "proclamation," line 11, leave out "issue other proclamations, and to," line 12, leave out "proclamations."

Question—put and passed.

The Honorable T. H. Fellows moved, That the Council do not insist on the amendment to leave out Clause LXXXI.

Question—put and passed.

The Honorable T. H. Fellows moved, That the Council do not agree to the amendment made by the Legislative Assembly to insert the words—"Provided that the Governor in Council shall be authorised to declare any land within half a mile of land already alienated to be country land on the memorial of any ten persons who declare their intention of becoming settlers on the same" after the words "(whether such lands shall or shall not have been previously proclaimed under this Act)" in the amendment made by the Legislative Council in Clause XII., line 16.

Question—put and passed.

The Honorable T. H. Fellows moved, That the Council do insist on the amendment in Clause XVIII., line 52, to leave out "allotment" and insert "subdivision." Question—put and passed.

The Honorable T. H. Fellows moved, That the Council do insist on the amendment in Clause XIX., line 53, to leave out "person making application for any allotment" and insert "applicant."

Question—put and passed.

The Honorable T. H. Fellows moved, That the Council do not agree to the amendments made by the Legislative Assembly to omit the word "the" and insert the word "one," and after "subdivision" insert "of the allotment" in the following amendment made in Clause XIX., line 2, by the Legislative Council, leave out "such allotment" and insert "the subdivision for which he applies."

Question—put and passed.

The Honorable T. H. Fellows moved, That the Council do insist on the amendments in Clause XIX., line 5, to leave out "allotment or," line 6, to leave out "of any allotment."

Question—put and passed.

The Honorable T. H. Fellows moved, That the Council do not agree to the amendment made by the Legislative Assembly, omit "such" and insert "the" in the following amendment made by the Legislative Council in Clause XIX., line 6, before "subdivision" insert "fee simple of such."

Question—put and passed.

The Honorable T. H. Fellows moved, That the Council do insist on the amendment made by the Council in Clause XIX. line 7, after "subdivision" leave out "which such person shall elect to purchase or if he shall elect to purchase more than one subdivision then for the first of such subdivisions which he shall so elect to purchase."

Question—put and passed.

The Honorable T. H. Fellows moved, That the Council do insist on the amendment in Clause XXII., line 28, leave out "allotments" and insert "subdivisions."

Question—put and passed.

The Honorable T. H. Fellows moved, That the Council do insist on the amendment in Clause XXIII., line 31, leave out "allotment" and insert "subdivision."

Question—put and passed.

The Honorable T. H. Fellows moved, That the Council do insist on the amendment in Clause XXIII., line 35, to leave out "allotment" and insert "subdivision."

Question—put and passed.

The Honorable T. H. Fellows moved, That the Council do insist on the amendment in Clause XXIII., line 36, to leave out "drawn lots" and insert "bid and such auction shall be conducted."

Question—put and passed.

The Honorable T. H. Fellows moved, That the Council do insist on the amendment in Clause XXIII., line 38, to leave out "successful in the drawing of such lots," and insert "the highest bidder."

Question—put and passed.

The Honorable T. H. Fellows moved, That the Council do insist on the amendment in Clause XXIII., line 39, after "selector" to insert "if he shall forthwith pay the balance of the purchase money."

Question—put and passed.

The Honorable T. H. Fellows moved, That the Council do not agree to the amendments made by the Legislative Assembly, viz. :- Omit "either" in fourth line, and insert "any;" omit "the" in fifth line, and insert "any;" omit "thereof" in sixth line, and insert "of the same allotment;" omit "either subdivision," in sixth line and insert "such subdivisions;" insert after "subdivision," in seventh line, "or subdivisions for which application shall have been made;" omit "the two," in eighth line, and insert "such;" omit all words after first word "the," in tenth line, and insert "applicant who is successful in the drawing of such later shall be declared the selector" in the allowed inserted by the in the drawing of such lots shall be declared the selector," in the clause inserted by the Council as a new clause to follow Clause XXIII.

Question—put and passed.

The Honorable T. H. Fellows moved, That the Council do insist on the amendments made by the Council in Clause XXIV.:—
Line 40, after "selector" insert "of any subdivision."

Line 41, leave out "name the subdivision which he elects to purchase, and shall then be deemed the purchaser of such subdivision, and shall."

Question—put and passed.

The Honorable T. H. Fellows moved, That the Council do insist on the amendments made by the Council in Clause XXIV. :-

Line 43, leave out "all or any of."

Line 44, leave out "subdivisions of such allotment," and insert "subdivision."

Line 45, leave out "any one or more of."

Line 45, leave out "subdivisions," insert "subdivision."

Line 46, leave out "name the same and."

Line 46, leave out "every." Line 46, leave out "or subdivisions."

Line 47, before "subdivision" insert "other."

Line 48, leave out "which he shall have previously elected to purchase as aforesaid and," and insert "or."

Line 49, leave out "all or any of."

Line 49, leave out "subdivisions," and insert "subdivision."

Line 50, leave out "name the same and."

Line 50, leave out "every."

Line 50, leave out "or subdivisions."

Question—put and passed.

The Honorable T. H. Fellows moved, That the Council do insist on the amendment in Clause XXV., line 53, after "selector," insert "of any subdivision." Question—put and passed.

The Honorable T. H. Fellows moved, That the Council do insist on the amendments in Clause XXV.:-

Line 55, leave out "whole of the subdivisions of such allotment the subdivisions or," and insert "remaining."

Line 56, leave out "which such person shall not have elected either to purchase or to rent," and insert "it."

Line 1, page 5, leave out "lot," and insert "auction."

Line 2, page 5, after "directed," insert "at the upset price of one pound per acre." Question—put and passed.

The Honorable T. H. Fellows moved, That the Council do insist on the amendment in Clause XXV., line 2, page 5, leave out "other persons who shall have made application," and insert "applicants."

Question—put and passed.

The Honorable T. H. Fellows moved, That the Council do insist on the amendments in Clause XXV.:-

Line 3, leave out "the allotment containing."

Line 5, leave out "draw lots," and insert "bid."

Question—put and passed.

The Honorable T. H. Fellows moved, That the Council do insist on the amendments in Clause XXV.:-

Line 5, leave out "successful in the drawing of such lots or if he shall be an agent his principal," and insert "the highest bidder."

Line 8, after "selector," insert "if he shall forthwith pay the balance of the purchase money."

Line 8, leave out "lot," and insert "auction."

Question—put and passed.

The Honorable T. H. Fellows moved, That the Council do insist on the amendments in Clause XXV.:-

Line 10, leave out "allotment," and insert "subdivision."

Line 11, leave out "take part in the drawing of lots," and insert "bid."

Question—put and passed.

The Honorable T. H. Fellows moved, That the Council do insist on the amendments made in Clause XXVI.:-

Line 13, leave out "lot," and insert "auction."

Line 14, leave out "draw lots," and insert "bid at the same auction."

Line 14, leave out "allotment," and insert "subdivision."

Line 15, leave out "or for any subdivision thereof."

Question—put and passed.

The Honorable T. H. Fellows moved, That the Council do insist on the amendment in Clause XXVII., line 19, leave out "allotment," and insert "subdivision."

Question—put and passed.

The Honorable T. H. Fellows moved, That the Council do insist on the amendment made by the Council in Clause XXVII., line 20, to leave out "applications or of any subdivision thereof," and insert "application."

Question—put and passed.

The Honorable T. H. Fellows moved, That the Council do insist on the amendments made by the Council in Clause XXVII.:-

Line 22, leave out "allotment or some.'

Line 23, leave out "thereof."

Question—put and passed.

The Honorable T. H. Fellows moved, That the Council do insist on the amendment made by the Council in Clause XXVIII., line 27, leave out "allotment or."

Question—put and passed.

The Honorable T. H. Fellows moved, That the Council do insist on the amendments made by the Council in Clause XXVIII. :-

Line 30, leave out "allotment or." Line 30, leave out, "for not less than one subdivision."

Question—put and passed.

The Honorable T. H. Fellows moved, That the Council do insist on the amendment made by the Council in Clause XXVIII., line 33, after "personally" to insert "either."

Question—put and passed. The Honorable T. H. Fellows moved, That the Council do insist on the amendment made by the Council in Clause XXX., line 48, to leave out "number of the allotment," and insert "subdivision applied for."

Question—put and passed.

The Honorable T. H. Fellows moved, That the Council do insist on the amendments made by the Council in Clause XXXI.:-

Line 51, leave out "allotment," and insert "subdivision."
Line 52, leave out "more than one of the subdivisions in such allotment."

Line 53, leave out "all or any of the same," and insert "the remaining subdivision."

Line 54, leave out "fifth," and insert "second."

Line 56, leave out "such of the other subdivisions as," and insert "the remaining subdivision if."

Line 1, page 6, leave out "and," and insert "the same or."

Line 2, leave out "of such of the subdivisions as," and insert "if."

Line 2, after "rent" insert "it."

Question—put and passed.

The Honorable T. H. Fellows moved, That the Council do insist on the amendments made by the Council in Clause XXXII.:

Line 5, leave out "person making application for," and insert "selector of any subdivision of."

Line 5, leave out "or subdivisions thereof who shall be declared the selector shall be entitled at the time he shall name the subdivision or subdivisions which he shall have elected to purchase to," and insert "may."

Line 8, leave out "or subdivisions."

Question—put and passed.

The Honorable T. H. Fellows moved, That the Council do insist on the amendment made by the Council in Clause XXXIII., line 11, leave out "or subdivisions."

Question—put and passed.

The Honorable T. H. Fellows moved, That the Council do insist on the amendment to leave out Clause XXXIV.

Question—put and passed.

The Honorable T. H. Fellows moved, That the Council do insist on the amendments made by the Council in Clause XXXVI.:

Line 51, leave out "one of."

Line 52, leave out "subdivisions," and insert "subdivision."

Question—put and passed.

The Honorable T. H. Fellows moved, That the Council do insist on the amendment in Clause XXXVII., line 1, page 7, leave out "shall be received and the same." Question—put and passed.

The Honorable T. H. Fellows moved, That the Council do insist on the amendment in Clause XXXVIII., line 8, leave out "become forfeited or have."

Question—put and passed. The Honorable T. H. Fellows moved, That the Council do insist on the amendments made

by the Council in Clause XXXIX.:-Line 10, leave out "all or any of."

Line 10, leave out "subdivisions," and insert "subdivision."

Question—put and passed.

The Honorable T. H. Fellows moved, That the Council do not agree to the amendment made by the Legislative Assembly, viz., insert "or subdivisions" after subdivision in the new clause inserted by the Council, as follows:-

"If such lessee as last aforesaid shall not so purchase the subdivision comprised in his lease the fencing along the external boundary thereof shall be valued in case the lessee of such land his executors or administrators and the Board of Land and Works shall not agree upon the value."

Question—put and passed.

The Honorable T. H. Fellows moved, That the Council do agree to the restoration of Clause XLI., as amended by the Legislative Assembly by the omission of the words "or court of petty sessions."

Debate ensued.

Amendment moved by the Honorable J. B. Bennett, That the word "not" be inserted in the question after the word "do."

Question—That the word "not," proposed to be inserted be so inserted—put.

Council divided.

Contents, 15. The Hon. J. Hodgson J. Stewart M. Hervey J. B. Bennett G. W. Cole S. G. Henty T. H. Power G. S. Coppin H. Miller N. Black F. Robertson A. Fraser

C. Vaughan D. Kennedy

The question was therefore passed.

J. F. Strachan (Teller).

Not Contents, 5. The Hon. T. H. Fellows J. Henty J. P. Fawkner G. Rolfe

W. H. F. Mitchell (Teller).

Question—That the Council do not agree to the restoration of Clause XLI. as amended by the Legislative Assembly—put and passed.

The Honorable T. H. Fellows moved, That the Council do agree to the restoration of Clause XLII.

Debate ensued.

Amendment moved by the Honorable M. Hervey, That the word "not," be inserted in the question after the word "do."

Question—That the word "not," proposed to be inserted, be so inserted—put and passed. Question-That the Council do not agree to the restoration of Clause XLII.-put and

The Honorable T. H. Fellows moved, That the Council do not agree to restore Clauses XLIII., XLIV., and XLV.

Question—put and passed.

The Honorable T. H. Fellows moved, That the Council do not agree to the amendment made by the Legislative Assembly, viz., omit "fence or" in last line but two of new

clause inserted by the Council before Clause XLIX., as follows:-

"For the purpose of any such valuation as hereinbefore mentioned one appraiser shall be appointed by the Board of Land and Works and another shall be appointed (where there is no lease) by the occupier of such Crown land or (in case of a lease) by the lessee his executors or administrators and such two appraisers shall before proceeding with their valuation appoint a third and such three appraisers or any two of them shall make their valuation in writing (so as the amount thereof shall not exceed the original cost of such fence or improvement) and shall deliver such valuation to the said Board."

Question—put and passed.

The Honorable T. H. Fellows moved, That the Council do not agree to the amendments made by the Legislative Assembly, viz., omit "fence or," omit "as hereinbefore mentioned," and "fence or" in new clause inserted by the Council to precede Clause XLIX.,

as follows:

"The value of any such fence or improvement as hereinbefore mentioned shall be added to the sum which (after the commencement of this Act) would otherwise have been the price of the land without such fence or improvement and shall together therewith be and constitute the lowest price at which such land shall be sold and the occupier of such land or (in case of a lease) the lessee thereof his executors or administrators shall be entitled to receive out of the purchase money the amount of the said valuation."

Question—put and passed.

The Honorable T. H. Fellows moved, That the Council do not insist on the amendment made by the Council in Clause LX., line 53, leave out "seaweed."

Question—put and passed.

The Honorable T. H, Fellows moved, That the Council do not insist on the amendment made by the Council to insert new clause to follow Clause LXI., as follows:-

"Nothing hereinbefore contained shall be construed to control or prevent the issue of licenses to depasture on Crown lands in the manner heretofore used but such licenses shall (until it is otherwise provided by Parliament) continue to be issued in the same manner and form as if this Act had not been passed."

Question—put and passed.

The Honorable T. H. Fellows moved, That the Council do not insist on the amendment, Clause LXII., line 22, leave out "in Council."

Question—put and passed.

The Honorable T. H. Fellows moved, That the Council do not insist on the amendment in Clause LXIV., line 34, leave out "in Council."

Question—put and passed.

The Honorable T. H. Fellows moved, That the Council do insist on the amendments made by the Council in the Second Schedule, as follows:-

After the word "schedule" omit the word "not," and after the word "used" omit the words "if the applicant pays more than the purchase money of one subdivision. See fourth schedule" and insert the words "for every subdivision applied for."

Line 1, after the word "I" omit "(a)" and insert the word "undersigned" (omitting also the marginal note), after the words "selector of" insert the word "subdivision" (with a blank space after the said word), leave out "[signed]" insert "signature," under "signature" insert "occupation," under "occupation" insert "address."

Question-put and passed.

The Honorable T. H. Fellows moved, That the Council do insist on the amendments made

he Honorable T. H. Fellows moved, That the Council in the Third, Fifth, and Sixth Schedules as follows:

Omit the italic letters "a," "b," "c," "d," "e," and "f," with the marginal notes relating thereto; after "I" insert "the undersigned;" after "being" leave out day of "insert "o'clock this day of "insert "o'clock this day of "another;" leave out "the," insert "a;" for "o'clock on this day of "insert "o'clock this day received from;" after "advance for" insert the word "another;" leave out "[signed]" insert "signature;" under "signature" insert "date.

Insert as foot notes to the schedule:—

"N.B.—There must be a separate receipt for every subdivision to be purchased and the money paid must be written in words at full length.

"The words between the asterisks are to be omitted where the applicant does not pay the rent."

Leave out the fifth schedule. Leave out the sixth schedule.

Question—put and passed.

The Honorable T. H. Fellows moved, That the Council do agree to the amendments made by the Legislative Assembly in the Bill, consequent on the amendments made therein by the Council.

Clause XXXVI., line 39, after "lessee," insert "or his assigns."

,, line 43, after "he," insert "or they."
,, line 45, after "he," insert "or they."
,, line 50, after "he," insert "or they."

Question—put and passed.

The Honorable T. H. Fellows moved, That a Message be sent to the Legislative Assembly to acquaint them that the Council do not insist on some amendments, but do insist on others; have agreed to some amendments of the Legislative Assembly without amendments, and have agreed to others with amendments; with which they desire the concurrence of the Legislative Assembly.

Question—put and passed.

Postponements.—The following Orders of the Day were severally postponed till Friday, 20th instant:—

"Lien (Contractors and Workmen) Bill"—To be read a second time.

"Frontage System Bill"—To be read a second time.

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

Debate ensued.

The Honorable J. P. Fawkner moved, That the debate be adjourned until Tuesday next. Question—That the debate be adjourned until Tuesday next—put and passed.

FRAUDS ON CREDITORS PREVENTION 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.

The Council adjourned at seven minutes past ten o'clock until four o'clock on Friday, 20th instant.

ORDERS OF THE DAY.

FRIDAY, 20TH JULY.

ORDERS OF THE DAY:-

1. Education Bill.—To be further considered in Committee.

2. LIEN (CONTRACTORS AND WORKMEN) BILL.—To be read a second time.

3. Frontage System Bill.—To be read a second time.

TUESDAY, 24TH JULY.

ORDERS OF THE DAY:-

1. LIBRARY (JOINT) COMMITTEE.—Consideration of Report.

2. DIVORCE BILL.—Consideration of Message from Legislative Assembly.

3. Imprisonment for Debt Abolition Bill.—Adjourned debate on second reading.
4. Frauds on Creditors Prevention Bill.—To be further considered in Committee.

G. W. RUSDEN,

No. 60.

Minutes of the Proceedings

LEGISLATIVE COUNCIL.

FRIDAY, 20TH JULY, 1860.

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

The President read the Prayer.

EDUCATION 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 M. Hervey moved, That the adoption of the Report be made an Order of the Day for Tuesday next.

Question—put and passed.

POSTPONEMENT.—The Order of the Day for the second reading of the Lien (Contractors and Workmen) Bill was postponed until Tuesday next.

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

Question—put and passed.

Bill read a second time.

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

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

The President left the Chair.

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

Ordered.

The Council adjourned at half-past four o'clock until four o'clock on Tuesday, the 24th instant.

NOTICES OF MOTION AND ORDERS OF THE DAY.

TUESDAY, 24TH JULY.

1. The Hon. G. Rolfe: To ask the Honorable Member representing the Government if any steps are taken towards making the gaol at Maryborough fit for use, or when tenders will be called for completing the gaol, so as to render it fit for the reception of prisoners.

NOTICE OF MOTION:-

1. The Hon. G. Rolfe: To move for returns of insolvencies which have taken place in the country districts, the liabilities of which range from five hundred pounds and downwards, and in which estates there have been no Melbourne creditors, with the liabilities and assets in each estate.

ORDERS OF THE DAY:-

1. LIBRARY (JOINT) COMMITTEE.—Consideration of Report.

2. DIVORCE BILL.—Consideration of Message from Legislative Assembly.

3. Imprisonment for Debt Abolition Bill.—Adjourned debate on second reading.
4. Frauds on Creditors Prevention Bill.—To be further considered in Committee.

5. Education Bill.—Adoption of Report.

- 6. LIEN (CONTRACTORS AND WORKMEN) BILL.—To be read a second time.
- 7. FRONTAGE SYSTEM BILL.—To be further considered in Committee.

G. W. RUSDEN,

No. 61.

Minutes of the Proceedings

OF THE

LEGISLATIVE COUNCIL.

TUESDAY, 24TH JULY, 1860.

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

Petition.—The Honorable J. Henty presented to the Council a petition, signed by George Dove and others, miners at Ballaarat, praying that a clause contained in the Frontage System Bill may be rejected, and moved that the same be received and referred to the Committee of the whole Council on the Bill.

Question—put and passed.

Papers.—The Honorable J. P. Fawkner, in the absence of the Honorable T. H. Fellows, presented to the Council the following paper:—

Order in Council.—County Court at Yackandandah (16th July, 1860).

Ordered to lie on the Table.

Insolvencies in Country Districts.—The Honorable G. Rolfe, in accordance with notice, moved, That there be laid on the Table of the House returns of insolvencies which have taken place in the country districts, the liabilities of which range from five hundred pounds and downwards, and in which estates there have been no Melbourne creditors, with the liabilities and assets in each estate.

Question—put and passed.

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

Mr. President,

The Legislative Assembly return to the Legislative Council a Bill, intituled "An Act to amend an Act intituled 'An Act for amending the Laws relating to the "Gold Fields," and acquaint the Legislative Council that they have agreed to some of the amendments made therein by the Legislative Council, have amended one of the amendments, and have disagreed to another of the amendments, in which they desire the concurrence of the Legislative Council.

FRANS. MURPHY, Speaker.

Legislative Assembly Chambers, Melbourne, 24th July, 1860.

MR. PRESIDENT,

The Legislative Assembly transmit to the Legislative Council a Bill, intituled "An Act for enabling the Municipal Council of Beechworth to construct Works and "supply their District with Water and for other purposes," to which they desire the concurrence of the Legislative Council.

FRANS. MURPHY,

Legislative Assembly Chambers, Melbourne, 24th July, 1860. Speaker.

Gold Fields Act Amendment Bill.—The Honorable A. Fraser 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.

BEECHWORTH WATERWORKS BILL.—The Honorable M. Hervey, with leave of the Council, moved, without notice, That a Message be carried to the Legislative Assembly requesting that they will be pleased to transmit to the Council copies of the Report and Proceedings of the Select Committee appointed in that House in the present session of Parliament on the Bill.

Question—put and passed.

LIBRARY (JOINT) COMMITTEE.—The Order of the Day for the consideration of the Revised Report of the Joint Library Committee of both Houses of Parliament being read, the Honorable J. Hodgson moved, That the Report be now adopted.

Debate ensued.

Question—put and passed.

The Honorable J. Hodgson moved, That a Message be carried to the Legislative Assembly to acquaint them that the Council have adopted the Report.

Question—put and passed.

POSTPONEMENT.—The Order of the Day for the consideration of the Message from the Legislative Assembly, with amendments in the Divorce Bill, was postponed until Wednesday, the 25th instant.

IMPRISONMENT FOR DEBT ABOLITION BILL.—The Order of the Day for the resumption of the adjourned debate on the second reading of this Bill being read, the Honorable J. B. Bennett moved, That the debate be adjourned until to-morrow.

Question—put and passed.

Frauds on Creditors Prevention 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.

POSTPONEMENT.—The Order of the Day for the adoption of the Report of the Committee of the whole Council on the Education Bill was postponed until Wednesday, the 25th instant.

LIEN (CONTRACTORS AND WORKMEN) BILL.—The Order of the Day for the second reading of this Bill being read, the Honorable G. W. Cole moved, That the Bill be now read a second time.

Debate ensued.

Amendment moved by the Honorable J. B. Bennett, That the word "now" be omitted

with a view to add the words "this day six months," after the word "time." Question—That the word "now," proposed to be omitted, stand part of the question—put

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

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

FRONTAGE SYSTEM 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

Ordered.

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

ORDERS OF THE DAY.

Wednesday, 25th July.

1. The Hon. A. Fraser: To ask the Honorable Member representing the Government how many widows and children are left by those brave men who fell in the late conflict in New Zealand, and what does the Government intend to do for their future support.

Government Business.

ORDER OF THE DAY:-

1. EDUCATION BILL.—Adoption of Report.

General Business.

ORDERS OF THE DAY:-

1. GOLD FIELDS ACT AMENDMENT BILL.—Consideration of Message from Legislative Assembly.

2. DIVORCE BILL.—Consideration of Message from Legislative Assembly.

3. IMPRISONMENT FOR DEBT ABOLITION BILL.—Adjourned debate on second reading. 4. Frauds on Creditors Prevention Bill.—To be further considered in Committee.

THURSDAY, 26TH JULY.

ORDER OF THE DAY:-

1. Frontage System Bill.—To be further considered in Committee.

G. W. RUSDEN,

No. 62.

Minutes of the Proceedings

OF THE

LEGISLATIVE COUNCIL.

WEDNESDAY, 25TH JULY, 1860.

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

Absence of Member.—The President informed the Council that he had received intimation from the Honorable J. Hodgson, to the effect that he was prevented by illness from attending in his place in the House.

CONGRATULATORY ADDRESS TO HIS EXCELLENCY.—The Honorable J. P. Fawkner, with leave of the Council, moved, without notice, That a Select Committee be appointed for the purpose of preparing an Address of Congratulation to His Excellency the Governor on his Marriage with the daughter of the Commander of the Forces, such Committee to consist of Messrs. T. H. Fellows, T. T. a'Beckett, J. B. Bennett, M. Hervey, J. Hodgson, J. P. Fawkner, and T. H. Power.

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 Education Bill was postponed until Thursday, the 26th instant.

GOLD FIELDS ACT AMENDMENT BILL.—The Order of the Day for the consideration of the Message from the Legislative Assembly, with this Bill, and with amendments on the amendments made by the Council in the Bill, being read, the amendments were read as follows:-Clause III., line 6, (page 2), amendment to omit "several" agreed to, remainder of amendment disagreed with, but proposed omission amended by adding after "boards" the words "for the purposes of drainage as aforesaid."

The Honorable A. Fraser moved, That the Council do agree with the said amendment on the amendment made by the Council.

Question—put and passed.

The following amendment being read, Insertion of new Clause VIII. disagreed to, the Honorable A. Fraser moved, That the Council do not insist on the insertion of the new Clause VIII. in the Bill.

Amendment moved by the Honorable J. B. Bennett, That the word "not" be omitted. Debate ensued.

Question-That the word "not," proposed to be omitted, stand part of the question-put and negatived.

Question-That the Council do insist on the insertion of the new Clause VIII.—put and passed.

The Honorable J. B. Bennett moved, That the consideration of reasons for insisting on the clause be made an Order of the Day for to-morrow. Question—put and passed.

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

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 for enabling the Municipal Council of Beechworth to con-"struct Works and supply their district with Water and for other purposes," as requested by the Legislative Council.

FRANS. MURPHY,

Speaker.

Legislative Assembly Chamber, Melbourne, 24th July, 1860. BEECHWORTH WATERWORKS BILL.—The Honorable M. Hervey 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, with leave of the Council, without notice, That the Bill be now read a first time.

Question—put and passed.

Bill read a first time.

DIVORCE BILL.—The Order of the Day for the consideration of the Message from the Legislative Assembly with amendments in this Bill being read, the Honorable J. P. Fawkner moved, That the amendments made by the Legislative Assembly in the Bill be agreed to, with the following amendment in the new Clause B, line 3, insert "such" after "of."

Question—put and passed. Ordered—That the Bill be carried to the Legislative Assembly to acquaint them that the Council have agreed to the amendments made by them in the Bill with one amendment.

Postponements.—The following Orders of the Day were severally postponed until Thursday the 26th instant:

"Imprisonment for Debt Abolition Bill."—Adjourned debate on second reading. "Frauds on Creditors Prevention Bill."—To be further considered in Committee.

The Council adjourned at a quarter past five o'clock until four o'clock on Thursday, the 26th instant.

NOTICES OF MOTION AND ORDERS OF THE DAY.

THURSDAY, 26TH JULY.

1. The Hon. A. Fraser: To ask the Honorable Member representing the Government how many widows and children are left by those brave men who fell in the late conflict in New Zealand, and what does the Government intend to do for their future support.

NOTICE OF MOTION:-

1. The Hon. M. Hervey: To move the suspension of the Standing Order No. 115, in order that the Beechworth Waterworks Company Bill may be read a second time on Friday.

ORDERS OF THE DAY:-

- 1. Frontage System Bill.—To be further considered in Committee.
- 2. EDUCATION BILL.—Adoption of Report.
- 3. GOLD FIELDS ACT AMENDMENT BILL.—Consideration of reasons for insisting on Clause VIII.
- Imprisonment for Debt Abolition Bill.—Adjourned debate on second reading.
 Frauds on Creditors Prevention Bill.—To be further considered in Committee.

MEETING

SELECT COMMITTEE.

Thursday, 26th July.

CONGRATULATORY ADDRESS TO THE GOVERNOR—at 3 o'clock.

G. W. RUSDEN,

No. 64.

Minutes of the Proceedings

OF THE

LEGISLATIVE COUNCIL.

TUESDAY, 31st JULY, 1860.

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

Crown Lands Sales Bill.—The Order of the Day for the consideration of the Message from the Legislative Assembly with this Bill being read, the Honorable T. H. Fellows moved, That a Joint Committee, consisting of six members of each House (seven to form a quorum), be appointed to take into consideration the amendments disagreed to in the Land Bill, and that a Message be transmitted to the Legislative Assembly requesting their concurrence in the appointment of such Committee.

Debate ensued.

Amendment moved by the Honorable J. B. Bennett, That all the words after the word "That" be omitted, with a view to insert the words "this Council do pass to the other Orders of the Day."

Debate ensued.

The Honorable T. T. a'Beckett moved, That the Council adjourn for one hour.

Question—That the Council adjourn for one hour—put and passed.

The President left the Chair.

After lapse of an hour,

The President resumed the Chair.

Crown Lands Sales Bill.—Debate resumed, on the amendment moved by the Honorable J. B. Bennett.

Upon which amendment an amendment was moved by the Honorable M. Hervey, That all the words after "Council" be omitted, with a view to insert the following words, "do insist on their amendments disagreed with by the Legislative Assembly in the Bill, on their disagreement with the amendments on amendments made by the Legislative Assembly, and on their amendment on an amendment made by the Legislative Assembly on an amendment made by the Council, and that a Select Committee, consisting of ten members, be appointed to prepare reasons for so insisting, such Committee to consist of the following members:—The Honorables J. P. Fawkner, J. B. Bennett, T. H. Power, T. H. Fellows, N. Black, H. Miller, J. Henty, T. T. a'Beckett, G. S. Coppin, and the Mover."

Debate ensued.

Question—That the words "do pass to the other Orders of the Day" stand part of the amendment—put.

Council divided.

Contents, 13.
The Hon. J. F. Strachan
N. Black
T. H. Power
D. Kennedy
F. Robertson
J. B. Bennett
H. Miller
S. G. Henty
W. Roope
W. Highett
C. Vaughan
G. Rutherford

J. Stewart (*Teller*). The question was therefore passed.

Not Contents, 11.

The Hon. T. H. Fellows
T. T. a'Beckett
G. W. Cole
A. Fraser
Dr. Hope
Dr. Wilkie
B. Williams
J. P. Fawkner
G. Rolfe
J. Henty
G. S. Coppin (Teller).

Question—That all the words after "That" in the original question, proposed to be omitted, stand part of the question-put. Council divided.

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Not Contents, 13.
            Contents, 11.
The Hon. J. Henty
                                                The Hon. F. Robertson
          T. H. Fellows
                                                          T. H. Power
          G. W. Cole
                                                          H. Miller
          T. T. a'Beckett
G. Rolfe
                                                          S. G. Henty
J. B. Bennett
          Dr. Hope
                                                          G. Rutherford
          Dr. Wilkie
                                                          N. Black
          B. Williams
                                                          W. Highett
          J. P. Fawkner
                                                          J. F. Strachan
                                                          C. Vaughan
          A. Fraser
          G. S. Coppin (Teller).
                                                          D. Kennedy
                                                           W. Roope
                                                          J. Stewart (Teller).
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The question was therefore negatived.

Question-That the words "this Council do pass to the other Orders of the Day," proposed to be inserted, be so inserted—put and passed.

Question—That this Council do pass to the other Orders of the Day—put and passed.

FRONTAGE SYSTEM 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 be discharged, and that the recommittal of the Bill be made an Order and the to first his time, can be of the Day for Thursday next. 三日 法国际特别的复 Committee of Sphistorian and Magazi via Debate ensued.

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 Education Bill was postponed until Tuesday, the 7th of August.

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MUNICIPAL INSTITUTIONS ACT AMENDMENT BILL.—The Order of the Day for the consideration of the Message from the Legislative Assembly with amendments in this Bill being read, the Honorable T. T. a'Beckett moved, That the Council do agree with the amendments made by the Legislative Assembly in Clauses I., II., and III. of the Bill, and do agree to insert the new Clauses marked A, B, and C, as follows:-

Clause I., line 13, before "his," insert "or shall be absent from four consecutive ordinary meetings of the council without leave obtained therefrom."

Clause II., line 3 (page 2), after "seat," leave out "shall be declared by the said council to be

line 4, after "thereupon," insert "ipso facto."

", line 4, after "become," insert "and be."

Clause III., line 7, after "return," leave out "may by the said council be declared to be void and thereupon the same."

line 9, leave out "become," and insert "be."

Insert new clause (to stand as Clause IV.), as follows:—

A. "Notwithstanding anything contained in the said recited Act it shall be lawful for the Governor to remove from the roll of magistrates the name of the chairman of any municipal council and from the date of the notification in the Government Gazette of such removal the powers of such chairman to act as a justice of the peace shall cease and determine."

Insert new clause (to stand as Clause V.), as follows:

B. "If any house assessed under the provisions of the said recited Act shall have to the market in been unoccupied for a period of thirteen consecutive weeks or upwards during the twelve months immediately preceding such assessment then in estimating the annual value of such house for the current municipal year allowance shall be made for the number of consecutive weeks (being not less than thirteen) during which such house shall have been so unoccupied during such preceding twelve months."

Insert new clause as follows :-

C. (Clause VII.)—"That Clauses IV. V. and VI. in the said recited Act shall be and the same are hereby repealed."

Question—That the Council do agree to the amendments—put and passed.

On the reading of the following amendment of the Legislative Assembly—Leave out Clause IV., the Honorable J. B. Bennett moved, That the Council insist on Clause IV. of the Bill.

Question—put and passed.

The Honorable J. B. Bennett moved, That a Select Committee, consisting of the Honorables T. T. a'Beckett, G. S. Coppin, A. Fraser, J. P. Fawkner, and the Mover, be appointed to prepare reasons for insisting on the clause.

Question—put and passed.

FITZ ROY WARD IMPROVEMENT ACT AMENDMENT BILL.—The Order of the Day for the second reading of this Bill being read, the Honorable C. Vaughan moved, That the Bill be now read a second time.

Question—put and passed. Bill read a second time.

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

Question—put and passed.

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

The President left the Chair.

The Honorable T. T. a'Beckett, Chairman of the Committee, reported progress, and asked leave for the Committee to sit again on Thursday next.

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

Postponement of Business.—The Honorable C. Vaughan moved, That all business standing on the Notice Paper be postponed until Thursday next. Question—put and passed.

The Council adjourned at twenty minutes past ten o'clock until four o'clock on Thursday the 2nd proximo.

NOTICE OF MOTION AND ORDERS OF THE DAY.

THURSDAY, 2ND AUGUST.

NOTICE OF MOTION:-

1. The Hon. M. Hervey: To move, That the Beechworth Waterworks Company Bill be now read a second time.

ORDERS OF THE DAY:-

- 1. Frontage System Bill.—To be re-committed.
- 2. FITZ ROY WARD IMPROVEMENT ACT AMENDMENT BILL.—To be further considered in Committee.
- 3. Insolvent Laws Amendment Bill.—To be read a second time.
- 4. IMPRISONMENT FOR DEBT ABOLITION BILL.—Adjourned debate on second reading.
- 5. Frauds on Creditors Prevention Bill.—To be further considered in Committee.

TUESDAY, 7TH AUGUST.

ORDER OF THE DAY:-

2. Education Bill.—Adoption of Report.

G. W. RUSDEN,

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No. 65.

Minutes of the Proceedings

OF THE

LEGISLATIVE COUNCIL.

THURSDAY, 2ND AUGUST, 1860.

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

CONGRATULATORY ADDRESS TO THE GOVERNOR.—The President announced to the Council that he had, accompanied by several members of the Council, presented to His Excellency the Governor the Address agreed to on the 26th ultimo, to congratulate His Excellency on his marriage with the daughter of the Commander of the Forces, and that His Excellency had been pleased to make the following reply to the Address:-

Mr. President and Honorable Gentlemen of the Legislative Council:

I am deeply sensible of this fresh proof of the kindly feelings which you entertain towards me, and cordially accept your congratulations upon my marriage, an event which, I venture to hope, may not be without importance to the welfare of society in this province.

On behalf of Lady Barkly I beg to thank you most sincerely for your good wishes

for her future happiness.

HENRY BARKLY.

LIBRARY (JOINT) COMMITTEE.—The Honorable J. P. Fawkner brought up a Progress Report from the Library (Joint) Committee.

Ordered to lie on the Table.

BEECHWORTH WATER WORKS BILL.—The Honorable M. Hervey, 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 M. Hervey moved, That the Bill be now considered in Committee of the whole Council.

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

The President left the Chair.

The Honorable C. Vaughan, Chairman of the Committee, reported progress, and asked leave to sit again immediately.

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

The Honorable M. Hervey, with leave of the Council, moved, without notice, That the Standing Orders LXVIII. and CXIII. be suspended, in order that the Bill may pass through all its stages this day.

Question—put and passed.
The Honorable M. Hervey moved, That the Report of the Committee be now adopted. 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:-

The Legislative Assembly return to the Legislative Council the Bill, intituled "An Act to amend the Law of Property and for other purposes," and acquaint the Legislative Council that they have agreed to the same with amendments, in which they desire the concurrence of the Legislative Council.

FRANS. MURPHY,

Legislative Assembly Chambers, Melbourne, 2nd August, 1860.

LAW OF PROPERTY AMENDMENT BILL.—The Honorable T. H. Fellows moved, That the consideration of the Message from the Legislative Assembly, with amendments in this Bill, be made an Order of the Day for to-morrow.

Question—put and passed.

BEECHWORTH WATER WORKS BILL.—The President having reported that the Chairman of the Committee had certified that the Bill as certified was in accordance with the Bill as reported, the Bill, on the motion of the Honorable M. Hervey, was read a third time and passed.

The Honorable M. Hervey moved, That the title of the Bill be "An Act for enabling the "Municipal Council of Beechworth to construct Works and supply their district with

" Water and for other purposes."

Question—put and passed.

The Honorable M. Hervey 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 an amendment, and to request their concurrence therewith.

Question—put and passed.

FRONTAGE SYSTEM BILL. The Order of the Day for the recommittal of this Bill to the consideration of a Committee of the whole Council being read, the President left the

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

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

Question—put and passed.

FITZ ROY WARD IMPROVEMENT 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 Honorable T. T. a'Beckett, Chairman of the Committee, reported that the Committee

had gone through the Bill, and had agreed to the same with an amendment. The Honorable C. Vaughan, with leave of the Council, moved, without notice, That the

Report be now adopted.

Question—put and passed.

The President having reported that the Chairman of the Committee had certified that the Bill, as certified, was in accordance with the Bill as reported, 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 to amend an "Act intituled 'An Act for Improvements in Fitz Roy Ward in the City of Melbourne."

Question—put and passed.

The Honorable C. Vaughan 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 one amendment, and to request their concurrence therewith.

Question—put and passed.

POSTPONEMENT.—The Order of the Day for the second reading of the Insolvent Laws Amendment Bill was postponed until Tuesday, the 7th instant.

IMPRISONMENT FOR DEBT ABOLITION BILL.—The Order of the Day for the resumption of the adjourned debate on the second reading of this Bill being read, the Honorable T. H. Fellows moved, That all the words after the word "be" be omitted, with a view to insert the words "referred to a Select Committee consisting of seven members."

Debate ensued.

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

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

Question—That the Bill be referred to a Select Committee consisting of seven members put and passed.

FRAUDS ON CREDITORS PREVENTION 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 Honorable C. Vaughan, Chairman of the Committee, reported progress, and asked leave to sit again on Tuesday next.

Question—put and passed.

The Council adjourned at six o'clock until four o'clock on Friday the 3rd instant.

NOTICES OF MOTION AND ORDERS OF THE DAY.

FRIDAY, 3RD AUGUST.

Notice of Motion:—

1. The Hon. J. B. Bennett: To move for leave to bring in a Bill, intituled "An Act to "amend an Act intituled 'An Act to amend an Act intituled an Act to enable certain "Public Hospitals to sue and be sued in the name of their treasurer, and to provide for "the taking and holding of real property belonging to such hospitals respectively."

ORDERS OF THE DAY:-1. Law of Property Amendment Bill.—Consideration of Message from Legislative Assembly.

2. Frontage System Bill.—Adoption of report.

TUESDAY, 7TH AUGUST.

NOTICE OF MOTION:-

1. The Hon. T. H. Fellows: To move, That a Message be transmitted to the Legislative Assembly, requesting that a Committee of six Members of that House be appointed to meet a Committee of an equal number of Members of this House for the consideration of the amendments disagreed to in the Land Bill.

ORDERS OF THE DAY:-

- 1. EDUCATION BILL.—Adoption of Report.
- 2. Insolvent Laws Amendment Bill.—To be read a second time.
- 3. Frauds on Creditors Prevention Bill.—To be further considered in Committee.

MEETINGS

OF

SELECT COMMITTEES.

Friday, 3rd August.

PREPARATION OF REASONS, MUNICIPAL INSTITUTIONS BILL-at half-past 3 o'clock.

Tuesday, 7th August.

SCOTCH PROCURATORS BILL—at half-past 3 o'clock.

G. W. RUSDEN,

Clerk of the Council and Clerk of the Parliaments.

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VICTORIA.

No. 66.

Minutes of the Proceedings

OF THE

LEGISLATIVE COUNCIL.

FRIDAY, 3RD AUGUST, 1860.

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

The President read the Prayer.

Adjournment.—The Honorable J. P. Fawkner moved, That this Council do adjourn until Tuesday next, as a mark of respect to the memory of the late Chairman of Committees, the Honorable J. Hodgson, now deceased.

Question—put and passed.

The Council adjourned at a quarter past four o'clock until four o'clock on Tuesday, the 7th instant.

NOTICES OF MOTION AND ORDERS OF THE DAY.

TUESDAY, 7TH AUGUST.

Notices of Motion:

- 1. The Hon T. H. Fellows: To move, That a Message be transmitted to the Legislative Assembly, requesting that a Committee of six Members of that House be appointed to meet a Committee of an equal number of Members of this House for the consideration of the amendments disagreed to in the Land Bill.
- 2. The Hon. J. B. Bennett: To move for leave to bring in a Bill, intituled "An Act to "amend an Act intituled 'An Act to amend an Act intituled an Act to enable certain "Public Hospitals to sue and be sued in the name of their treasurer, and to provide for "the taking and holding of real property belonging to such hospitals respectively."

ORDERS OF THE DAY:-

- 1. Education Bill.—Adoption of Report.
- 2. INSOLVENT LAWS AMENDMENT BILL.—To be read a second time.
- 3. Frauds on Creditors Prevention Bill.—To be further considered in Committee.
- 4. Law of Property Amendment Bill.—Consideration of Message from Legislative Assembly.
- 5. Frontage System Bill.—Adoption of report.

MEETING

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SELECT COMMITTEE.

Tuesday, 7th August.

SCOTCH PROCURATORS BILL—at half-past 3 o'clock.

G. W. RUSDEN,

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No. 67.

Minutes of the Proceedings

OF THE

LEGISLATIVE COUNCIL.

TUESDAY, 7TH AUGUST, 1860.

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

PREPARATION OF REASONS (MUNICIPAL INSTITUTIONS ACT AMENDMENT BILL).—REPORT OF SELECT COMMITTEE.—The Honorable J. B. Bennett, as Chairman of the Select Committee appointed to prepare reasons for insisting on Clause IV. in the Municipal Institutions Act Amendment Bill, brought up the reasons agreed upon by the Committee as follows:—

The 18th Vict. No. 13, sections 14 and 15, empower the Local Boards of Health to abate or cause to be abated certain nuisances, including swine, pigstyes, stagnant water, &c., and recover the expenses incurred in effecting such abatement from the occupier of the premises; and the 4th section makes municipalities, where they exist, the Local Boards. Under this provision a municipality desirous of causing the removal from a crowded neighborhood of 200 or 300 pigs, and which will create a nuisance from their presence alone, no matter how carefully they are kept, cannot take proceedings against the owner to compel him to do so, but must abate the nuisance themselves; in other words, they must remove and take care of the pigs. This, it will be seen, would be impracticable, and thus the clauses are really inoperative.

It is true, the Municipal Institutions Act, 18 Vict. No. 15, empowers the Council to make bye-laws, but it may happen that some of its members may be unwilling to pass one for the suppression of this particular class of nuisance, and the inhabitants have to wait till next elections to remedy this.

The Towns Police Act, 1854, 18th Vict. No. 14, section 5, imposes a fine on persons neglecting to clean private yards, ways, passages, &c., by which a nuisance is caused. This would not empower a municipality to secure the removal of large herds of swine from crowded localities, which are great nuisances, even though the yards, &c., are carefully kept, and every step taken so as to avoid fines and penalties.

The principal object of the clause proposed to be inserted is to enable the inhabitants in municipalities to insist on the removal of pigs, when they become a nuisance, without the necessity of waiting for a bye-law by the Council, which may, from interested motives, decline to legislate on the subject.

The Honorable J. B. Bennett moved, That the consideration of the reasons be made an Order of the Day for to-morrow.

Question—put and passed.

Crown Lands Sales Bill.—The Honorable T. H. Fellows moved, in accordance with notice, That a Message be transmitted to the Legislative Assembly, requesting that a Committee of six members of that House be appointed to meet a Committee of an equal number of members of this House, for the consideration of the amendments disagreed to in the Land Bill.

Amendment moved by the Honorable J. B. Bennett, That all the words after the word "That" be omitted, with a view to insert the words "in the opinion of this Council, it would be highly unconstitutional that any action for the sale and management of the Public Lands of the Colony should be taken upon the sanction of one branch of the Legislature.

"That until the purpose announced by Her Majesty's Ministers of acting on such sanction alone be withdrawn, and an assurance given that they will, before dealing with the Public Lands, procure the combined sanction of the Legislature to any proposed course of action, this Council declines the further consideration of the Message of the Legislative Assembly transmitted with the Land Bill."

Debate ensued.

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 indemnify all Persons who may have advised signed or issued any warrant "varying the appropriation of certain portions of the sums of £75,000 and £100,000 "appropriated in aid of District Road Boards in the years 1858 and 1859 respectively and of the sum of £15,000 appropriated in aid of Municipalities to be created "during the year 1858 or who may have acted under the authority of the same," to which they desire the concurrence of the Council.

FRANS. MURPHY,

Legislative Assembly Chambers, Melbourne, 7th August, 1860.

Speaker.

Mr. President,

The Legislative Assembly transmit to the Legislative Council a Message from His Excellency the Governor, enclosing a copy of the Bill intituled "An Act to alter "the Boundaries of the Electoral District of Belfast," and certain amendments proposed by His Excellency to be made therein, and acquaint the Legislative Council that they have agreed to the amendments proposed by His Excellency the Governor, in which they desire the concurrence of the Legislative Council.

FRANS. MURPHY,

Legislative Assembly Chambers, Melbourne, 3rd August, 1860. Speaker.

HENRY BARKLY,

Message No. 13.

Governor.

The Governor submits for the consideration of the Legislative Assembly, by way of amendment to the Bill for the alteration of the Boundaries of the Electoral District of Belfast, an additional Clause, which has been suggested as advisable with a view of making it clear that the seats of the present members for the Electoral Districts of Belfast and Villiers and Heytesbury are not avoided by the passing of that measure.

Belfast and Villiers and Heytesbury are not avoided by the passing of that measure.

The adoption of the proposed additional Clause will necessitate an alteration of the second section of the Bill by the substitution of the words "this Act coming into operation" for the words "the passing of this Act."

Government Offices,

July, 1860.

IV. This Act shall commence and take effect from and after the expiration or dissolution of the present Parliament and immediately upon such expiration or dissolution the registrar of the Electoral District of Villiers and Heytesbury shall make out from the general and special electoral rolls for the said district a list of all persons whose qualifications are set forth in the said rolls as being within the "area" comprised within the Electoral District of Belfast as set forth in the Schedule to this Act annexed and shall submit said list and rolls to the justices in petty sessions in the said last mentioned district who shall compare the said list and rolls and certify the said list and the said registrar shall then strike the names on the said certified list out of the roll for the Electoral District of Villiers and Heytesbury and shall forward the said certified lists to the registrar of the Electoral District of Belfast who is hereby authorised and directed to add the names on the said certified list to the roll for the said last mentioned district and such rolls so amended shall be the rolls for the district to which they respectively relate or belong until they are further amended according to law.

Mr. President,

The Legislative Assembly return to the Legislative Council a Bill intituled "An Act for enabling the Municipal Council of Beechworth to construct Water Works "and supply their District with Water and for other purposes," and acquaint the Legislative Council that they have agreed to the amendment made therein by the Legislative Council.

FRANS. MURPHY,

Speaker.

Assembly Chambers, 7th August, 1860.

INDEMNITY BILL.—The Honorable T. H. Fellows 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.

Belfast Boundaries Bill.—The Honorable C. Vaughan moved, That the Message from the Legislative Assembly, together with the additional clause and amendment in this Bill proposed by His Excellency the Governor, be made an Order of the Day for consideration to-morrow.

Question—put and passed.

CROWN LANDS SALES BILL.—Debate resumed.

Amendment by leave withdrawn.

Question—That a Message be transmitted to the Legislative Assembly, requesting that a Committee of six members of that House be appointed to meet a Committee of an equal number of members of this House, for the consideration of the amendments disagreed to in the Land Bill—put and passed.

Hospitals Act Amendment Bill.—The Honorable J. B. Bennett, in accordance with notice, moved for leave to bring in a Bill intituled "An Act to amend an Act intituled 'An "Act to amend an Act intituled An Act to enable certain Public Hospitals to sue and "be sued in the name of their treasurer and to provide for the taking and holding of "real property belonging to such hospitals respectively."

Question—put and passed.

Bill brought in, read a first time, ordered to be printed, and read a second time to-morrow.

EDUCATION 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 be discharged, and that the recommittal of the Bill be made an Order of the Day for Thursday next.

Question—put and passed.

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

"Insolvent Laws Amendment Bill"—to be read a second time.

"Frauds on Creditors Prevention Bill"—to be further considered in Committee.

POSTPONEMENT.—The following Order of the Day was postponed until Friday the 10th instant:—
"Law of Property Amendment Bill"—consideration of Message from Legislative Assembly.

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

Question—put and passed.

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

of the Honorable J. P. Fawkner, was read a third time and passed.

The Honorable J. P. Fawkner moved, That the title of the Bill be "An Act to remove "An Ac

"doubts as to the validity of certain Mining Regulations and Bye-laws."

Question—put and passed.

The Honorable J. P. Fawkner moved, That the Bill be carried to the Legislative Assembly, with a Message acquainting them that the Council have agreed to the Bill with an amendment, and desiring their concurrence therewith.

Question—put and passed.

ADJOURNMENT.—The Honorable T. H. Fellows moved, That the House, at its rising this day, adjourn until Thursday next.

Question—put and passed.

Postponements.—The Honorable T. H. Fellows moved, That all business set down for to-morrow be postponed until Thursday next.

Question—put and passed.

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

ORDERS OF THE DAY.

THURSDAY, 9TH AUGUST.

ORDERS OF THE DAY:-

1. Education Bill.—To be re-committed.

2. Insolvent Laws Amendment Bill.—To be read a second time.

3. Frauds on Creditors Prevention Bill.—To be further considered in Committee.

4. Municipal Institutions Act Amendment Bill.—Adoption of Reasons prepared by Select Committee.

5. INDEMNITY BILL.—To be read a second time.

6. Belfast Boundaries Bill.—Consideration of Message from Legislative Assembly.

7. HOSPITALS ACT AMENDMENT BILL.—To be read a second time.

FRIDAY, 10TH AUGUST.

1. Law of Property Amendment Bill.—Consideration of Message from Legislative Assembly.

MEETING

OF

SELECT COMMITTEE.

Thursday, 9th August.

SCOTCH PROCURATORS BILL—at a quarter to 4 o'clock.

G. W. RUSDEN,

VICTORIA

No. 68.

Minutes of the Proceedings

OF THE

LEGISLATIVE COUNCIL.

THURSDAY, 9TH AUGUST, 1860.

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

Papers.—The Honorable T. H. Fellows presented to the Council the following papers:—Gold Fields Act.—Orders in Council.

Mining District of Beechworth altered (16th July, 1860).
Mining District of Beechworth, Divisions of, altered (16th July, 1860).

Ordered to lie on the Table.

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

Question—put and passed.

The Council adjourned at a quarter past four o'clock until four o'clock on Thursday, the 16th instant.

G. W. RUSDEN,

No. 69.

Minutes of the Proceedings

OF THE

LEGISLATIVE COUNCIL.

THURSDAY, 16TH AUGUST, 1860.

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

The President read the Prayer.

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

Question—put and passed.

Lapsed Business.—The Honorable G. S. Coppin, with leave of the Council, moved, without notice, That the consideration of the Message from the Legislative Assembly with the Customs Act Amendment Bill, and all the business which lapsed by the last adjournment of the House, be restored to the business paper for Wednesday next.

Question—put and passed.

The Council adjourned at ten minutes past four o'clock until four o'clock on Wednesday, the 22nd instant.

ORDERS OF THE DAY.

WEDNESDAY, 22ND AUGUST.

ORDERS OF THE DAY:-

- 1. Customs Act Amendment Bill.—Further consideration of Message from Legislative Assembly.
- 2. Education Bill.—To be re-committed.
- 3. Insolvent Laws Amendment Bill.—To be read a second time.
- 4. Frauds on Creditors Prevention Bill.—To be further considered in Committee.
- 5. MUNICIPAL INSTITUTIONS ACT AMENDMENT BILL.—Adoption of Reasons prepared by Select Committee.
- 6. Indemnity Bill.—To be read a second time.
- 7. Belfast Boundaries Bill.—Consideration of Message from Legislative Assembly.
- 8. Hospitals Act Amendment Bill.—To be read a second time.
- 9. Law of Property Amendment Bill.—Consideration of Message from Legislative Assembly.

G. W. RUSDEN,

No. 70.

Minutes of the Proceedings

OF THE

LEGISLATIVE COUNCIL.

WEDNESDAY, 22nd AUGUST, 1860.

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 of the intention of His Excellency the Governor to proceed to the Council Chamber this day to assent to certain Bills passed by the Legislative Council and Legislative Assembly.
- APPROACH OF HIS EXCELLENCY THE GOVERNOR .- The approach of His Excellency the Governor was announced by the Usher.
- ROYAL ASSENT TO BILLS AND RESERVATION OF 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, Mr. Speaker, after a speech to His Excellency, delivered the Appropriation Bill to the Clerk, who brought it to the Table.
 - His Excellency was then pleased to assent, in the name of Her Majesty the Queen, to the following Bills:-
 - "An Act to appropriate the Consolidated Revenue to the service of the year One "thousand eight hundred and sixty and for other purposes."
 - "An Act for the Administration of the Estates of Deceased Persons in certain "cases."
 - "An Act further to amend and to consolidate the Law of Evidence."
 - "An Act for supplying the District of the Ovens with Water."
 - "An Act to incorporate a Company to be called 'The Bendigo Gas Company' "and for other purposes."
 - "An Act to incorporate a Company to be called 'The Collingwood Fitz Roy and "'District Gas and Coke Company' and for other purposes."

 "An Act for the remission of Penalties and the discharge of Persons from Im-
 - "prisonment in certain cases."
 - 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 amend the Law relating to Divorce and Matrimonial Causes in " Victoria."
- The Clerk of the Parliaments delivered to Mr. Speaker schedules of the Bill reserved and of the Acts assented to.
- Mr. Speaker and the Legislative Assembly withdrew.
- His Excellency the Governor left the Council Chamber.
- Adjournment.—The Honorable J. P. Fawkner moved, That the Council do now adjourn. Question—put and passed.
- The Council adjourned at ten minutes to five o'clock until four o'clock on Thursday, the 23rd instant.

ORDERS OF THE DAY.

THURSDAY, 23RD AUGUST.

ORDERS OF THE DAY:-

- 1. Customs Act Amendment Bill.—Further consideration of Message from Legislative Assembly.
- 2. Education Bill.—To be re-committed.
- 3. Insolvent Laws Amendment Bill.—To be read a second time.
- 4. Frauds on Creditors Prevention Bill.—To be further considered in Committee.
- 5. Municipal Institutions Act Amendment Bill.—Adoption of Reasons prepared by Select Committee.
- 6. INDEMNITY BILL.—To be read a second time.
- 7. Belfast Boundaries Bill.—Consideration of Message from Legislative Assembly.
- 8. Hospitals Act Amendment Bill.—To be read a second time.
- 9. Law of Property Amendment Bill.—Consideration of Message from Legislative Assembly.

G. W. RUSDEN,

No. 71.

Minutes of the Proceedings

OF THE

LEGISLATIVE COUNCIL.

THURSDAY, 23RD AUGUST, 1860.

The President took the Chair at the expiration of half an hour after the time appointed for the meeting of Council, and, a quorum not being present, adjourned the Council without question put to the next sitting day, Friday, 24th August, 1860.

G. W. RUSDEN,

VICTORIA.

No. 72.

Minutes of the Proceedings

OF THE

LEGISLATIVE COUNCIL.

FRIDAY, 24TH AUGUST, 1860.

The President took the Chair at the expiration of half an hour after the time appointed for the meeting of Council, and, a quorum not being present, adjourned the Council without question put to the next sitting day, Tuesday, 28th August, 1860.

G. W. RUSDEN,

No. 73.

Minutes of the Proceedings

OF THE

LEGISLATIVE COUNCIL.

TUESDAY, 28TH AUGUST, 1860.

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

Lapsed Business.—The Honorable A. Fraser, with leave of the Council, moved, without notice, That the Business which lapsed on Thursday last be restored to the Business Paper for to-morrow.

Question—put and passed.

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

ORDERS OF THE DAY.

Wednesday, 29th August.

ORDERS OF THE DAY:-

- 1. Customs Act Amendment Bill.—Further consideration of Message from Legislative Assembly.
- 2. Education Bill.—To be re-committed.
- 3. Insolvent Laws Amendment Bill.—To be read a second time.
- 4. Frauds on Creditors Prevention Bill.—To be further considered in Committee.
- 5. Municipal Institutions Act Amendment Bill.—Adoption of Reasons prepared by Select Committee.
- 6. Indemnity Bill.—To be read a second time.
- 7. Belfast Boundaries Bill.—Consideration of Message from Legislative Assembly.
- 8. Hospitals Act Amendment Bill.—To be read a second time.
- 9. LAW OF PROPERTY AMENDMENT BILL.—Consideration of Message from Legislative Assembly.

G. W. RUSDEN,

No. 74.

Minutes of the Proceedings

OF THE

LEGISLATIVE COUNCIL.

WEDNESDAY, 29TH AUGUST, 1860.

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

Petition.—The Honorable G. Rolfe presented to the Council a Petition from the Municipal Council of Maldon, praying that this Honorable House will be pleased to reconcile as far as possible the differences existing between the two Houses of Parliament upon the Land Bill, and further to pass the Bill before the close of the present session of Parliament. Petition received.

VACANCIES IN THE COUNCIL.—The Honorable T. T. a'Beckett, with leave of the Council, moved, without notice, That an Address be presented to His Excellency the Governor, requesting that he will be pleased to cause to be laid on the Table of the House a copy of any opinion of the Law Officers of the Crown on which it has been determined that vacancies are created by effluxion of time in regard to members of this House. Question—put and passed.

Scotch Procurators Bill.—The Honorable R. Thomson brought up a Progress Report from the Select Committee to which the Scotch Procurators Bill was referred, and moved that the same be printed, and that its adoption be made an Order of the Day for Tuesday

Question—put and passed.

CUSTOMS ACT AMENDMENT BILL.—The Order of the Day for the further consideration of the Message from the Legislative Assembly with this Bill being read, the Honorable T. H. Fellows moved, That the Bill be returned to the Legislative Assembly, with a Message to acquaint them that the Council insist on the amendments in Clauses I. and III. of the Bill.

Question—put and passed.

Education Bill.—The Order of the Day for the re-committal of this Bill being read, the Honorable T. H. Fellows moved, That the Bill be now considered in Committee of the whole Council.

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

The President left the Chair.

The Honorable R. Thomson, Chairman of the Committee, reported that the Committee

had gone through the Bill, and had agreed to the same with amendments.

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

Question—put and passed.

CONDUCT OF THE POLICE.—The Honorable J. P. Fawkner, with leave of the Council, moved, without notice, That this House express their great satisfaction at the orderly and forbearing conduct of the Police, in repressing the mob at the Parliament Houses yesterday evening, and that the President acquaint the head of the Police Department with this resolution.

Question—put and passed.

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

Debate ensued.

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

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

Question-That the words "this day six months," proposed to be added, be so added-put

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

FRAUDS ON CREDITORS PREVENTION 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

The Honorable R. Thomson, Chairman of the Committee, reported progress, and asked leave to sit again on Tuesday next.

Question—put and passed.

MUNICIPAL INSTITUTIONS ACT AMENDMENT BILL.—The Order of the Day for the adoption of the Reasons prepared by the Select Committee appointed to prepare reasons for insisting on Clause IV. of this Bill being read, the Honorable J. B. Bennett moved, That the Reasons be now adopted.

Question—put and passed.

The Honorable J. B. Bennett moved, That the Bill be carried to the Legislative Assembly, with a Message setting forth the reasons for which the Council insist on Clause IV. of

Question—put and passed.

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

Question—put and passed. Bill read a second time.

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

Question—put and passed.

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

The President left the Chair.

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

The Honorable T. H. Fellows moved, That the adoption of the Report of the Committee be made an Order of the Day for consideration after the next Order of the Day.

Question—put and passed.

Belfast Boundaries Bill.—The Order of the Day for the consideration of the Message from the Legislative Assembly with the amendments in this Bill proposed by His Excellency the Governor being read, the Honorable T. H. Fellows moved, That the Council agree to the amendment to substitute the words "this Act coming into operation" for the words "the passing of this Act," in the first line of the second clause of the Bill. Question—put and passed.

The Honorable T. H. Fellows moved, That the Council agree to the amendment to insert

the following clause as Clause IV. of the Bill:-

This Act shall commence and take effect from and after the expiration or dissolution of the present Parliament and immediately upon such expiration or dissolution the registrar of the Electoral District of Villiers and Heytesbury shall make out from the general and special electoral rolls for the said district a list of all persons whose qualifications are set forth in the said rolls as being within the "area" comprised within the Electoral District of Belfast as set forth in the Schedule to this Act annexed and shall submit said list and rolls to the justices in petty sessions in the said last mentioned district who shall compare the said list and rolls and certify the said list and the said registrar shall then strike the names on the said certified list out of the roll for the Electoral District of Villiers and Heytesbury and shall forward the said certified lists to the registrar of the Electoral District of Belfast who is hereby authorised and directed to add the names on the said certified list to the roll for the said last mentioned district and such rolls so amended shall be the rolls for the district to which they respectively relate or belong until they are further amended according to law.

The Clause was read by the Clerk.

Question—put and passed.

The Honorable T. H. Fellows moved, That a Message be carried to the Legislative Assembly to acquaint them that the Council have agreed to the amendments proposed by His Excellency the Governor in the Bill, and agreed to by the Legislative Assembly. Question—put and passed.

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

Question—put and passed.

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

The Honorable T. H. Fellows moved, That the title of the Bill be, "An Act to indemnify "all Persons who may have advised signed or issued any Warrant varying the appro-"priation of certain portions of the sums of £75,000 and £110,000 appropriated in aid "of District Road Boards in the Years 1858 and 1859 respectively and of the sum of "£15,000 appropriated in aid of Municipalities to be created during the Year 1858 "or who may have acted under the authority of the same."

Question—put and passed.

The Honorable T. H. Fellows moved, That a Message be carried to the Legislative Assembly to acquaint them that the Council have agreed to the Bill without amendment. Question—put and passed.

HOSPITALS ACT AMENDMENT 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. 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.

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

The President left the Chair.

The Honorable R. Thomson, Chairman of the Committee, reported that the Committee had agreed to the Bill with amendments.

The Honorable J. B. Bennett moved, That the adoption of the report be made an Order of the Day for to-morrow.

Question—put and passed.

POSTPONEMENT.—The Order of the Day for the consideration of the Message from the Legislative Assembly with the Law of Property Amendment Bill was postponed until Thursday, the 30th instant.

The Council adjourned at twenty minutes to seven o'clock until four o'clock on Thursday, the 30th instant.

ORDERS OF THE DAY.

THURSDAY, 30TH AUGUST.

1. The Hon. J. P. FAWKNER: To ask the Honorable T. H. Fellows, whether the Executive Government have taken, or intend to take, any steps to arrest the speakers at the late Public Meeting in the Eastern Market, on Monday last, namely, Messrs. Hunter, Gray, Don, Crews, and Brodie, who by their inflammatory and highly revolutionary language incited the people to attend at the Parliament House to overrule all order and endanger the free action of the Members of Parliament.

ORDERS OF THE DAY:-

- 1. Education Bill.—Adoption of Report.
- 2. Hospitals Act Amendment Bill.—Adoption of Report.
- 3. Law of Property Amendment Bill.—Consideration of Message from Legislative Assembly.

TUESDAY, 4TH SEPTEMBER.

ORDERS OF THE DAY:-

- 1. Scotch Procurators Bill-Adoption of Report of Select Committee.
- 2. Frauds on Creditors Prevention Bill.—To be further considered in Committee.

G. W. RUSDEN,

Clerk of the Council and Clerk of the Parliaments.

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VICTORIA

No. 75.

Minutes of the Proceedings

OF THE

LEGISLATIVE COUNCIL.

THURSDAY, 30TH AUGUST, 1860.

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

The President read the Prayer.

Issue of Writ.—The President announced to the Council that intimation had been received from the Private Secretary to His Excellency the Governor to the effect that His Excellency has this day issued a writ, returnable on the 6th day of October next, for the election of one member, to serve in the Legislative Council for the Central Province in the place of the Honorable Major John Hodgson, deceased.

VACANCIES IN THE COUNCIL.—The Honorable T. H. Fellows laid upon the Table a Return to an Address adopted by the Council on the 29th instant, on the motion of the Honorable T. T. a'Beckett.

The Return was read at the Table by the Clerk, as follows:-

"I think the two years from the date of the first election must count from the day on which the Returning Officer declares the candidate duly elected. In case of a contested election, that will be on the day of the declaration of the state of the poll; in case of an election not contested, it will of course be on the nomination day.

"Thus, in the case of the Central Province, the outgoing member's term of office expired on the 30th August, and the writ may issue on the 1st of September. No notice is required to be given. The Returning Officer gives the necessary notifications in accordance with the exigencies of the writ; but when the Legislature is not in session the writs must not be made returnable in less than 30 days.

"In the case of the Western Province, the date of the declaration of the final state of the poll, when Mr. Vaughan was declared duly elected, must be ascertained from the Returning Officer.

"H. S. CHAPMAN." 8th August, 1858.

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

Question—put and passed.

HOSPITALS ACT AMENDMENT BILL.—The Order of the Day for the adoption of the Report of the Committee of the whole Council on this Bill being read, the Honorable J. B. Bennett moved, That the Report be now adopted.

Question—put and passed.

The President having reported that the Chairman of the Committee had certified that the fair print of the Bill was in accordance with the Bill as reported, the Bill, on the motion of the Honorable J. 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 an "Act intituled An Act to amend an Act intituled 'An Act to enable certain Public "'Hospitals to sue and be sued in the name of their Treasurer and to provide for the "'taking and holding of real property belonging to such Hospitals respectively."

Question—put and passed.

The Honorable J. B. Bennett moved, That the Bill be carried to the Legislative Assembly, with a Message requesting their concurrence with the Bill. Question—put and passed.

LAW OF PROPERTY AMENDMENT BILL.—The Order of the Day for the consideration of the Message from the Legislative Assembly with this Bill being read, the Honorable T. H. Fellows moved, That the Council agree to the following amendments:—

Clause I., line 20, leave out first word "and" and insert "or."

Clause X., line 26, leave out "which shall come into operation after the passing of this Act." line 27, after "charged" insert "or shall charge."

Clause XVII., line 32, after "trust" insert "heretofore created or hereafter to be created."

Clause XVIII., line 37, after "purchaser" insert "or mortgagee."

, line 40, after "purchaser" insert "or mortgagee."

line 50, leave out "instruments" and insert "instrument."

Clause XXVIII., line 27, leave out "Act" and insert "section."

At end of clause insert:—"Provided always that nothing herein contained shall be construed so as in any manner to affect the provisions of an Act passed in the thirty-second year of the reign of his late Majesty King Henry the Eighth intituled 'The Bill of Bracery and buying of Titles."

Question-put and passed.

The Honorable T. H. Fellows moved, That the word "as," occurring in the last line but two of the proposed new clause A, to follow Clause XXXII., be omitted, and that the word "or" be inserted instead thereof.

(A.)—"Wheresoever in the Act of the Imperial Parliament passed in the third and fourth years of the reign of His late Majesty King William the Fourth for the limitation of actions and suits relating to real property and for simplifying the remedies for trying the rights thereto (and which Act was adopted by the Act of the Governor and Legislative Council of New South Wales passed on the thirteenth day of July one thousand eight hundred and thirty-seven and numbered three) the word 'twenty' occurs the same shall be read as if that word had been 'fifteen' and wheresoever therein the word 'forty' occurs the same shall be read as if that word had been 'thirty' Provided always that it shall and may be lawful for any person entitled to or claiming under any mortgage of land being land within the definition contained in the first section of the said Imperial Act to make an entry or bring an action at law or suit in equity to recover such land at any time within fifteen years next after the last payment of any part of the principal money as interest secured by such mortgage although more than fifteen years may have elapsed since the time at which the right to make such entry or bring such action or suit in equity shall have first accrued anything in the said Imperial Act notwithstanding."

Question—That the word "as" proposed to be omitted be so omitted—put and passed. Question—That the word "or" proposed to be inserted be so inserted—put and passed. Question—That the clause as amended be agreed to—put and passed.

The Honorable T. H. Fellows moved, That the following proposed new clauses be agreed to:—

- (B.)—"Nothing contained in the last preceding section shall prejudice or affect any action at law or suit in equity or other proceeding commenced before or which shall be commenced within one year next after the passing of this Act."
- (C.)—"Where any actual waiver of the benefit of any covenant or condition in any lease on the part of any lessor or his heirs executors administrators or assigns shall be proved to have taken place after the passing of this Act in any one particular instance such actual waiver shall not be assumed or deemed to extend to any instance or any breach of covenant or condition other than that to which such waiver shall specially relate nor to be a general waiver of the benefit of any such covenant or condition unless an intention to that effect shall appear."
- (D.)—"Where by any instrument any hereditaments have been or shall be limited to uses all uses thereunder whether expressed or implied by law and whether immediate or future or contingent or executory or to be declared under any power therein contained shall take effect when and as they arise by force of and by relation to the estate and seisin originally vested in the person seized to the uses and the continued existence in him or elsewhere of any seisin to uses or scintilla Juris shall not be deemed necessary for the support of or to give effect to future or contingent or executory uses nor shall any such seisin to uses or scintilla Juris be deemed to be suspended or to remain or to subsist in him or elsewhere"
- (E.)—"Whenever an executor appointed in a will survives the testator but dies without having taken probate and whenever an executor named in a will is cited to take probate and does not appear to such citation the right of such person in respect of the executor-ship shall wholly cease and the representation to the testator and the administration of his effects shall and may without any further renunciation go devolve and be committed in like manner as if such person had not been appointed executor."
- (F.)—"It shall and may be lawful to and for the respective governors and directors of any insurance office or persons granting policies of insurance for insuring houses or other buildings against loss by fire and they are hereby authorized and required on the request of any person interested in or entitled to any house or other building which may hereafter be burned down demolished or damaged by fire to cause the money for which such house or building shall have been insured by the occupier thereof or by any other person to be laid out and expended as far as the same will go towards re-building reinstating or repairing such house or other building so burned down demolished or damaged by fire unless the person claiming such insurance money shall within thirty days next after his claim is adjusted give a sufficient security to the governors or directors of the insurance office where such house or other building is insured that the same insurance money shall be laid out and expended as aforesaid or unless the said insurance money

shall be in that time settled and disposed of to and amongst all the contending parties to the satisfaction and approbation of such governors or directors of such insurance office or such person aforesaid respectively."

Question—put and passed.

The Honorable T. H. Fellows moved, That in the last line of the following proposed new clause the words "or personal" be inserted after the word "real."

"Where any person being an infant under the age of twenty-one years is or shall be seized or possessed of any land in fee simple or for any term of years for an absolute interest and it shall appear to the Supreme Court that such land is and has been and is likely to remain unproductive and that it would be for the benefit of such infant that the said land should be sold and the proceeds thereof invested and accumulated it shall be lawful for such infant (or his guardian in the name of such infant) by the direction of the said court to be signified by an order to be made in a summary way upon the petition of such infant (or guardian) to sell the said land by public auction upon and subject to such conditions of sale and for not less than such upset price as the said court shall direct and the conveyance or assignment of such land (as the case may be) shall be settled by and the purchase money shall be paid to the Master in Equity and such purchase money and the accumulations thereof shall be invested for the benefit of the said infant in such manner as the said court shall direct and (in case the said infant shall die during his minority) shall descend and be transmissible as real estate."

Question—put and passed.

The Honorable T. H. Fellows moved, That after the word "estate" in the same line, the words "according to the nature of the land for which such purchase money shall have been paid" be inserted.

Question—put and passed.

The Honorable T. H. Fellows moved, That the proposed clause, as amended, be agreed to. Question—put and passed.

The Honorable T. H. Fellows moved, That the following proposed new clauses and amendments be agreed to:-

(H.)—"The Master in Equity shall be made a party to and shall execute every such conveyance and assignment as last aforesaid and shall therein and thereby certify that the purchase money thereinbefore mentioned has been duly paid to and received by him and that such deed has been settled and approved in accordance with this Act which said certificate shall be conclusive evidence that all matters required by the section lastly hereinbefore contained have been duly complied with and after such certificate the said deed when executed by the said infant or guardian shall be of the same force and effect as if such infant at the time of the execution thereof had been of the full age of twentyone years."

Leave out Clause XXXIII.

Clause XXXV., line 53, after "registrar" insert "or for or on behalf of such registrar."

Clause XL., line 31, leave out "on or subsequently to the first day of January One thousand eight hundred and thirty-seven," and insert "subsequently to the passing of this Act."

line 33, leave out "has declared," and insert "shall declare."

Clause XLI., line 53, leave out "aliens," and insert "alien."

Clause XLII., line 6, after "person" insert "or persons." line 7, after "given" insert "to an agent or agents."

line 11, after "person" insert "or persons."

At end of clause insert:—"And the words 'an agent or two agents' in the first section of the Act of the Legislature of Victoria passed in the sixteenth year of the reign of Her present Majesty numbered twenty shall be read as if the words 'one or more agent or agents' had been inserted in lieu thereof.'

Clause XLIII., line 22, before "Supreme" insert "Registrar of the."

line 22, after first word "Court" leave out "(hereinafter called the Court)." line 23, leave out "the Court," and insert "such registrar."

Clause XLVII., line 41, leave out "actual."

line 44, leave out "the issue in tail and," and insert "all persons claiming the land entailed by force of any estate tail which shall be vested in or might be claimed by or which but for some previous Act would have been vested in or might have been claimed by the person making the disposition at the time of his or her making the same and also as against."

line 2 (page 12), after "he" insert "or she."

Clause L., line 36, after "tail" insert "thereof."

line 38, after "which" leave out "the person making the same," and insert "such tenant in tail."

Clause LI., line 52, fill up blank with the words "section hereinbefore contained giving power to dispose of land entailed saving the rights of certain persons. line 2 (page 13), leave out "this Act," and insert "such sections."

editory.

Insert the following clauses, to follow Clause LII .:-

(I.)—"Whenever after the passing of this Act an order shall be made placing the estate of any insolvent under sequestration for the benefit of his creditors it shall be lawful for the chief commissioner of insolvent estates (except as to land within the districts after mentioned) by deed to dispose of any land of which the insolvent either at the time of making such order or at any time afterwards before he shall have obtained his certificate shall be a tenant in tail to a purchaser for valuable consideration for the benefit of the creditors of such insolvent tenant in tail and such disposition shall create as large an estate in the land disposed of as the tenant in tail if he had not become insolvent could have created or done under this Act by a deed duly acknowledged and no deed by which such commissioner shall under this Act dispose of land shall require

acknowledgment by any person."

(J.)—"Where a tenant in tail of land shall have already created or shall hereafter create in such land a voidable estate in favor of a purchaser for valuable consideration and such tenant in tail shall have his estate sequestrated under any such order as aforesaid and the Chief Commissioner shall make any disposition under this Act of the land in which such voidable estate shall be created then and in such case the disposition by such commissioner shall have the effect of confirming such voidable estate in the land thereby disposed of to its full extent as against all persons except those whose rights are saved by this Act Provided always that if the disposition by the commissioner shall be made to a purchaser for valuable consideration who shall not have express notice of the voidable estate then and in such case the voidable estate shall not

be confirmed against such purchaser and the persons claiming under him."

(K.)—"All Acts and Deeds done and executed by a tenant in tail of land whose estate shall be sequestrated under any such order as aforesaid and which shall effect such land and which if he had been seized of or entitled to such land in fee simple absolute would have been void against the assignees of the insolvent's estate and all persons claiming under them shall be void against any disposition which may be made of such land under this Act by the commissioner aforesaid."

(L.)—"Any disposition under this Act by the Chief Commissioner of land the estate tail of an insolvent whose estate shall be sequestrated under any such order as aforesaid shall although the insolvent be dead at the time of the disposition be as valid and effectual as the same would have been and have the same operation under this Act as

the same would have had if the insolvent were alive."

(M.)—The Commissioner of Insolvent Estates appointed or to be appointed in and for any district in the colony shall as to land within the district for which he has been or shall be appointed have the same powers of disposition as the Chief Commissioner has under this Act over or in respect of land not within any such district as aforesaid and the disposition of such commissioner shall be as valid and effectual and have the same operation as it would have had if the land had not been within any such district and the deed disposing thereof had been executed by the Chief Commissioner."

(N.)—Subject and without prejudice to the powers of disposition given by this Act to the Chief or other Commissioner aforesaid over the estate tail of an insolvent being or before obtaining his certificate becoming a tenant in tail of land and also subject and without prejudice to the estate in such land which may be vested in the assignees of the insolvent's estate and also subject and without prejudice to the rights of all persons claiming under the said assignees in respect of such land such tenant in tail as aforesaid shall have the same powers of disposition under this Act in regard to such land as he would have had

if he had not become insolvent." (O.)—"The rents and profits of any land of which the Chief or other Commissioner aforesaid after any such order as aforesaid hath power to make disposition under this Act shall in the meantime and until such disposition shall be made or until it shall be ascertained that such disposition shall not be required for the benefit of the creditors of the insolvent be received by the assignees of the estate of the insolvent for the benefit of his creditors and the assignees may proceed by action for the recovery of such rents and profits or may distrain for the same upon the land subject to the payment thereof and in case any action shall be brought for taking any such distress may plead thereto the general issue and give this Act or other special matter in evidence and also in case any such distress shall be replevied shall have power to avow or make cognizance generally in such manner and form as any landlord may now do by any law or statute now in force or hereafter to be made for the more effectually recovering of rent in arrear and such assignees and their bailiffs agents and servants shall also have all such and the same remedies powers privileges and advantages of pleading avowing and making cognizance and be entitled to the same costs and damages and the same remedies for the recovery thereof as landlords their bailiffs agents and servants are now or hereafter may be by law entitled to have when rent is in arrear and such assignees shall also have the same power and authority of enforcing the observance of all covenants conditions and agreements in respect of the land of which the Chief or other Commissioner aforesaid hath the power of disposition under this Act and in respect of the rents and profits thereof and of entry into and upon the same land for the non-observance of any such covenant condition and agreement and of expelling and amoving therefrom the tenants or other occupiers thereof and thereby determining and putting an end to the estate of the persons who shall not have observed such covenants conditions and agreements as the insolvent would have had in case he had not become insolvent."

Clause LIII., line 18, after "sold," insert "whether freehold or leasehold." line 39, after "and," insert "except in case of insolvency."

At end of clause insert: -- "and in case of insolvency the disposition of such leasehold lands or money shall be made by the Chief Commissioner or District Commissioner aforesaid as the case may be."

Clause LVII., line 23, fill up blank with the words "section hereinbefore contained giving power to dispose of land entailed saving the rights of certain persons."

line 24, after "Act," insert "(except by the Chief Commissioner or District Commissioner aforesaid and)."

line 26, before "Court," insert "Supreme."

Clause LXV., line 2, after "sheriff" insert "or for any other officer having the execution of a writ of fieri facias."

line 6, after "such" leave out "officer" and insert "sheriff deputy sheriff officer registrar or deputy."

At end of clause insert:- "And every deed of bargain and sale of the right title and interest of any person of in or to any land which has already been or shall hereafter be executed by any person appointed to execute any writ of fieri facias shall be deemed to have been and shall be as valid and effectual as if such right title and interest had been sold by the sheriff under a writ of that kind addressed to him and the deed of bargain and sale thereof had been executed by him."

Clause LXVI., line 9, leave out "inferior."

line 9, after "court" insert "holden under the provisions of the Act of the Lieut.-Governor and Legislative Council of Victoria made and passed in the sixteenth year of the reign of Her present Majesty and numbered XI or of the Act extending such Act made and passed in the seventeenth year of the reign of Her said Majesty and numbered XXI.

line 16, after "or" insert "execution."

Question—put and passed.

The Honorable T. H. Fellows moved, That the Council do not agree to leave out "rule decree or order" as proposed in the following amendment:-

Clause LXVI., line 26, leave out "rule decree or order," and insert "the issuing of such execution."

Question—put and passed.

The Honorable T. H. Fellows moved, That in the same amendment the words "together with" be inserted before the word "the." Question—put and passed.

The Honorable T. H. Fellows moved, That the word "issuing" be struck out, with a view to insert the word "date" instead thereof.

Question-That the word "issuing" proposed to be omitted be so omitted-put and passed. Question—That the word "date" proposed to be inserted be so inserted—put and passed.

The Honorable T. H. Fellows moved, That the word "such" be omitted, with a view to insert the words "the delivery to the Sheriff or other officer for" instead thereof. Question—That the word "such" proposed to be omitted be so omitted—put and passed.

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

The Honorable T. H. Fellows moved, That after the word "execution" the following words be inserted-" of the writ of fieri facias upon such judgment rule decree or order."

Question—put and passed.

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

Question—put and passed.

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The Honorable T. H. Fellows moved, That the Council agree to the following amendments:-

Clause LXVI., line 26, leave out "debt damages costs or." line 27, leave out "recovered or."

Clause LXVII., line 38, after "mortgagees" leave out "or" and insert "and execution." line 49, before "creditors" insert "execution."

Clause LXXI., line 31, leave out "or."

line 31, after "mortgagees" insert "or execution creditors."

line 45, after "the," at end of line, insert "said."

line 46, leave out "same.'

Clause LXXII., line 5 (page 18), before "creditors" insert "execution." line 7, after "person" insert "as regards an execution."

line 9, before "creditors" insert "execution."

Clause LXXIV., line 27, leave out "or their."

Clause LXXVII., line 44, fill up blank with the words "section hereinbefore contained enacting that estates tail shall not be barrable by warranty.

line 49, "leave out "'estate' shall extend to an estate in equity as well as at law and shall also extend to any interest charge right title lien or incumbrance in upon or affecting land either at law or in equity whether present or vested or future or contingent and shall also extend to any interest charge lien or incumbrance in upon or affecting money subject to be invested in the purchase of land and the expression 'actual tenant in tail' shall mean exclusively the tenant of an estate tail which shall not have been barred and such tenant shall be deemed an actual tenant in tail although the estate tail may have been divested or turned to a right," and insert the words "'land' shall extend to messuages lands tenements rents and hereditaments whether corporeal or incorporeal and any undivided share thereof and the word 'estate' shall extend to an estate in equity as well as at law and shall also extend to any interest charge right title lien or incumbrance either at law or in equity and whether present or vested or future or contingent in upon or affecting land and shall also extend to any interest charge lien or incumbrance in upon or affecting money subject to be invested in the purchase of land and the expression 'estate tail' in addition to its usual meaning shall mean a base fee into which an estate tail shall have been converted and the expression 'tenant in tail' in addition to its usual meaning shall mean a person who where an estate tail shall have been barred and converted into a base fee would have been tenant of such estate tail if the same had not heen barred."

THE FIRST SCHEDULE.

Line 5, fill up blank with the words "[here insert number of this Act]." Line 7, fill up blank with the words "[here insert number of this Act]."

THE SECOND SCHEDULE.

Line 5, fill up blank with the words "[here in sert number of this Act]." Line 8, fill up blank with the words "[here insert number of this Act]." Question—put and passed.

The Honorable T. H. Fellows moved, That the Council make the following consequential amendments on the amendments made by the Legislative Assembly, viz., transpose Clauses LXV. to LXXV., both inclusive, and place them following Clause XLV.

Question—put and passed.

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The Honorable T. H. Fellows moved, That the Bill be carried to the Legislative Assembly, with a Message to acquaint them that the Council have agreed to some amendments, have disagreed to one amendment, have agreed to other amendments with amendments, and have made consequential amendments as to the transposition of certain clauses, and to desire their concurrence.

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:-

The Legislative Assembly transmit to the Legislative Council a Bill, intituled "An Act for securing the freedom of the deliberations of Parliament and for pre-"venting Disorderly Meetings," in which they desire the concurrence of the Legislative Council.

FRANS. MURPHY,

Legislative Assembly Chambers,

Speaker.

Melbourne, 30th August, 1860. DISORDERLY MEETINGS BILL.—The Honorable T. H. Fellows moved, That this Bill be now read a first time.

Question—put and passed.

Bill read a first time.

The Honorable T. H. Fellows moved, That the Bill be now read a second time.

Debate ensued.

Question—put and passed.

Bill read a second time.

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

Question—put and passed.

The Honorable T. H. Fellows moved, That the Honorable R. Thomson do act as Chairman of the Committee.

Question—put and passed.

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

The President left the Chair.

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

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

Question—put and passed.

Refreshment Rooms (Joint) Committee.—The Honorable W. Highett, with leave of the Council, moved, without notice, That the Honorable A. Fraser be a Member of the Refreshment Rooms (Joint) Committee, in room of the late Honorable J. Hodgson. 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 :-

The Legislative Assembly transmit to the Legislative Council a Message from His Excellency the Governor enclosing a Bill intituled, "An Act to Limit the Liability "of Mining Partnerships," and a certain amendment proposed by His Excellency to be made therein, and acquaint the Legislative Council that they have agreed to the amendment suggested by the Governor in this Bill, in which they desire the concurrence of the Legislative Council.

FRANS. MURPHY,

Speaker.

Legislative Assembly Chambers, Melbourne, 30th August, 1860.

Alteration of the Bill intituled "An Act to Limit the Liability of Mining Partnerships." HENRY BARKLY,

Governor.

As it is suggested that a doubt may arise whether the proviso at the end of the 7th section of the Bill to limit the liability of mining partnerships would be held to extend to any proceedings except those commenced at the time of the registration referred to in that section, the Governor transmits for the consideration of the Legislative Assembly a proviso which it is thought is free from doubt as to its meaning, to be substituted for the one above mentioned.

Government Offices, August, 1860.

" Provided always that notwithstanding such registration any person having any claim or demand in respect of any contract matter or thing which shall have been made or happened before such registration shall have the same remedy as if such registration had not taken place.'

The Honorable T. H. Fellows moved, That the Council agree with the amendment suggested by His Excellency the Governor in the Bill, and agreed to by the Legislative

Assembly.

Question—put and passed.

The Honorable T. H. Fellows moved, That a Message be carried to the Legislative Assembly, to acquaint them that the Council have agreed to the amendment suggested by His Excellency the Governor in the Bill, and agreed to by the Legislative Assembly.

Not Contents, 2.

J. B. Bennett (Teller).

The Hon. J. P. Fawkner

Question—put and passed.

DISORDERLY MEETINGS BILL.—The President reported that the Chairman of the Committee had certified that the Bill, as certified, was in accordance with the Bill as reported from the Committee of the whole House, the Honorable T. H. Fellows moved, That the Bill be now read a third time.

Debate ensued.

Council divided.

Contents, 14. The Hon. R. Thomson

T. H. Fellows

M. Hervey

J. Henty

G. Rolfe

Dr. Hope

J. Stewart

A. Fraser

D. Kennedy

W. Highett T. T. a'Beckett

T. H. Power

Dr. Wilkie

G. S. Coppin (*Teller*). The question was therefore passed.

Bill read a third time.

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

Question—put and passed.

The Honorable T. H. Fellows moved, That the title of the Bill be "An Act for securing "the freedom of the deliberations of Parliament and for preventing Disorderly " Meetings."

Question—put and passed.

The Honorable T. H. Fellows 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 one amendment, and to desire their concurrence therewith.

Question—put and passed.

The Council adjourned at six o'clock until four o'clock on Friday, 31st instant.

NOTICE OF MOTION AND ORDERS OF THE DAY.

TUESDAY, 4TH SEPTEMBER.

Notice of Motion:-

1. The Hon. M. Hervey: To move, That the Honorable R. Thomson be appointed Chairman of Committees for the remainder of the Session.

ORDERS OF THE DAY:-

- 1. Scotch Procurators Bill—Adoption of Report of Select Committee.
- 2. Frauds on Creditors Prevention Bill.—To be further considered in Committee.

G. W. RUSDEN,

Clerk of the Council and Clerk of the Parliaments.

No. 76.

Minutes of the Proceedings

OF THE

LEGISLATIVE COUNCIL.

FRIDAY, 31st AUGUST, 1860.

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

RETIREMENT OF MEMBERS BY ROTATION AND ISSUE OF WRITS.—The President announced to the Council that a letter had been received by the Clerk of the Parliaments from the Private Secretary, conveying information for the President of the Council, to the effect that the second biennial period having expired since the first election of Members for the Central Province, His Excellency has, in conformity with the third Clause of the Constitution Act, issued a Writ, dated as under, for the election of a Member for that Province in the room of George Ward Cole, Esq., who, according to the first Proviso to that clause, is the Member so to retire; and conveying further information to the effect that it is His Excellency's intention to issue Writs for each of the remaining Provinces dated respectively as under:—

Date of Writ.		When returnable.		Name of Electoral Province.			Name of Retiring Member.
1860. 31st August 4th September 13th September 20th September 25th September 2nd October		1860. 8th October 6th October 15th October 27th October 9th November 8th November		Central South South-Western Western Eastern North-Western			George Ward Cole. Gideon Rutherford. William Roope. Sir James Palmer. William Highett. W. H. F. Mitchell.

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, initialled, "An Act for securing the freedom of the deliberations of Parliament and for preventing "Disorderly Meetings," and acquaint the Legislative Council that they have agreed to the amendment proposed to be made therein by the Legislative Council.

FRANS. MURPHY,

Speaker.

Legislative Assembly Chambers,

Melbourne, 31st August, 1860.

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

NOTICES OF MOTION AND ORDERS OF THE DAY.

TUESDAY, 4TH SEPTEMBER.

Notices of Motion:-

1. The Hon. M. Hervey: To move, That the Honorable R. Thomson be appointed Chairman of Committees for the remainder of the Session.

2. The Hon. T. H. Fellows: To move, contingent on the receipt of a Message from the Legislative Assembly complying with the request of this House, "That a Committee of six Members of that House be appointed to meet a Committee of an equal number of Members of this House, for the consideration of the amendments disagreed to in the Land Bill:"—

(1.) That the Committee of six Members of this House be now appointed for the purpose named.

(2.) That such Committee consist of the following Members, viz., The Honorables T. T. a'Beckett, G. S. Coppin, S. G. Henty, J. P. Fawkner, H. Miller, and the Mover.

ORDERS OF THE DAY:-

- 1. Scotch Procurators Bill.—Adoption of Report of Select Committee.
- 2. Frauds on Creditors Prevention Bill.—To be further considered in Committee.

G. W. RUSDEN,

Clerk of the Council and Clerk of the Parliaments.

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No. 77.

Minutes of the Proceedings

OF THE

LEGISLATIVE COUNCIL.

TUESDAY, 4TH SEPTEMBER, 1860.

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

Papers.—The Honorable T. H. Fellows presented to the Council the following papers:—

 National Education—Board of.—Order of 25th February, 1859.
 New Zealand War.—Despatch from the Right Honorable the Secretary of State (20th June, 1860).

3. Portrait of the Queen.—Despatch from the Right Honorable the Secretary of State (23rd May, 1860).

Ordered to lie on the Table.

CHAIRMANSHIP OF COMMITTEES.—The Honorable M. Hervey, in accordance with notice, moved, That the Honorable R. Thomson be appointed Chairman of Committees for the remainder of the Session.

Amendment moved by the Honorable J. P. Fawkner, That all the words after the word "That" be omitted, with a view to insert the following words, "this Council do not proceed to the election of a permanent Chairman until after the election of members in place of those who retire by rotation."

Debate ensued.

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

Question—That the Honorable R. Thomson be appointed Chairman of Committees for the remainder of the Session—put and passed.

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

The Legislative Assembly transmit to the Legislative Council a Bill intituled "An Act to amend the Laws relating to Volunteer Corps," in which they desire the concurrence of the Legislative Council.

FRANS. MURPHY,

Legislative Assembly Chambers, Melbourne, 4th September, 1860. Speaker.

The Legislative Assembly return to the Legislative Council a Bill intituled "An Act to amend an Act intituled 'An Act for amending the Laws relating to the Gold "'Fields,'" and acquaint the Legislative Council that they have agreed to the new Clause proposed by the Legislative Council with amendments, in which they desire the concurrence of the Legislative Council.

FRANS. MURPHY,

Legislative Assembly Chambers, Melbourne, 4th September, 1860. Speaker.

Mr. President,

The Legislative Assembly return to the Legislative Council a Bill intituled "An Act to amend an Act intituled 'An Act for improvements in Fitz Roy Ward in "the City of Melbourne," and acquaint the Legislative Council that they have agreed to the amendment made therein by the Legislative Council.

FRANS, MURPHY,

Legislative Assembly Chambers, Melbourne, 4th September, 1860. Speaker.

Mr. President,

The Legislative Assembly acquaint the Legislative Council that they have appointed a Committee of six Members (three to form a quorum), to confer with a Committee of the Legislative Council upon the amendments disagreed to in the Bill intituled "An Act for regulating the Sale of Crown Lands and for other purposes," and that they have empowered the Committee to meet in the Library on Wednesday next, at Twelve o'clock.

FRANS. MURPHY,

Legislative Assembly Chambers, Melbourne, 4th September, 1860.

Speaker.

MR. PRESIDENT,

The Legislative Assembly return to the Legislative Council a Bill intituled "An Act to remove doubts as to the validity of certain Mining Regulations and Bye-"laws," and acquaint the Legislative Council that they have agreed to the amendments proposed therein by the Legislative Council, with amendments, in which they desire the concurrence of the Legislative Council.

FRANS. MURPHY,

Speaker.

Legislative Assembly Chambers, Melbourne, 4th September, 1860.

Crown Lands Sales Bill.—The Honorable T. H. Fellows, in accordance with contingent notice, moved, That a Committee of six Members be now appointed to meet a Committee of an equal number of Members of the Legislative Assembly, to take into consideration the amendments disagreed to in the Land Bill.

Question—put and passed.

The Honorable T. H. Fellows moved, That such Committee consist of the following Members, viz., the Honorables T. T. a'Beckett, G. S. Coppin, S. G. Henty, J. P. Fawkner, H. Miller, and the Mover.

Two Members having required that the Committee should be formed by ballot, the Council proceeded to the ballot, and the following Members being reported by the Clerk to have the greatest number of votes, were declared by the President to be the Members of the Committee, viz., the Honorables T. H. Fellows, J. P. Fawkner, M. Hervey, S. G. Henty, T. H. Power, and H. Miller.

The Honorable T. H. Fellows moved, That three form a quorum of the Committee, and that they be empowered to meet to-morrow in the Library at twelve o'clock.

Question—put and passed.

The Honorable T. H. Fellows moved, That a Message be carried to the Legislative Assembly to acquaint them that the Committee has been formed (three to form a quorum), and has been empowered to meet to-morrow in the Library.

Question—put and passed.

VOLUNTEER CORPS BILL.—The Honorable T. H. Fellows 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 FIELDS ACT AMENDMENT BILL.—The Honorable A. Fraser moved, That the Message from the Legislative Assembly with this Bill be taken into consideration to-morrow. Question—put and passed.

SCOTCH PROCURATORS BILL.—The Order of the Day for the adoption of the Report of the Select Committee on this Bill being read, the Honorable R. Thomson moved, That the Report be now adopted.

Question—put and passed.

Frauds on Creditors Prevention 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 agreed to the same, with amendments.

FRONTAGE SYSTEM BILL.—The Honorable J. P. Fawkner moved, That the Council do agree with the amendments, as follows, made by the Legislative Assembly on the amendments of the Legislative Council in this Bill:-

Line 3, omit "lands," insert "land."

Line 6, omit "only" before "authorized," and insert it after such word "authorized."

Line 8, omit "lands," insert "land." Line 9, omit "lands," insert "land." Line 13, omit "the," insert "such." Line 17, omit "lands," insert "land."

Line 21, omit "and descent or either."

Question—put and passed.

The Council adjourned at half-past five o'clock until four o'clock on Wednesday, the 5th instant.

ORDERS OF THE DAY.

Wednesday, 5th September.

Government Business.

ORDER OF THE DAY:-

1. VOLUNTEER CORPS BILL.—To be read a second time.

General Business.

ORDER OF THE DAY:-

1. Gold Fields Act Amendment Bill.—Consideration of Message from Legislative Assembly.

MEETING

OF

SELECT COMMITTEE.

Wednesday, 5th September.

Crown Lands Sales Bill, Amendments in-at 12 o'clock in the Library.

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

No. 78.

Minutes of the Proceedings

OF THE

LEGISLATIVE COUNCIL.

WEDNESDAY, 5TH SEPTEMBER, 1860.

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

The President read the Prayer.

Crown Lands Sales Bill—Report of Select Committee on Amendments in.—The Honorable T. H. Fellows, as Chairman of the Select Committee appointed on the 4th instant "to meet a Committee of an equal number of Members of the Legislative Assembly, to take into consideration the amendments disagreed to in the Land Bill," brought up the Report of the Committee.

The Report was read at the Table by the Clerk.

The Honorable G. S. Coppin moved, That the Report be printed.

Question—put and passed.

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

Amendment moved by the Honorable G. Rolfe, That the word "to-morrow" be omitted, with a view to insert the words "Friday next" instead thereof.

Question-That the word proposed to be omitted stand part of the question-put and

Question—That the words proposed to be inserted be so inserted—put and passed. Question—That the consideration of the Report be made an Order of the Day for Friday next-put and passed.

Frauds on Creditors Prevention Bill.—The Honorable J. B. Bennett, 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 after the other Orders of the Day for this day.

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:-

The Legislative Assembly return to the Legislative Council a Bill, intituled "An "Act to amend the Law of Property and for other purposes," and acquaint the Legislative Council that they do not insist upon their amendment in Clause LXVI. in this Bill, disagreed to by the Legislative Council, and have agreed to the other amendments made therein by the Legislative Council.

FRANS. MURPHY,

Legislative Assembly Chambers, Melbourne, 4th September, 1860.

Speaker.

MR. PRESIDENT,

The Legislative Assembly return to the Legislative Council a Bill, intituled "An "Act to amend an Act intituled 'An Act for the establishment of Municipal Institutions" "'in Victoria," and acquaint the Legislative Council that the Legislative Assembly do insist on their amendment to leave out Clause IV. of this Bill, for the following reasons-

That Municipal Councils have full power to make bye-laws for the suppression of nuisances and that it is inexpedient to legislate on the supposition that these bodies will not properly discharge their duties.

Legislative Assembly Chambers, Melbourne, 4th September, 1860. FRANS. MURPHY, Speaker. MUNICIPAL INSTITUTIONS ACT AMENDMENT BILL.—The Honorable J. B. Bennett moved that the consideration of the Message from the Legislative Assembly with this Bill be made an Order of the Day for Friday next.

Question—put and passed.

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

CROWN LANDS SALES BILL.—The Honorable T. H. Fellows moved, That the consideration of the Message from the Legislative Assembly with this Bill (received on the 26th July) be made an Order of the Day for Friday next. Question—put and passed.

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

Question—put and passed. Bill read a second time.

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

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

The President left the Chair.

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

The Honorable T. H. Fellows moved, That the adoption of the Report of the Committee be made an Order of the Day for Friday next, to take precedence.

Question—put and passed.

GOLD FIELDS ACT AMENDMENT BILL.—The Order of the Day for the consideration of the Message from the Legislative Assembly with this Bill being read, the Honorable A. Fraser moved, That the amendments made therein by the Legislative Assembly be printed, and that the consideration of the Message from the Legislative Assembly be made an Order of the Day for Friday next.

Question—put and passed.

FRAUDS ON CREDITORS PREVENTION BILL.—The Order of the Day for the adoption of the Report of the Committee of the whole Council on this Bill being read, the Honorable J. B. Bennett moved, That the Report be now adopted.

Question—put and passed.

The Honorable J. B. Bennett moved, That the third reading of the Bill be an Order of the Day for Friday next.

Question—put and passed.

The Council adjourned at five o'clock until four o'clock on Friday, the 7th instant.

ORDERS OF THE DAY.

FRIDAY, 7TH SEPTEMBER.

ORDERS OF THE DAY:-

1. VOLUNTEER CORPS BILL.—Adoption of Report.

2. Crown Lands Sales Bill.—Consideration of Report of Select Committee.

3. MUNICIPAL INSTITUTIONS ACT AMENDMENT BILL.—Consideration of Message from Legislative Assembly.

4. Crown Lands Sales Bill.—Consideration of Message from Legislative Assembly.

ACT AMENDMENT BILL.—Consideration of Message from Legislative 5. GOLD FIELDS Assembly.

6. Frauds on Creditors Prevention Bill.—To be read a third time.

G. W. RUSDEN,

Clerk of the Council and Clerk of the Parliaments.

No. 79.

Minutes of the Proceedings

OF THE

LEGISLATIVE COUNCIL.

FRIDAY, 7TH SEPTEMBER, 1860.

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

The President read the Prayer.

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

Question—put and passed.

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

The Honorable T. H. Fellows moved, That the title of the Bill be, "An Act to amend the

"Law relating to Volunteer Corps."

Question—put and passed.

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

Question—put and passed.

Crown Lands Sales Bill.—Report of Select Committee.—The Order of the Day for the consideration of the Report of the Select Committee appointed to meet a Select Committee of the Legislative Assembly on this Bill being read, the Honorable T. H. Fellows moved, That the Report be now adopted.

Debate ensued.

Question—put and passed.

- The Honorable M. Hervey moved, That a copy of the report adopted by the Council of the Committee of the Legislative Council appointed to meet a Committee of the Legislative Assembly to take into consideration the amendments in the Land Bill be forwarded to the Legislative Assembly, with an invitation to take into their consideration the recommendations contained in the latter portion thereof, to the following effect, viz., that if the Legislative Assembly will agree to the amendments with regard to the number of subdivisions and mode of sale they make the following recommendations:-
 - 1. That your Honorable House should amend the proviso added to Clause XII. in the manner above set forth.

2. That your Honorable House should insist on two subdivisions.

3. That your Honorable House should agree to the amendment as to the number of acres to be surveyed.

4. That your Honorable House should insist on sale by limited auction.

5. That your Honorable House should not insist on striking out the penal clauses; and that in order to facilitate such consideration the Bill be remitted to the Legislative Assembly.

Debate ensued.

Question—put.

Council divided.

Contents, 15. The Hon. M. Hervey C. Vaughan F. Robertson J. Stewart T. T. a'Beckett Dr. Wilkie S. G. Henty D. Kennedy B. Williams J. B. Bennett R. Thomson W. Roope N. Black T. H. Power G. S. Coppin (Teller).

Not Contents, 9. The Hon. T. H. Fellows A. Fraser Dr. Hope H. Miller W. Highett J. F. Strachan J. Henty J. P. Fawkner G. Rolfe (Teller).

The question was therefore 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 repeal Bye-law No. III. of the Municipal Council of Emerald Hill and for other purposes," in which they desire the concurrence of the Legislative Council.

FRANS. MURPHY,

Legislative Assembly Chambers, Melbourne, 7th September, 1860.

Ordered—That the consideration of the Message be made an Order of the Day for Tuesday next.

MUNICIPAL INSTITUTIONS ACT AMENDMENT BILL.—The Order of the Day for the consideration of the Message from the Legislative Assembly with this Bill being read, The Honorable T. T. a'Beckett moved, That the Council do not insist on Clause IV. of the Bill.

Question—put and passed. Ordered—That a Message be carried to the Legislative Assembly to acquaint them that the

Council do not insist on Clause IV. of the Bill.

GOLD FIELDS ACT AMENDMENT BILL.—The Order of the Day for the consideration of the Message from the Legislative Assembly with amendments in this Bill on the amendments made by the Legislative Council being read, the Honorable A. Fraser moved, That the Council do agree with the amendments of the Legislative Assembly as

Amendments in new Clause VIII. :-

Line 1, leave out "so much of," and insert "notwithstanding anything contained in."

Line 3, leave out "as enacts that no," and insert "any."

Line 4, after "person" insert "who shall within one month from the passing of this Act become the holder of a miner's right."

Line 5, leave out "in any Court of Mines or in any other court."

Line 7, leave out "any.

Line 9, leave out "unless," and insert "notwithstanding that."

Line 10, after "shall" insert "not."

Line 13, leave out all words after "accrued," and add—"Provided further that when any holder of a miner's right shall die become insolvent or execute any assignment for the benefit of his creditors the executor administrator or assignee of such holder or the trustees under such assignment as the case may be shall be entitled to institute proceedings to recover possession of any land which shall at the time of such death insolvency or assignment have been occupied by such holder by virtue of his miner's right and of any share in such land and to recover damages for the occupation of or encroachment upon such land or any part thereof and to obtain relief against any tenant in common joint tenant co-partner or co-adventurer of such holder notwithstanding that such executor administrator assignee or trustee may not be or may not have been the holder of a miner's right at the time of his instituting such proceedings or at the time when his title to recover such possession or damages or to obtain such relief first arose or accrued."

Question—put and passed. The Honorable A. Fraser moved, That a Message be carried to the Legislative Assembly

to acquaint them that the Council have agreed to the amendments.

: Question—put and passed. FRAUDS ON CREDITORS PREVENTION BILL.—The Order of the Day for the third reading of this Bill being read, the Honorable J. B. Bennett moved, That the Bill be now recommitted to the consideration of a Committee of the whole Council. Question—put and passed.

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

The President left the Chair.

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

The Honorable J. B. Bennett moved, That the Report be now adopted, and that the third reading of the Bill be made an Order of the Day for Tuesday next.

Question—put and passed.

The Council adjourned at ten minutes past six o'clock until four o'clock on Tuesday, the 11th instant.

ORDERS OF THE DAY.

TUESDAY, 11TH SEPTEMBER.

ORDERS OF THE DAY:-

- 1. EMERALD HILL BYE-LAW REPEAL BILL.—Consideration of Message from Legislative Assembly.
- 2. Frauds on Creditors Prevention Bill.—To be read a third time.

G. W. RUSDEN,

Clerk of the Council and Clerk of the Parliaments.

No. 80.

Minutes of the Proceedings

OF THE

COUNCIL. LEGISLATIVE

TUESDAY, 11TH SEPTEMBER, 1860.

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

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

The Legislative Assembly return to the Legislative Council the Bill intituled "An "Act for regulating the Sale of Crown Lands and for other purposes," and acquaint the Legislative Council that it appears to the Legislative Assembly to be an unusual proceeding, and contrary to the practice of Parliament, to ask one House to consider the Report of a Select Committee of the other which that House itself does not appear to have taken into consideration.

FRANS. MURPHY,

Legislative Assembly Chambers,

Melbourne, 11th September, 1860.

Speaker.

Speaker.

Mr. President,

The Legislative Assembly transmit to the Legislative Council a Bill intituled "An Act to repeal certain Clauses of the Customs Act 1857 and to substitute others in "lieu thereof," to which they desire the concurrence of the Legislative Council.

FRANS. MURPHY,

Legislative Assembly Chambers,

Melbourne, 11th September, 1860.

The Honorable M. Hervey moved, That the following words be added to the Message sent to the Legislative Assembly with the Crown Lands Sales Bill on the last day of sitting, "with a Message acquainting them that the Council have adopted the Report, and."

Amendment moved by the Honorable J. P. Fawkner, That the House do proceed forthwith with the Land Bill, and make the amendments which were agreed to by the Committee, and subsequently adopted by the whole Council.

The President having ruled that the amendment was out of order, the Honorable T. H. Fellows moved, That the amendment of the Honorable J. P. Fawkner is not out of order.

Debate ensued.

Question-That the amendment of the Honorable J. P. Fawkner is not out of order-put and negatived.

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

Council divided.

Contents, 16. The Hon. T. T. a'Beckett C. Vaughan

D. Kennedy

S. G. Henty

B. Williams M. Hervey

N. Black

T. H. Power

R. Thomson

J. B. Bennett Dr. Wilkie

J. Stewart

H. Miller

W. Highett

F. Robertson

G. S. Coppin (Teller). The question was therefore passed.

Not Contents, 7. The Hon. T. H. Fellows

Dr. Hope J. F. Strachan

J. Henty

J. P. Fawkner

A. Fraser

G. Rolfe (Teller).

Question-That a Message, as so amended, be sent to the Legislative Assembly-put and passed.

Petition.—The Honorable G. S. Coppin presented to the Council a Petition from Peter John Martin, praying the Council to withhold their consent from the Emerald Hill Bye-law Repeal Bill, unless some measures be taken to compensate the Petitioner. Petition received.

PAPERS.—The Honorable T. H. Fellows presented to the Council the following Papers:

1. Registration of Parliamentary Electors.—Payments under 22 Victoria, No. 81,

2. Gold Fields Act—Order in Council—Mining Leases, Ararat, 27th August, 1860.

3. National Education—Board of—Order of, 9th March, 1859.

Ordered to lie on the Table.

CUSTOMS ACT AMENDMENT BILL (2).—The Honorable T. H. Fellows moved, That this Bill be now read a first time.

Question—put and passed.

Bill read a first time.

The Honorable T. H. Fellows moved, That the Bill be now read a second time.

Question—put and passed.

Bill read a second time.

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

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

The President left the Chair.

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

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

Question—put and passed.

POSTPONEMENT.—The Order of the Day for the consideration of the Message from the Legislative Assembly with the Emerald Hill Bye-law Repeal Bill was postponed until Wednesday, the 12th instant.

FRONTAGE SYSTEM BILL—The Honorable J. P. Fawkner moved, That a Message be sent to the Legislative Assembly to acquaint them that the Council have agreed to the amendments made by the Legislative Assembly on the amendments of the Council in this Bill. Question—put and passed.

FRAUDS ON CREDITORS PREVENTION BILL.—The President having reported that the Chairman of Committees had reported 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 prevent

"Frauds upon Creditors by secret Bills of Sale without delivery."

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 with an amended title, and to desire their concurrence therewith.

Question—put and passed. The Council adjourned at ten minutes to six o'clock until four o'clock on Wednesday, the 12th instant.

ORDERS OF THE DAY.

Wednesday, 12th September.

Government Business.

ORDER OF THE DAY:-

1. Customs Act Amendment Bill (2).—Adoption of Report.

General Business.

ORDER OF THE DAY:-

1. EMERALD HILL BYE-LAW REPEAL BILL.—Consideration of Message from Legislative Assembly.

G. W. RUSDEN,

Clerk of the Council and Clerk of the Parliaments.

No. 81.

Minutes of the Proceedings

OF THE

LEGISLATIVE COUNCIL.

WEDNESDAY, 12TH SEPTEMBER, 1860.

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

The President read the Prayer.

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

MR. PRESIDENT,

The Legislative Assembly return to the Legislative Council the Bill intituled "An "Act to amend an Act intituled 'An Act to amend an Act intituled An Act to enable "certain Public Hospitals to sue and be sued in the name of their Treasurer and to "provide for the taking and holding of real property belonging to such Hospitals "respectively," and acquaint the Legislative Council that they have agreed to the same with amendments, in which they desire the concurrence of the Legislative Council.

FRANS. MURPHY,

Legislative Assembly Chambers, Melbourne, 12th September, 1860.

Speaker.

MR. PRESIDENT,

The Legislative Assembly transmit to the Legislative Council a Bill, intituled "An Act to amend an Act intituled 'An Act to extend the provisions of the Acts relating "to legally qualified Medical Practitioners," in which they desire the concurrence of the Legislative Council.

FRANS. MURPHY,

Legislative Assembly Chambers, Melbourne, 12th September, 1860. Speaker.

Public Hospitals Act Amendment Bill.—The Honorable J. B. Bennett moved, That the consideration of the Message from the Legislative Assembly with this Bill be made an Order of the Day for to-morrow, and that the amendments made by the Legislative Assembly in the Bill be printed.

Question—put and passed.

MEDICAL PRACTITIONERS ACT AMENDMENT BILL.—The Honorable R. Thomson moved, That this Bill be read a first time, printed, and read a second time to-morrow.

Question—put and passed. Bill read a first time.

Customs Act Amendment Bill (2).—The Order of the Day for the adoption of the Report of the Committee of the whole Council on this Bill being read, the Honorable J. F. Strachan moved, That the Report be now adopted.

Question—put and passed.

The Honorable J. F. Strachan moved, That the third reading of the Bill be made an Order of the day for to-morrow.

Question—put and passed.

Postponement.—The Order of the Day for the consideration of the Message from the Legislative Assembly with the Emerald Hill Bye-law Repeal Bill was postponed until Thursday, the 13th instant.

The Council adjourned at twenty minutes to five o'clock until four o'clock on Thursday, the 13th instant.

NOTICE OF MOTION AND ORDERS OF THE DAY.

THURSDAY, 13TH SEPTEMBER.

NOTICE OF MOTION:

1. The Hon. J. P. FAWKNER: To move, That a Committee of seven Members of this House be appointed to consider and bring up a report of the proper steps to be taken to enable this Council to continue its duties after the term for which the Honorable Sir James F. Palmer was elected for the Western Province, such committee consists of the Honorables T. H. Fellows, T. H. Power, J. Henty, G. Rolfe, A. Fraser, Dr. Wilkie, and the Mover.

ORDERS OF THE DAY:-

- 1. Hospitals Act Amend ent Bill.—Consideration of Message from Legislative Assembly.
- 2. MEDICAL PRACTITIONERS ACT AMENDMENT BILL.—To be read a second time.
- 3. Customs Act Amendment Bill (2).—To be read a third time.
- 4. EMERALD HILL BYE-LAW REPEAL BILL.—Consideration of Message from Legislative Assembly.

G. W. RUSDEN,

Clerk of the Council and Clerk of the Parliaments.

No. 82.

Minutes of the Proceedings

OF THE

LEGISLATIVE COUNCIL.

THURSDAY, 13TH SEPTEMBER, 1860.

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

The President read the Prayer.

HOSPITALS ACT AMENDMENT BILL.—The Order of the Day for the consideration of the Message from the Legislative Assembly with this Bill being read, the Honorable J. B. Bennett moved, That the amendments made by the Legislative Assembly in the Bill be agreed to,

Preamble, line 10, leave out "And whereas an Act was passed in the seventeenth year of the reign of Her present Majesty intituled "An Act to extend "the provisions of the Acts relating to legally qualified Medical "Practitioners."

" line 14, after "advice" insert "and consent." Clause I., at end of clause insert "Provided always that no person whose name is inscribed in the list of life governors or life subscribers to any public hospital to which the provisions of the said recited Acts shall be extended shall be deprived of his or her right to vote by proxy."

Leave out Clause III.

Question—That the amendments be agreed to—put and passed.

The Honorable J. B. Bennett moved, That a Message be sent to the Legislative Assembly to acquaint them that the Council have agreed to the amendments made by the Legislative Assembly in the Bill.

POSTPONEMENT.—The Order of the Day for the second reading of the Medical Practitioners

Bill was postponed until Friday the 14th instant.

CUSTOMS ACT AMENDMENT BILL (2).—The President having reported that the Chairman of the 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 repeal "certain clauses of the Customs Act 1857 and to substitute others in lieu thereof."

Question—put and passed.

The Honorable T. H. Fellows 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.

POSTPONEMENT.—The Order of the Day for the consideration of the Message from the Legislative Assembly with the Emerald Hill Bye-law Repeal Bill was postponed until after the disposal of the other business of the day.

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, in the opinion of the Legislative Assembly, it is the invariable practice that the House of Parliament in whose possession a Bill may be shall make such alterations as it may deem advisable before returning the Bill to the other House.

It is manifestly impossible to consider, duly, alterations which have not been effected; and it would be contrary to Parliamentary law for either House to make amendments

upon a measure as amended by itself.

It is also obvious that if one House declines to make amendments in a measure which it considers necessary until it has obtained the previous assent of the other House, it compromises its own independence as a co-ordinate branch of the Legislature.

The Legislative Assembly, therefore, in order to maintain the usages of Parliament and the Constitutional privileges of both Houses, return to the Legislative Council the Bill intituled "An Act for regulating the sale of Crown Lands and for other purposes."

FRANS. MURPHY,

Speaker.

Legislative Assembly Chambers, Melbourne, 13th September, 1860. Mr. President,

The Legislative assembly acquaint the Legislative Council that they have agreed to the following resolution, viz., That in order to facilitate the passing of the Crown Lands Sales Bill, this House should not insist on its disagreement with the amendments made by the Legislative Council in substituting two for four subdivisions and limited auction for lot.

FRANS. MURPHY,

Legislative Assembly Chambers, Melbourne, 13th September, 1860. Speaker.

Crown Lands Sales Bill.—The Honorable T. H. Fellows moved, That the Message from the Legislative Assembly with this Bill be now taken into consideration.

Amendment moved by the Honorable T. T. a'Beckett, That all the words after the word "That" be omitted, with a view to insert the words "the two Messages just received from the Legislative Assembly on the Crown Lands Sales Bill be taken into consideration together."

Debate ensued.

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

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

Question—That the two Messages just received from the Legislative Assembly on the Crown Lands Sales Bill be taken into consideration together—put and passed.

The Honorable T. H. Fellows moved, That the proviso, in Clause XII. of the Bill, inserted by the Legislative Assembly, be agreed to with the following amendments:-

Insert "not" before "within." Leave out "already."

Insert after "alienated" the words "before the commencement of this Act."

Leave out "on the memorial of any ten persons who declare their intention of becoming settlers on the same."

Question put and passed.

The Honorable T. H. Fellows moved, That the Council do still insist on the amendment in line 26, Clause XIV.

Question—put and passed.

The Honorable T. H. Fellows moved, That the amendment on amendment in Clause XVII., as made by the Legislative Assembly, be agreed to.

Question—put and passed.

The Honorable T. H. Fellows moved, That the Council do insist on their amendments in Clause XVIII.

Question—put and passed.

The Honorable T. H. Fellows moved, That the Council do insist on their amendments in Clause XIX.

Question—put and passed.

The Honorable T. H. Fellows moved, That the Council do insist on their amendments in Clause XXII.

Question—put and passed.

The Honorable T. H. Fellows moved, That the Council do insist on their amendments in Clause XXIII.

Question—put and passed.

The Honorable T. H. Fellows moved, That the Council insist on disagreeing with the amendments of the Legislative Assembly in the new Clause to follow Clause XXIII. Question—put and passed.

The Honorable T. H. Fellows moved, That the Council do still insist on their amendments in Clause XXIV.

Question—put and passed.

The Honorable T. H. Fellows moved, That the Council do still insist on their amendments in clause XXV.

Question—put and passed.

The Honorable T. H. Fellows moved, That the Council do still insist on their amendments in Clause XXVI.

Question—put and passed.

The Honorable T. H. Fellows moved, That the Council do still insist on their amendments in Clause XXVII.

Question—put and passed.

The Honorable T. H. Fellows moved, That the Council do still insist on their amendments in Clause XXVIII.

Question—put and passed.

The Honorable T. H. Fellows moved, That the Council do still insist on their amendments in Clause XXX.

Question—put and passed.

The Honorable T. H. Fellows moved, That the Council do still insist on their amendments in Clause XXXI.

Question—put and passed.

The Honorable T. H. Fellows moved, That the Council do still insist on their amendments in Clause XXXII.

Question—put and passed.

The Honorable T. H. Fellows moved, That the Council do still insist on their amendments in Clause XXXIII.

Question—put and passed.

The Honorable T. H. Fellows moved, That the Council insist on their amendment to leave out Clause XXXIV.

Question-put and passed.

The Honorable T. H. Fellows moved, That the Council do still insist on their amendments in clause XXXVI.

Question—put and passed.

The Honorable T. H. Fellows moved, That the Council do still insist on their amendments in Clause XXXVII.

Question—put and passed.

The Honorable T. H. Fellows moved, That the consideration of Clause XXXVIII. be postponed until after the consideration of the remainder of the Bill. Question put and passed.

The Honorable T. H. Fellows moved, That the Council do still insist on their amendments in Clause XXXIX.

Question—put and passed.

The Honorable T. H. Fellows moved, That the Council do still insist on disagreeing with the amendment of the Legislative Assembly in new Clause to follow Clause XXXIX. Question—put and passed.

The Honorable T. H. Fellows moved, That the Council do not now insist on the amendments to leave out Clauses XLI., XLII., XLIII., XLIV., and XLV., and that the Council do agree to the amendment of the Legislative Assembly to omit "or court of petty sessions" in line 28 of Clause XLI.

Question—put and passed.

The Honorable T. H. Fellows moved, That the Council do still insist on disagreeing with the amendments of the Legislative Assembly in the two new clauses inserted by the Council to precede XLIX.

Question—put and passed.

The Honorable T. H. Fellows moved, That the Council do still insist on the amendments in the Second and Third Schedules, and in the amendments to leave out the Fifth and Sixth Schedules.

Question—put and passed.

The Honorable T. H. Fellows moved, That the Council do still insist on their amendments in Clause XXXVIII.

Question—put and passed.

The Honorable T. H. Fellows moved, That the Bill be carried to the Legislative Assembly with a Message to acquaint them that the Council have agreed to some amendments with amendments, that they insist on some amendments, and that they insist on disagreeing with some amendments as set forth above, and to desire the concurrence of the Legislative Assembly therewith.

Question—put and passed.

The Honorable J. B. Bennett moved, That the further consideration of the Messages from the Legislative Assembly be made an Order of the Day for to-morrow.

Question—put.

Council divided.

Contents, 12.

The Hon. F. Robertson
J. F. Strachan
J. Stewart
J. B. Bennett
B. Williams
D. Kennedy
W. Highett
T. H. Power
Dr. Wilkie
M. Hervey
R. Thomson
N. Black (Teller).

Not Contents, 9. The Hon. T. H. Fellows

T. T. a'Beckett S. G. Henty

G. Rolfe

J. P. Fawkner

J. Henty A. Fraser

C. Vaughan

G. S. Coppin (Teller).

The question was therefore passed.

EMERALD HILL BYE-LAW REPEAL BILL.—The Order of the Day for the consideration of the Message from the Legislative Assembly with this Bill being read, the President ruled that the Bill was a private Bill.

The Council adjourned at half-past five o'clock until four o'clock on Friday, the 14th instant.

ORDERS OF THE DAY.

FRIDAY, 14TH SEPTEMBER.

ORDERS OF THE DAY:-

- 1. MEDICAL PRACTITIONERS ACT AMENDMENT BILL.—To be read a second time.
- 2. Crown Lands Sales Bill.—Further consideration of Messages from Legislative Assembly.

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

No. 83.

Minutes of the Proceedings

OF THE

LEGISLATIVE COUNCIL.

FRIDAY, 14TH SEPTEMBER, 1860.

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

The President read the Prayer.

MEDICAL PRACTITIONERS ACT AMENDMENT 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.

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.

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

The President left the Chair.

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

The Honorable 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 fair print of the 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 amend an "Act intituled 'An Act to extend the provisions of the Acts relating to legally qualified "' Medical Practitioners."

Question—put and passed.

The Honorable J. B. Bennett moved, That a Message be carried to the Legislative Assembly to acquaint them that the Council have agreed to the Bill without amendment. Question—put and passed.

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

Mr. President,

The Legislative Assembly return to the Legislative Council the Bill intituled "An Act for regulating the Sale of Crown Lands and for other purposes," and acquaint them that the Legislative Assembly have agreed to the amendments made by the Legislative Council on the amendments made by the Legislative Assembly on the amendments made by the Legislative Council in Clause XII. of this Bill, and that the Legislative Assembly do not now insist on disagreeing with the amendments still insisted on by the Legislative Council.

FRANS. MURPHY,

Legislative Assembly Chambers, Melbourne, 14th September, 1860.

Messages from the Legislative Assembly .- The Order of the Day for the further consideration of Messages from the Legislative Assembly, received on the 13th instant, on the Crown Lands Sales Bill, being read, the debate was resumed.

Notice being taken that there was not a quorum of Members present, the President forthwith counted the House, and a quorum not being present, adjourned the Council to the next sitting day, without question put, at a quarter to five o'clock.

MEETING

OF

SELECT COMMITTEE.

Tuesday, 18th September.

Printing Committee—at half-past two o'clock.

G. W. RUSDEN,

Clerk of the Council and Clerk of the Parliaments.

VICTORIA.

No. 84.

Minutes of the Proceedings

OF THE

LEGISLATIVE COUNCIL.

TUESDAY, 18TH SEPTEMBER, 1860.

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 to the effect that it is the intention of His Excellency the Governor to proceed to the Council Chamber on the 18th September, at half past four o'clock, to assent, in Her Majesty's name, to certain Bills passed by the Legislative Council and Legislative Assembly.

ELECTION OF MEMBER.—The President announced to the Council that a letter had been received by the Clerk of the Parliaments, from the Private Secretary, reporting for the information of the President of the Council, that the Writ issued by His Excellency the Governor 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 that William Degraves was duly elected.

- Papers.—The Honorable T. H. Fellows presented to the Council the following Papers:—
 1. New Zealand War.—Copy of a letter from the Speaker of the House of Representatives in New Zealand enclosing a resolution of that House, thanking the Government of Victoria for the aid rendered by placing the armed steamer *Victoria* at the disposal of the Government of New Zealand.

 - Trade and Customs.—Returns—1859.
 Statistics of the Colony, for the year 1859.

Ordered severally to lie on the Table.

INSOLVENCIES IN COUNTRY DISTRICTS.—The Honorable T. H. Fellows laid on the Table a Return to an Order of the Council, made on the 24th July, 1860.

NEW MEMBER.—The Honorable William Degraves, being introduced, took and subscribed the Oath of Allegiance provided for by the thirty-second clause of the Constitutional Act, and delivered to the Clerk the declaration required by the seventh clause of the Constitutional

Act, as hereunder set forth:—
"I, WILLIAM DEGRAVES, 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 ten thousand pounds, sterling money, above all charges and incumbrances affecting the same: And, further, that the lands and tenements out of which such qualification arises are situate in the parish of St. Paul's, in the county or reputed county of Bourke, the descriptions of which lands and tenements are as follow:—Flour mills, &c., &c., &c. 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.

"WM. DEGRAVES."

PRINTING COMMITTEE-FOURTH REPORT.-The Honorable J. P. Fawkner brought up the Fourth Report of the Printing Committee.

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 repeal certain Clauses of the Customs Act, 1857, and to substitute others in "lieu thereof," and acquaint them that the Legislative Assembly have disagreed to the amendments made therein by the Legislative Council. FRANS. MURPHY,

Speaker.

Legislative Assembly Chambers,

Melbourne, 18th September, 1860.

CUSTOMS ACT AMENDMENT BILL.—The Honorable T. H. Fellows moved, That the Council do not insist on their amendments in this Bill.

Question—put and passed.

The Honorable T. H. Fellows moved, That a Message be carried to the Legislative Assembly, to acquaint them that the Council do not insist on their amendments in the Bill.

Question—put and passed.

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

ROYAL ASSENT TO BILLS 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, Mr. Speaker made a speech to His Excellency.

His Excellency was then pleased to assent in the name of Her Majesty the Queen to the following Bills :-

"An Act for enabling the Municipal Council of Beechworth to construct Works "and supply their District with Water and for other purposes."

"An Act to alter the Boundaries of the Electoral District of Belfast."

"An Act to indemnify all persons who may have advised signed or issued any "warrant varying the appropriation of certain portions of the sums of "£75,000 and £110,000 appropriated in aid of District Road Boards in the "years 1858 and 1859 respectively and of the sum of £15,000 appropriated "in aid of Municipalities to be created during the year 1858 or who may have "acted under the authority of the same."

"An Act for securing the freedom of the deliberations of Parliament and for "preventing disorderly meetings."

"An Act to limit the Liability of Mining Partnerships."

"An Act to amend an Act intituled 'An Act for Improvements in Fitz Roy Ward "'in the City of Melbourne."

"An Act to remove doubts as to the Validity of certain Mining Regulations and " Bye Laws."

"An Act to amend the Law of Property and for other purposes."

"An Act to amend the Law relating to Volunteer Corps."

"An Act to amend an Act intituled 'An Act for the Establishment of Municipal "'Institutions in Victoria."

"An Act to amend an Act intituled 'An Act for amending the Laws relating to "'the Gold Fields."

"An Act to amend an Act intituled 'An Act to amend an Act intituled An Act "to enable certain Public Hospitals to sue and be sued in the name of their "'Treasurer and to provide for the taking and holding of real property

"'belonging to such hospitals respectively."

"An Act for regulating the sale of Crown Lands and for other purposes."

"An Act to amend an Act intituled 'An Act to extend the provisions of the Acts

"'relating to legally qualified Medical Practitioners."

"An Act to repeal certain clauses of the Customs Act 1857 and to substitute others "in lieu thereof."

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 abolish Pensions to retiring Responsible Officers."

The Clerk of the Parliaments delivered to Mr. Speaker Schedules of the Acts assented to and of the Bill 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:

After a session of unusual length, I am happy to be able to release you from the discharge of your arduous and important duties.

The country will appreciate your devotion to its interests, and the zeal and

assiduity which you have shown in the exercise of the functions delegated to you.

Although your deliberations have been occupied with comparatively few subjects, the results of the session are of no common importance.

The Bill for regulating the Sale of Crown Lands presents a settlement of a question which, since the introduction of Constitutional Government into the Colony, has been foremost in importance in the public mind, and upon which, from the difficulty of reconciling conflicting interests and opinions, practical legislation has hitherto been found impossible.

Mutual and liberal concessions, by both branches of the Legislature, have at length resulted in the production of a measure which will, I trust, under the blessing of Divine Providence, materially facilitate the settlement and develop the resources of the

It will be the duty of my advisers to take immediate steps to give effect to the details of the Bill, by the proclamation of commonages, and the survey of lands for sale

and lease, in accordance with its provisions.

Three Bills intimately connected with the important question of law reform have been passed during the session: the Bill for amending the Law of Property; the Bill for the further amendment and consolidation of the Law of Evidence; and the Bill for the administration of the Estates of Deceased Persons in certain cases.

The Bill for amending the Law relating to Divorce and Matrimonial Causes in Victoria is a measure highly important as regards the social condition of the Colony, but as it contains a material variation from the law of England on the same subject, it has been reserved for the signification of Her Majesty's pleasure.

The Bill vesting the undertaking of the Geelong and Melbourne Railway Company in the Board of Land and Works has not only placed the whole of the trunk lines of the Colony in the bands of the State but has avinced your desire to maintain

lines of the Colony in the hands of the State, but has evinced your desire to maintain inviolate the public faith, and must impart additional confidence to the holders of our

I have given the Royal Assent to the Bill for securing the freedom of the deliberations of Parliament and for preventing disorderly meetings, believing that its object is not to check free political discussion without, but to protect it within, the walls of Parliament. Much as the events which have led to the passing of this Bill are to be deplored, they have called forth, not only from the citizens of Melbourne, but from the entire community, an expression of loyalty and determination to preserve order, which is in itself an assurance that no attempt to overawe or intimidate the Legislature will be tolerated by public opinion.

The Bill to limit the liability of Mining Partnerships, is an adaptation of the existing law of England to a class of associations in which a limitation of the amount of pecuniary responsibility of each member is urgently required, and will give increased

encouragement and security to the investment of capital for mining purposes.

The Bills to remove doubts as to the validity of certain mining regulations, and to amend the laws relating to the Gold Fields, extend the powers of mining boards to make bye-laws, and affirm and ratify bye-laws to which they have already given their sanction.

The Bill for amending the law relating to Volunteer Corps, increasing the number of Volunteers, whose services I am enabled to accept, from 2000 to 10,000 men, and the rapid progress which the Volunteer movement has made, and continues to make, in the Colony, are gratifying proofs of the energy and spirit with which a force founded upon voluntary exertion has undertaken to provide for the internal defence of our common

The sympathy which has been shown for the sufferings of your fellow colonists which von have taken to assist them on the occasion of the recent outbreak among the native population, have elicited the thanks and approbation of the Imperial Government, contained in a despatch already laid before

GENTLEMEN OF THE LEGISLATIVE ASSEMBLY:

In Her Majesty's name I thank you for the liberal manner in which you have provided for the exigencies of the public service of the year. The sums which have been for the first time appropriated for prospecting purposes and for the supply of water to the Gold Fields will, I trust, accomplish the objects for which they were intended.

Honorable Gentlemen of the Legislative Council, and

GENTLEMEN OF THE LEGISLATIVE ASSEMBLY:

After the labors of this protracted session, I regret that the necessity of passing the Estimates for the ensuing year will oblige me to require you again to assemble at a very early period.

I now, in Her Majesty's name, declare this Parliament to be prorogued to

Monday, the twenty-second day of October next.

And it is 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.

His Excellency the Governor left the Council Chamber.

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

SELECT COMMITTEES

APPOINTED DURING SESSION 1859-60.

1.—ADDRESS IN REPLY TO GOVERNOR'S SPEECH.

Appointed 18th October, 1859.

The Hon	. H. Miller	
,,	T. H. Fellows	
**	N. Black	
	M. Hervey	٠.

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

2.—LAW OF DIVORCE.

Appointed 19th October, 1859.

· • • • • • • • • • • • • • • • • • • •	
The Hon. T. H. Fellows	The Hon. W. Roope
" J. B. Bennett	" T. H. Power
" T. T. a'Beckett	" J. P. Fawkner (Mover).
" G. S. Coppin	

3.—LIBRARY (JOINT) COMMITTEE.

Appointed 19th October, 1859.

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The Hon. the President	The Hon. Dr. Hope
" J. P. Fawkner	" J. Hodgson (Mover)
" T. T. a'Beckett	į

4.—ELECTIONS AND QUALIFICATIONS.

Appointed (by President's Warrant) 19th October, 1859.

The Hon. Thomas Turner a'Beckett	The Hon. William Highett
" John Barter Bennett	" Donald Kennedy
" Niel Black	" James Ford Strachan.
" George Selth Coppin	

5.—REFRESHMENT ROOMS AND STABLES—(JOINT).

Appointed 19th October, 1859.

The Hon. W. Highett	The Hon. *J. Hodgson
" J. Stewart	" S. G. Henty (Mover).
" G. W. Cole	

* Hon. A. Fraser appointed 30th August, 1860, vice Hon. J. Hodgson, deceased.

6.—STANDING ORDERS.

Appointed 19th October, 1859.

The Hon	. The President	Ī	The	Hon.	G. W. Cole
"	J. P. Fawkner			22 -	Dr. Hope
"	J. B. Bennett	1 -		"	H. Miller (Mover).

7.—PARLIAMENT BUILDINGS—(JOINT).

Appointed 19th October, 1859.

The Hon. A. Fraser The Hon. The President J. Hodgson T. T. a'Beckett H. Miller (Mover).

8.—PRINTING.

Appointed 19th October, 1859.

The Hon, J. P. Fawkner T. H. Power J. B. Bennett

The Hon. T. T. a'Beckett M. Hervey (Mover).

9.—RETIREMENT OF MAJOR-GENERAL MACARTHUR FROM COMMAND OF THE FORCES.

Appointed 19th January, 1860.

The Hon. The President J. Hodgson ,, T. T. a'Beckett The Hon. S. G. Henty T. H. Fellows (Mover).

10.—PORTRAIT OF MAJOR-GENERAL MACARTHUR.

Appointed 19th January, 1860.

The Hon. The President

J. Hodgson T. T. a'Beckett The Hon. S. G. Henty T. H. Fellows (Mover).

11.—HER MAJESTY'S PORTRAIT—(JOINT).

Appointed 8th March, 1860.

The Hon. T. H. Fellows J. Hodgson

The Hon. The President.

12.—SCOTCH PROCURATORS BILL.

Appointed 18th May, 1860.

The Hon. T. H. Fellows

J. Hodgson ,, G. S. Coppin ,,

G. Rolfe

The Hon. J. B. Bennett

W. H. F. Mitchell

R. Thomson (Mover).

13.—CONGRATULATORY ADDRESS TO HIS EXCELLENCY THE GOVERNOR ON HIS MARRIAGE.

Appointed 25th July, 1860.

The Hon. T. H. Fellows ,, T. T. a'Beckett

J. B. Bennett ,,

M. Hervey ,,

The Hon. J. Hodgson ,, T. H. Power

J. P. Fawkner (Mover).

14.—TO PREPARE REASONS FOR COUNCIL INSISTING ON CLAUSE IV. OF MUNICIPAL INSTITUTIONS ACT AMENDMENT BILL.

Appointed 31st July, 1860.

The Hon. T. T. a'Beckett

G. S. Coppin

A. Fraser

The Hon. J. P. Fawkner

J. B. Bennett (Mover).

15.—CROWN LANDS SALES BILL AMENDMENTS.

Appointed (by Ballot) 4th September, 1860.

The Hon. T. H. Fellows

J. P. Fawkner

M. Hervey

The Hon. S. G. Henty

T. H. Power

H. Miller.

LEGISLATIVE COUNCIL.

SESSION 1859-60.

WEEKLY REPORT OF DIVISIONS

COMMITTEE OF THE WHOLE COUNCIL.

No. 1.

Extracted from the Minutes.

THURSDAY, 16TH FEBRUARY, 1860.

No. 1.—REAL PROPERTY BILL.—Clause XI.—It shall be lawful for the Governor with the advice of the Executive Council by warrant under his hand and the public seal of the said province to appoint two persons "not being legal practitioners" who together with the Registrar General shall be commissioners for investigating and dealing with claims for the bringing of land under the provisions of this Act and from time to time with like advice and in like manner to remove any of such commissioners so appointed from office and to appoint another person in his place.

Motion made—That the words "not being legal practitioners," in the third line of the above clause, be struck out.—(Hon. T. T. a'Beckett.)

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

Committee divided.

Contents, 7. The Hon. M. Hervey

G. W. Cole J. F. Strachan

T. H. Power

S. G. Henty

J. P. Fawkner

G. S. Coppin (Teller).

Not Contents, 6.

The Hon. R. Thomson

The President

G. Urquhart J. B. Bennett

W. Highett

T. T. a'Beckett (Teller).

No. 2.—The same.—Clause XI.—It shall be lawful for the Governor with the advice of the Executive Council by warrant under his hand and the public seal of the said province to appoint two persons not being legal practitioners who together with the "Registrar General" shall be commissioners for investigating and dealing with claims for the bringing of land under the provisions of this Act and from time to time with like advice and in like manner to remove any of such commissioners so appointed from office and to appoint another person in his place.

Motion made-That the words "Registrar General," in the third and fourth lines of the above clause, be struck out, with a view to insert the following words, "Master in Equity."— (Hon. T. T. a'Beckett.)

Question-That the words proposed to be omitted stand part of the Bill-put.

Committee divided.

Contents, 7.

The Hon. G. Urquhart

G. W. Cole

J. F. Strachan

T. H. Power

S. G. Henty J. P. Fawkner

G. S. Coppin (Teller).

Not Contents, 5.

The Hon. W. Highett

J. B. Bennett

The President

R. Thomson

T. T. a'Beckett (Teller).

LEGISLATIVE COUNCIL.

SESSION 1859-60.

WEEKLY REPORT OF DIVISIONS

IN

COMMITTEE OF THE WHOLE COUNCIL.

No. 2.

Extracted from the Minutes.

WEDNESDAY, 22ND FEBRUARY, 1860.

No. 1.—Education Bill.—Clause LXXXII.—The managers of every such public school as aforesaid or the greater part of them shall have power from time to time but subject to the provisions of this Act to make bye-laws for their own guidance and government for fixing the days on which such school may be visited for regulating the hours of study recreation and refreshment for allotting "a" day in every week on which children of the various religious denominations may be privately instructed by the ministers thereof respectively and on which such ministers may have access and admission to such pupils of the said school as may be members of their respective denominations so that as far as possible a different day may be allotted to every religious denomination for arranging the hours to be set apart for religious instruction for regulating the use of the school library and the books belonging thereto and generally for effectuating the objects and purposes of this Act and such bye-laws from time to time to amend or annul and all such bye-laws may be in the form contained in the fourteenth schedule to this Act and shall be signed by the managers who concur in making the same and shall be published in such manner as they may think fit.

Motion made—That the word "a" in the fifth line of the above clause be struck out, with a view to insert the following words, "at least six consecutive hours on some."—(Hon. The President.)

Question—That the word proposed to be omitted stand part of the Bill—put. Committee divided.

Contents, 16.

The Hon. T. H. Fellows

G. Urquhart

M. Hervey

D. Kennedy

G. W. Cole

Dr. Wilkie

H. Miller

W. Highett

R. Thomson

W. H. F. Mitchell

C. Vaughan

J. Henty

T. T. a'Beckett

J. B. Bennett

T. H. Power

J. F. Strachan (Teller).

Not Contents, 4. The Hon. W. J. T. Clarke

The President

J. P. Fawkner

G. S. Coppin (Teller).

No. 2.—DIVORCE BILL.—Clause 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 adultery 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.

Motion—That after the word "adultery," in the third line of the above clause, the words "or has deserted her home for a period of four years" be inserted.—(Hon. J. P. Fawkner.)

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

Contents, 15.

The Hon. the President

, G. S. Coppin

S. G. Henty

R. Thomson

D. Kennedy

G. Urquhart

W. Highett

C. Vaughan

Dr. Wilkie

Dr. Hope

A. Fraser

A. Fraser

J. Henty

G. W. Cole

J. P. Fawkner

J. F. Strachan (Teller).

Not Contents, 6.
The Hon. W. J. T. Clarke
T. T. a'Beckett
W. H. F. Mitchell
J. B. Bennett
T. H. Power
M. Hervey (Teller).

LEGISLATIVE COUNCIL.

SESSION 1859-60.

WEEKLY REPORT OF DIVISIONS

TN

COMMITTEE OF THE WHOLE COUNCIL.

No. 3.

Extracted from the Minutes.

WEDNESDAY, 14TH MARCH, 1860.

No. 1.—LAW OF EVIDENCE BILL.—Clause XLII.—Whenever any book or other document is of such a public nature as to be admissible in evidence on its mere production from the proper custody and no Act exists which renders its contents provable by means of a copy any copy thereof or extract therefrom shall be admissible in any court or before any person having by law or by consent of parties authority to hear receive and examine evidence Provided it be proved to be an examined copy or extract or provided it purport to be signed and certified as a true copy or extract by the officer to whose custody the original is entrusted and which officer is hereby required to furnish such certified copy or extract to any person applying at a reasonable time for the same upon payment of a sum for the same "not exceeding sixpence" for every folio of ninety words.

Motion made—That the words "not exceeding sixpence," in the tenth line of the above clause, be omitted, with a view to insert the following words, "of one shilling."—(Hon. T. a'Bechett.)

Question—That the words proposed to be omitted stand part of the Bill—put. Committee divided.

Contents, 9.

The Hon. G. W. Cole

S. G. Henty W. Highett

W. Highett H. Miller

J. P. Fawkner

A. Fraser

J. Stewart

W. J. T. Clarke

G. S. Coppin (Teller).

Not Contents, 5.

The Hon. R. Thomson

J. B. Bennett

T. H. Power

M. Hervey

T. T. a'Beckett (Teller).

LEGISLATIVE COUNCIL.

SESSION 1859-60.

WEEKLY REPORT OF DIVISIONS

IN

COMMITTEE OF THE WHOLE COUNCIL.

No. 4.

Extracted from the Minutes.

THURSDAY, 22nd MARCH, 1860.

No. 1.—Pensions Bill.—Proposed new Clause II.—Nothing herein contained shall be construed to affect or prejudice the claim (if any) of any person who shall previous to the passing of this Act have accepted a responsible office in the Government of Victoria for due compensation proportionate to the time of servitude hitherto rendered for the loss of any pension or retiring allowance which but for the passing of this Act he would be entitled to claim.

Motion made and question put—That this clause stand part of the Bill.—(Hon. J. B. Bennett.)

Committee divided.

Contents, 6.

The Hon. The President

Dr. Hope

N. Black

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The Hon. T. H. Fellows

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M. Hervey

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J. P. Fawkner

J. Henty

T. H. Power A. Fraser

A. Praser

D. Kennedy

C. Vaughan G. Rutherford

R. Thomson

Dr. Wilkie

W. Roope

J. Stewart (Teller).

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COMMITTEE OF THE WHOLE COUNCIL.

No. 5.

Extracted from the Minutes.

WEDNESDAY, 28TH MARCH, 1860.

No. 1.—Education Bill.—Proposed New Clause III.—Of the said fifteen persons to be from time to time appointed as "aforesaid" three shall be members of the United Church of England and Ireland three shall profess the Roman Catholic Religion three shall be members of the Presbyterian Church of Scotland three shall be members of the Wesleyan body and the remaining three shall be members of some one or other of the religious denominations not hereinbefore mentioned.

Motion made—That all the words after the word "aforesaid" in the second line of the above proposed clause be struck out, with the view to insert the following words:—
"The different denominations shall be as nearly as possible represented according to their relative numbers in the Census Provided also that there be in no case an absolute majority of any one denomination."—(Hon. The President.)

Question—That the words proposed to be omitted stand part of the Bill—put. Committee divided.

Contents, 14.

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J. Henty

D. Kennedy

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A. Fraser

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Dr. Wilkie

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M. Hervey (Teller).

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No. 6.

Extracted from the Minutes.

WEDNESDAY, 23RD MAY, 1860.

No. 1.—Estates of Deceased Persons Administration Bill.—Clause VIII.—Every person appointed curator shall forthwith provide security for such sum not being less than "four" thousand pounds and in such manner and form as the Governor in Council shall from time to time direct for the due performance of the duties of his office and for the due accounting for and payment of all moneys which shall come to the possession or be under the control of himself or his agents by reason or virtue of his or their office or employment and before any person shall be appointed to act as the deputy of the curator as hereinbefore provided both the curator and such deputy shall be in like manner required to provide security for the due performance by such deputy of the duties of his office and for the due accounting for and payment of all moneys which shall come to the possession or be under the control of such deputy or his agents by reason or virtue of his or their office or employment.

Motion made—That the word "four" in the second line of the above clause be struck out, with a view to insert the word "six."—(Hon. J. B. Bennett.)

Question—That the word proposed to be omitted stand part of the question—put. Committee divided.

Contents, 6.

The Hon. D. Wilkie G. W. Cole

G. S. Coppin

J. P. Fawkner

T. H. Fellows

T. T. a'Beckett (Teller).

Not Contents, 5.

The Hon. A. Fraser

T. H. Power

G. Rolfe

W. Highett

J. B. Bennett (Teller).

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COMMITTEE OF THE WHOLE COUNCIL.

No. 7.

Extracted from the Minutes.

TUESDAY, 29TH MAY, 1860.

No. 1.—Crown Lands Sales Bill.—Clause XIII.—Country lands shall include all lands save special lands lands reserved as aforesaid and lands which may be sold by private contract as hereinbefore mentioned and all country lands shall be sold "by selection at the uniform price of one pound an acre save in the cases" hereinafter mentioned.

Motion made—That the words "by selection at the uniform price of one pound an acre save in the cases," occurring in the third and fourth lines of the above clause, be struck out.—(Hon. J. B. Bennett.)

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

Committee divided.

Contents, 11. The Hon. J. P. Fawkner J. F. Strachan

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T. T. a'Beckett

Dr. Hope A. Fraser

J. Henty

T. H. Fellows (Teller).

Not Contents, 16.

The Hon. G. S. Coppin W. H. F. Mitchell

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J. Stewart D. Kennedy

T. H. Power

R. Thomson

M. Hervey N. Black

J. B. Bennett

W. Highett W. Roope

H. Miller

G. Rutherford

T. H. Power—[Sic in orig.]

C. Vaughan (Teller).

No. 2.—'I'HE SAME.—Clause XIV.—The Board of Land and Works shall from time to time cause country lands to be surveyed in allotments of not less than eighty nor more than six hundred and forty acres and shall cause plans of the lands so surveyed to be prepared "and on such plans each allotment shall be divided into four equal portions which shall be called subdivisions."

Motion made—That the words "and on such plans each allotment shall be divided into four equal portions which shall be called subdivisions," occurring in the fourth and fifth lines of the above clause, be struck out.—(Hon. J. F. Strachan.)

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

Committee divided.

Contents, 10.
The Hon. B. Williams
Dr. Wilkie
G. W. Cole
A. Fraser
Dr. Hope
G. Rolfe
T. T. a'Beckett
J. Henty
J. P. Fawkner
T. H. Fellows (Teller.)

Not Contents, 17. The Hon. G. S. Coppin S. G. Henty J. Stewart D. Kennedy R. Thomson M. Hervey N. Black H. Miller J. B. Bennett W. Highett W. Roope T. H. Power W. H. F. Mitchell G. Rutherford J. F. Strachan The President C. Vaughan (Teller.)

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No. 8.

Extracted from the Minutes.

THURSDAY, 7TH JUNE, 1860.

No. 1.—Crown Lands Sales Bill.—Clause XVIII.—Any person desirous of purchasing any of such allotments shall before the day up to which applications may be received send an application in the form contained in the second schedule to this Act directed to or apply personally or by agent to the person named in such proclamation and a separate application shall be made for every allotment.

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, 10.

The Hon. C. Vaughan T. H. Power

F. Robertson

D. Kennedy

W. Highett

W. Roope

B. Williams

J. B. Bennett

N. Black

S. G. Henty (Teller).

Not Contents, 14.

The Hon. T. H. Fellows

T. T. a'Beckett

G. S. Coppin

The President

A. Fraser

J. Stewart

R. Thomson

Dr. Hope

G. W. Cole

G. Rolfe

J. P. Fawkner

M. Hervey

J. Henty

J. F. Strachan (Teller).

FRIDAY, 8TH JUNE.

No. 2.—The Same.—Clause XXIII.—If it shall appear that there is only one application for any allotment the person making such application shall be declared the selector of such allotment provided he shall have duly paid for the same as hereinbefore mentioned but if there shall be two or more applications for the same allotment then the persons all the same allotment the same allotment the persons all the same allotment the persons all the same allotment the persons all the same allotment the persons all the same allotment the persons all the same allotment the persons all the same allotment the persons all the same allotment the persons all the same allotment the persons all the same allotment the persons all the same allotment the persons all the same allotment the persons all the same allotment the persons all the same allotment the persons all the same allotment the same allotment the persons all the same allotment the persons all the same allotment the then the persons who shall have made application for such allotment or their agents appointed in writing shall be allowed to draw lots in such manner as may be directed by the Board of Land and Works in general instructions to be drawn up by them for such purpose and the person who is successful in the drawing of such lots shall be declared the selector.

Motion made and question put—That the Chairman report progress and ask leave to sit again on Tuesday.—(Hon. A. Fraser.)

Committee divided.

Contents, 10.

The Hon. J. B. Bennett
J. Henty
G. Rolfe
G. W. Cole
D. Kennedy
A. Fraser
J. P. Fawkner
F. Robertson
N. Black
J. F. Strachan (Teller).

Not Contents, 11.

The Hon. G. S. Coppin
R. Thomson
M. Hervey
T. H. Power
W. H. F. Mitchell
S. G. Henty
Dr. Hope
J. Stewart
The President
T. T. a'Beckett
T. H. Fellows (Teller).

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COMMITTEE OF THE WHOLE COUNCIL.

No. 9.

Extracted from the Minutes.

TUESDAY, 12TH JUNE, 1860.

No. 1. Crown Lands Sales Bill.—Clause XXIII.—If it shall appear that there is only one application for any allotment the person making such application shall be declared the selector of such allotment provided he shall have duly paid for the same as hereinbefore mentioned but if there shall be two or more applications for the same allotment "then" the persons who shall have made application for such allotment or their agents appointed in writing shall be allowed to draw lots in such manner as may be directed by the Board of Land and Works in general instructions to be drawn up by them for such purpose and the person who is successful in the drawing of such lots shall be declared the selector.

Motion made—That after the word "then," in the fourth line of the above clause, the following words be inserted, "such allotment or subdivision shall be sold by open auction."—(Hon. T. H. Fellows.)

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

Committee divided.

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The Hon. T. H. Fellows G. S. Coppin The President

J. F. Strachan

M. Hervey

G. Rutherford

W. H. F. Mitchell

A. Fraser R. Thomson

D. Kennedy

F. Robertson

C. Vaughan

T. H. Power

J. P. Fawkner

W. Highett N. Black (Teller).

Not Contents, 7.

The Hon. J. Henty G. W. Cole

G. Rolfe

Dr. Hope

B. Williams

J. B. Bennett T. T. a'Beckett (Teller).

No. 2. The same.—Clause XXIV (as previously amended).—Every person who shall have been declared the selector of any subdivision shall "forthwith" state whether he will purchase and whether he will rent all or any of the remaining subdivisions of such allotment and if he shall elect to purchase any one or more of the remaining subdivisions he shall forthwith name the same and pay for every such subdivision or subdivisions the same price as he shall have paid for the subdivision which he shall have previously elected to purchase as aforesaid and if he shall elect to rent all or any of the remaining subdivisions he shall forthwith name the same and pay for every such subdivision or subdivisions one year's rent in advance at the rate of one shilling and sixpence for every acre in such subdivision or subdivisions.

Motion made—That after the word "forthwith," in the second line of the above clause the following words be inserted, viz.: "shall be entitled to a grazing licence of the remaining subdivision for three years at the rate of one farthing per acre."—(Hon. the President.)

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

Committee divided.

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WEDNESDAY, 13TH JUNE.

No. 3. Crown Lands Sales Bill.—Clause XXIV (as previously amended).—Every person who shall have been declared the selector of any subdivision shall forthwith be entitled to a grazing license of the remaining subdivision for three years at the rate of one farthing per acre and shall state whether he will purchase or whether he will rent the remaining subdivision and if he shall elect to purchase the remaining subdivision he shall forthwith pay for such subdivision the same price as he shall have paid for the other subdivision or which he shall have previously elected to purchase as aforesaid and if he shall elect to rent the remaining subdivision he shall forthwith pay for such subdivision one year's rent in advance "at the rate of one shilling and sixpence for every acre in such subdivision or subdivisions."

Motion made—That the words "at the rate of one shilling and sixpence for every acre in such subdivision or subdivisions," occurring in the ninth and tenth lines of the above clause, be struck out.—(Hon. T. H. Fellows.)

Question—That the words proposed to be struck out be so struck out—put.

Committee divided.

. 7 (57th Minus 2 40 v. Contents, 16. The Hon. The President J. B. Bennett D. Kennedy W. H. F. Mitchell T. T. a'Beckett T. H. Power Dr. Hope T. H. Fellows W. Highett H. Miller F. Robertson G. S. Coppin B. Williams C. Vaughan N. Black M. Hervey (Teller).

Not Contents, 7.
The Hon. G. Rolfe
J. Henty
J. P. Fawkner
G. W. Cole
A. Fraser
Dr. Wilkie
J. F. Strachan (Teller).

No. 4. The same.—Clause XXVI (as previously amended).—No person who shall have been declared the selector upon any sale by auction shall be entitled either by himself or his agent to bid at the same auction for any other "allotment" included in the same proclamation for which two or more applications shall have been received or for any subdivision thereof.

Motion made—That the following words be inserted after the word "allotment," in the third line of the above clause, "excepting such as he shall have applied for under the provisions of this Act or which shall be"—(Hon. the President.)

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Question—That the words proposed to be inserted be so inserted—put.
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Committee divided.
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Not Contents, 13. Contents, 8. The Hon. T. H. Fellows The Hon. The President M. Hervey Dr. Wilkie ¹Dr. Hope T. H. Power N. Black G. Rolfe W. H. F. Mitchell J. P. Fawkner D. Kennedy R. Thomson W. Highett F. Robertson C. Vaughan (Teller). B. Williams J. F. Strachan G. W. Cole A. Fraser G. S. Coppin T. T. a'Beckett (Teller).

No. 5. The same.—Clause XXVI (as previously amended).—No person who shall have been declared the selector upon any sale by auction shall be entitled either by himself or his agent to bid at the same auction for any other allotment included in the same proclamation for which two or more applications shall have been received or for any subdivision thereof.

Motion made and question put—That the above clause be struck out.—(Hon. M. Hervey.) Committee divided.

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No. 6. The same.—Clause XXIX.—No person shall within a year be entitled to be the selector of more than six hundred and forty acres unless the land which he shall select in addition to such six hundred and forty acres shall have been proclaimed open for selection for more than one year.

Motion made and question put—That the above clause stand part of the Bill.—(Hon. T. H. Fellows.)

Committee divided.

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THURSDAY, 14TH JUNE.

No. 7. Crown Lands Sales Bill.—Clause XXXIV.—Every person who shall prior to the passing of this Act have purchased from the Crown either by public auction or selection after auction any country land not exceeding three hundred and twenty acres and shall have effected improvements on the same of the value of two pounds per acre on one-fourth of the said purchased land shall have the right to select from any lands proclaimed open for selection any subdivision or subdivisions of any allotment not exceeding three-fourths of the number of acres of the said purchased land and such person having selected a subdivision or subdivisions may demand a lease of the same for such number of years not less than five nor more than ten as the Governor shall by his proclamation have appointed subject to the conditions hereinbefore provided with respect to land leased by selection under this Act Provided that it shall be lawful for such lessee at any time during the continuance of the term to purchase all or any of the subdivisions comprised in such lease at the price of one pound for every acre so purchased.

Motion made and question put—That this clause be struck out.—(Hon. J. F. Strachan.) Committee divided.

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The Hon. T. H. Fellows
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A. Fraser
J. P. Fawkner
G. Rolfe
T. T. a'Beckett (Teller).

No. 8. The same.—Clause XXXVI.—Every such lease shall become void if the lessee shall "not within one year from the commencement of the term thereby created have effected on the purchased subdivision or subdivisions of the same allotment improvements of the value of one pound for every acre of such purchased subdivision or subdivisions or if he shall" use the land so rented except for agricultural or pastoral purposes or as a garden or if he shall not within one month of the commencement of the second and every subsequent year of such term pay such year's rent in advance or if he shall become insolvent or mortgage assign or sublet or attempt to mortgage assign or sublet or enter into any agreement to mortgage assign or sublet such rented land or any part thereof or if the same shall be sold under any execution or if he or his agent shall not have resided either on such rented land or on one of the purchased subdivisions of the same allotment two hundred days in any year.

Motion made—That the words "not within one year from the commencement of the term thereby created have effected on the purchased subdivision or subdivisions of the same allotment improvements of the value of one pound for every acre of such purchased subdivision or subdivisions or if he shall," occurring in the second, third, fourth, and fifth lines of the above clause, be struck out.—(Hon. The President.)

Question-That the words proposed to be struck out be so struck out-put.

Committee divided.

Contents, 17. The Hon. J. Stewart J. F. Strachan The President Dr. Hope F. Robertson W. H. F. Mitchell G. S. Coppin N. Black M. Hervey D. Kennedy W. Highett R. Thomson J. B. Bennett B. Williams C. Vaughan T. H. Power G. Rolfe (Teller). Not Contents, 6.
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A. Fraser
J. P. Fawkner
T. T. a'Beckett (Teller).

No. 9. The same.—Clause XXXVI (as previously amended).—Every such lease shall become void if the lessee shall use the land so rented except for pastoral purposes or if he shall not at or before the commencement of the second and every subsequent year of such term pay such year's rent in advance "or if he or his agent shall not have resided either on such rented land or on one of the purchased subdivisions of the same allotment two hundred days in any year."

Motion made—That the words "or if he or his agent shall not have resided either on such rented land or on one of the purchased subdivisions of the same allotment two hundred days in any year," occurring in the fourth, fifth, and sixth lines of the above clause, be struck out.—(Hon. The President.)

Question—That the words proposed to be struck out be so struck out—put.

Committee divided.

Contents 9.
The Hon. The President
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M. Hervey
J. B. Bennett
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F. Robertson (Teller).

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The Hon. T. H. Fellows
J. Henty
G. W. Cole
W. H. F. Mitchell
A. Fraser
J. Stewart
Dr. Hope
B. Williams
C. Vaughan
J. F. Strachan
G. S. Coppin
G. Rolfe
J. P. Fawkner
T. T. a'Beckett (Teller).

No. 10. The same.—Clause XXXVI (as previously amended).—Every such lease shall become void if the lessee shall use the land so rented except for pastoral purposes or if he shall not at or before the commencement of the second and every subsequent year of such term pay such year's rent in advance or if he "or his agent" shall not have resided either on such rented land or on one of the purchased subdivisions of the same allotment two hundred days in any year.

Motion made—That the words "or his agent," occurring in the fourth line of the above clause, be struck out.—(Hon. G. S. Coppin.)

Question—That the words proposed to be struck out be so struck out—put.

Committee divided.

Contents, 13.
The Hon. B. Williams
G. W. Cole
T. H. Fellows
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J. P. Fawkner
J. Henty
C. Vaughan
A. Fraser
Dr. Hope
G. S. Coppin
G. Rolfe
J. F. Strachan
T. T. a'Beckett (Teller).

Not Contents, 9.
The Hon. W. H. F. Mitchell
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F. Robertson
R. Thomson
W. Highett
T. H. Power
D. Kennedy
J. B. Bennett
N. Black (Teller).

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LEGISLATIVE COUNCIL.

SESSION 1859-60.

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COMMITTEE OF THE WHOLE COUNCIL.

No. 10.

Extracted from the Minutes.

TUESDAY, 19TH JUNE, 1860.

No. 1.—Crown Lands Sales Bill.—Clause LXVII (as amended.)—It shall be lawful for the Governor upon the petition of not less than ten occupiers of not less than five hundred acres of contiguous purchased land to proclaim that any Crown lands adjoining and within one mile of such purchased land (the area of such Crown lands not being more than the area of the purchased land) shall be a common for the use of such occupiers of the said purchased land as shall cultivate at least one half of his or their purchased land and every such common shall be called a "Farmers' Common" Provided that nothing in this section shall be deemed or taken to prevent such lands from being sold under this Act.

Motion made and question put—That this clause stand part of the Bill.—(Hon. T. H. Fellows.)

Committee divided.

Contents, 8.

The Hon. J. F. Strachan

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A. Fraser

G. Rolfe

G. S. Coppin

F. Robertson T. T. a'Beckett

T. H. Fellows (Teller).

Not Contents, 10.

The Hon. N. Black

M. Hervey

Dr. Hope

D. Kennedy

R. Thomson W. Highett

J. B. Bennett

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C. Vaughan (Teller).

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COMMITTEE OF THE WHOLE COUNCIL.

No. 11.

Extracted from the Minutes.

TUESDAY, 26TH JUNE, 1860.

No. 1.—Crown Lands Sales Bill.—Clause XV (as amended).—It shall be lawful for the Governor by proclamation to be inserted in the Government Gazette and in some newspaper or newspapers one of which at least shall be some newspaper published at the nearest place to the lands so surveyed to notify that applications will be received for any of such allotments up to a certain day which shall not be less than one month nor more than three months from the date of such proclamation and such proclamation shall name the person by whom and the place at which such applications will be received and the day when and the place where such applications will be considered and determined on and the person or persons to whom and the place or places at which applicants shall make payment and shall state the "term" for which leases of each of such allotments will be granted.

Motion made—That after the word "term," in the tenth line of the above clause, the following words be inserted, "not exceeding seven years."—(Hon. T. H. Fellows.)

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

Contents, 8.

The Hon. T. H. Fellows

G. W. Cole Dr. Wilkie Dr. Hope

J. Henty

G. Rolfe

A. Fraser

T. T. a'Beckett (Teller).

Not Contents, 17.

The Hon. J. B. Bennett

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N. Black

M. Hervey

R. Thomson

J. Stewart

F. Robertson

G. Rutherford

D. Kennedy

W. Highett

B. Williams

J. F. Strachan

C. Vaughan

H. Miller

The President T. H. Power

G. S. Coppin (Teller).

No. 2.—The same.—Clause XXXVI.—Every such lease shall become void if the lessee shall use the land so rented except for pastoral purposes or if he shall not within one month after the commencement of the second and every subsequent year of such term pay such year's rent in advance if demanded or if he "shall" not reside either on such rented land or on the purchased subdivisions of the same allotment.

Motion made—That before the word "shall," in the fourth line of the above clause, the following words be inserted, "or his agent."—(Hon. M. Hervery.)

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

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No. 3.—The same.—Motion made, That a new clause as follows stand part of the Bill after Clause LXVI:—LXVII. It shall be lawful for the Governor upon the petition of not less than ten occupiers of not less than five hundred acres of contiguous purchased land to proclaim that any Crown lands within one mile of such purchased land (the area of such Crown lands not being more than the area of the purchased land) shall be a common for the use of such occupiers of the said purchased land as shall cultivate at least one-half of his or their purchased land and every such common shall be called a "Farmer's Common" Provided that nothing in this section shall be deemed or taken to prevent any such lands from being sold under this Act upon the application of persons desirous of purchasing the same.—(Hon. T. H. Fellows.)

Question—That this clause stand part of the Bill—put.

Committee divided.

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No. 4.—The same.—Clause LXX.—It shall be lawful for the Governor in Council to proclaim that any Crown lands in proximity to the main lines of road into the interior shall be a common for the use of persons travelling with stock to market each of such reserves to be not less than eight miles apart and not to exceed two thousand acres in extent.

Motion made and question put—That this clause be struck out.—(Hon. T. H. Fellows.) Committee divided.

Contents, 15. The Hon. the President T. H. Fellows J. F. Strachan S. G. Henty N. Black W. H. F. Mitchell B. Williams D. Kennedy G. Rolfe Dr. Hope J. Stewart F. Robertson A. Fraser G. W. Cole J. Henty (Teller).

Not Contents, 7.

The Hon. G. Rutherford
T. T. a'Beckett
T. H. Power
M. Hervey
R. Thomson
C. Vaughan
G. S. Coppin (Teller).

LEGISLATIVE COUNCIL.

SESSION 1859-60.

WEEKLY REPORT OF DIVISIONS

IN

COMMITTEE OF THE WHOLE COUNCIL.

No. 12.

Extracted from the Minutes.

THURSDAY, 30TH AUGUST, 1860.

No. 1.—DISORDERLY MEETINGS BILL.—New Clause proposed by the Honorable J. P. Fawkner.—
It shall not be lawful for any number of persons exceeding twenty who shall have met within the enclosure round the Houses of Parliament or in any of the streets abutting on the same to remain together after being required to disperse themselves by any person thereunto authorised by the President of the Legislative Council during the sitting thereof or by the Speaker of the Legislative Assembly during the sitting thereof but nothing contained in this section shall extend or apply to any meeting or sitting of either House of Parliament.

Motion made and question put—That the above clause stand part of the Bill. Committee divided.

Contents, 9.	Not Contents, 9.
The Hon. T. H. Fellows	The Hon. T. T. a'Beckett
Dr. Hope	M. Hervey
D. Kennedy	J. Stewart
W. Highett	S. G. Henty
T. H. Power	G. Rolfe
J. B. Bennett	B. Williams
A. Fraser	H. Miller
J. P. Fawkner	Dr. Wilkie
J. Henty ($Teller$).	G. S. Coppin (Teller)

The Tellers having declared the Contents and the Not Contents to be equal in number, the Chairman gave his casting vote with the Not Contents.

No. 2.—The same.—Clause II. If any meeting for the purposes or on the pretexts aforesaid or any of them of any persons shall be assembled contrary to the intent and meaning of the provisions hereinbefore contained such meeting shall be deemed and taken to be an unlawful assembly by whomsoever or in consequence of what notice soever such meeting shall have been called together or holden and any person who shall attend and take part in any such meeting shall on conviction thereof before two justices be imprisoned and kept to hard labor for any term not exceeding six months.

Motion made and question put—That this clause stand part of the Bill.—(Hon. T. H. Fellows.)

Committee divided.

Contents, 16.
The Hon. T. H. Fellows
The President
M. Hervey
G. S. Coppin
J. Henty
G. Rolfe
Dr. Hope
J. Stewart

D. Kennedy W. Highett S. G. Henty T. H. Power

Dr. Wilkie A. Fraser B. Williams

T. T. a'Beckett (Teller).

Not Contents, 2.
The Hon. J. B. Bennett
J. P. Fawkner (Teller.)

CHINESE PASSENGERS AND GOLD SHIPPED BY THE CHINESE.

RETURN TO AN ORDER OF THE LEGISLATIVE COUNCIL. THE HONORABLE J. HENTY .- 26TH OCTOBER, 1859.

(1.) A RETURN, showing the Number of CHINESE who have departed from the Port of Melbourne for Ports in China, from the 1st January, 1858, to the 30th September, 1859.
(2.) A RETURN, showing the Amounts of Gold exported to China, during each Month from July 1857 to September 1859, both inclusive, distinguishing the amounts shipped by Chinese from those forwarded by British Merchants.

(3.) A RETURN, showing the Quantity of Coined and Crude Gold shipped by the Chinese from the Port of Melbourne, during the period from 1st January, 1858, to 30th September, 1859.

LAID UPON THE COUNCIL TABLE BY THE HON. T. H. FELLOWS, 29TH NOVEMBER, 1859, AND ORDERED BY THE COUNCIL TO BE PRINTED, 8TH DECEMBER, 1859.

No. 1. RETURN, showing the Number of Chinese who have departed from the Port of Melbourne for Ports in China, from the 1st January, 1858, to the 30th September, 1859.

Month.	Name of Vessel.		Port of De	sti nation.		Number of Chinese.
1858. January 17 February March 2 ,, 3 ,, 9	 Anna Lange Nil Hebe Oithona Jupiter		Hong Kong Nil Hong Kong Hong Kong Hong Kong		•••	209 Nil 127 103 184
April 15 May 16 June July 24 August September 1 ,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,	 Cornwall Bengal Nil Atalanta Nil Beatrice William Nil Norway		Hong Kong Hong Kong Nil Hong Kong Nil Hong Kong Hong Kong Hong Kong Hong Kong Hong Kong Hong Kong			254 200 Nil 326 Nil 60 112 254 Nil 187
, 11 December 31 1859. January 3 February 25 March 5 , 18	 Mousse de Nantes Himalaya Reinhard Ludwig Heyn Earl of Eglinton Oithona		Hong Kong Hong Kong Hong Kong Hong Kong Hong Kong Hong Kong Hong Kong			3 192 200 160 163 96
,, 26 April 8 ,, 15 May June 24 ,, 30 July August 19 ,, 27	 Jupiter Panama Henrietta Helena Nil Beatrice Land o' Cakes Nil Red Rover Fagle		Hong Kong Hong Kong Nil Hong Kong Hong Kong Nil Hong Kong Nil Hong Kong			75 106 166 Nil 205 159 Nil 274 272
september	 Eagle Nil Total		Hong Kong Nil			Nil 4,087

No. 2.

Return, showing the Amounts of Gold exported to China, during each Month from July 1857, to September 1859, both inclusive, distinguishing the Amounts shipped by Chinese from those forwarded by British Merchants.

	,	Perio	od.		-	Shipped by C	hinese.	Shipped British Me	
		185	 7.			Oz.	dwts.	Oz.	dwts.
	$\operatorname{July} \dots$	•••		•••	1	Nil		Nil	
	August	•••		•••	::: 1	30,968	1	896	0
	September		•••	,		8,623	ō	Nil	v
	October					27,446	ŏ	2,332	0
	November	***	•••	•••		1,131	ŏ	510	0
	December	•••	•••	•••	•••	13,765	ő	Nil	V
	_ 5552	•••	•••	•••		10,100	V	1	
		185	8.		ŀ				
	January			•••	·	10,201	0	Nil	
	February	***		•••		8,877	0	323	5
, r ×	\mathbf{March}		•		·	7,318	0	Nil	
Bry F	April	: ; • • •		•••		16,161	10	Nil	er ja
	May	•••	•••	***		10,225		Nil	
	June		•••			Nil		Nil	i.
·	$July \dots$					14,028	0 .	Nil	
	August		•••	,,,		3,193	Ö	18	0
	September	•••	•••	•••		8,762	10	Nil	Ū
	October				. 1171	4	10	3	0
	November	***		•••	- 1	6,868		510	
	December			•••	[Nil	V	Nil	Ο ,
	December	•••	•••	•••		7/17		1 1	
		1859	€.					1	
	January			•••]	Nil		Nil	
	February	•••	•••			8,332	0.	625	0
	March	***	•••	•••		5,001	0	17	10
	$\mathbf{A}\mathbf{pril}$		• • •	• • •		9,528	0 (Nil	9 0 0
	May	•••	•••	•		Nil		Nil	
e s	June					10,374	5	Nil	•
	July	•••		•••		1,096	Ō	Nil	
	August		•••	•••		14,086	10	Nil	
	September	•••	•••	•••		Nil		Nil	
	<u>.</u>	· = -	. • •	•••	· [.				
		Totals	•••	•••		215,989	16	5,234	15

Department of Trade and Customs, Melbourne,

1859.

No. 3.

Return, showing the Quantity of Coined and Crude Gold shipped by the Chinese from the Port of Melbourne during the period from 1st January, 1858, to 30th September, 1859.

Coined Gold.		Crude Gold.	.1
1858 January to September, 1859	£ s. d. 6,770 0 0 7,579 0 0	1858 January to September, 1859	Oz. dwts. 85,639 0 48,417 15
Total	£14,349 0 0	Total	134,056 15

Department of Trade and Customs, Melbourne, VINCENT PYKE.

TOBACCO DELIVERED DUTY FREE.

RETURN TO AN ORDER OF THE LEGISLATIVE COUNCIL, THE HONORABLE J. HENTY.—26TH OCTOBER, 1859.

- 1. A RETURN of the Quantity of Tobacco, on which no Duty has been paid, cleared from the Customs' Warehouse and direct from Import Ships, at the Ports of Melbourne, Geelong, and the Outports of the Colony respectively, for the Year ended 30th September, 1858—such Return not to include Tobacco cleared under bond for Exportation.
- 2. A similar Return for the Year ended 30th September, 1859.

LAID UPON THE COUNCIL TABLE BY THE HON. T. H. FELLOWS, 29TH NOVEMBER, 1859, AND ORDERED BY THE COUNCIL TO BE PRINTED, 8TH DECEMBER, 1859.

No. 1.

A Return shewing the Quantity of Tobacco on which no Duty has been paid, cleared from the Customs' Warehouse and direct from Import Ships, at the Ports of Melbourne, Geelong, and the Outports of the Colony respectively, for the Year ended the 30th September, 1858.

		I	Ports.				Quantity.
Melbourne		,	•••				lbs. 197,025
Geelong Portland	•••	•••	•••	•••	•••		341,665 103,221
Port Fairy Port Albert	•••		•••	•••	•••		23,505 Nil
Warrnambool	•••	,	• • •	· • • •	•••	•••	6,334
	•		Total	•••			671,750

VINCENT PYKE.

No. 2.

A RETURN shewing the Quantity of Tobacco on which no duty has been paid, cleared from the Customs' Warehouse and direct from Import Ships, at the Ports of Melbourne, Geelong, and the Outports of the Colony respectively, for the Year ended the 30th September, 1859.

	Quantity.						
							lbs.
${f Melbourne}$	•••	•••					357,246
Geelong -	•••	•••	•••		•••	•••	511,772
Portland		•••	•••	•••	•••		77,690
Port Fairy		•••	•••	•••	•••		36,098
Port Albert	•••	•••	•••	•••			\mathbf{Nil}
Warrnambool	•••	•••	•••	•••	•••	•••	9,213
		,	Total	•••			992,019

Department of Trade and Customs, Melbourne, 26th October, 1859. VINCENT PYKE.

H. W. SPAIN, Comptr. of Accounts.

VICTORIA.

REGISTRATION OF PARLIAMENTARY ELECTORS.

ACCOUNT OF PAYMENTS MADE UNDER THE AUTHORITY OF THE 30TH SECTION OF THE 22ND VICTORIA, No. 81.

PURSUANT TO ACT OF PARLIAMENT, 22 VIC., No. 81.

LAID UPON THE COUNCIL TABLE BY THE HONORABLE T. H. FELLOWS, 30TH NOVEMBER, 1859, AND ORDERED BY THE COUNCIL TO BE PRINTED, 8TH DECEMBER, 1859.

AN ACCOUNT of all Payments made under the Authority of the 30th Section of the Act, 22 Victoria, No. 81.

												7
Half Salar	ries of Elec	toral Re	gistrars to	30th June	e		£ 	s. 	d.	£ 3,207		$\frac{d}{10}$
Collectors'	Allowances	, viz. :			•							
	d.	4					0.47		o.			
33 at ($\mathbf{m}\mathbf{e}$	•••	•••	• • •	•••	841 748	6	$\frac{6}{6}$			
	0 9 ,	•••	•••	•••	•••	•••	2,047		0	ļ		
	1 0 ,,	•••	•••	•••	***	•••	2,391	4	Ö			
	$\begin{array}{cccccccccccccccccccccccccccccccccccc$	•••	***	•••	•••	•••			ŏ			
35 ,, 2 17 ,, 2	o 6 ′′	•••	•••	•••	•••	•••	813	12	6	1		
17 ,, 2	3 0 ,,	•••	•••	•••	•••	. ***	711		ŏ	1		
7 ~ 6	2 6	•••	***	•		***	$\overline{37}$	$\tilde{2}$	Õ			,
	4. Δ ΄΄	•••	***	***	•••		626	ō	0			•
1 ,, 4	4 6 ,,	***	•••	•••	•••		47	14	0	1		
22 ,, 8	4 6 ,,		•••				1,523	0	0			
	7 6 ,		•••	•••		'	124	10	0			
.,	,,						 >			•		
	_						11,356	14	6	l		
	Allowances	\mathbf{w} here	the amo	unt at pe	er name	was	001	- 14	^			
inadeq	uate	•••	•••	•••	•••	•••	381	4	0	11,737	10	6
75.1										11,/5/	10	. 0 .
Printing, v	ız. :—						3,982	3	2	ļ		
Lists	•••	•••	•••	•••	•••	•••	4,118	10				
Rolls	•••	•••	•••	•••	•••,	•••	4,110	10		8,101	3	1
Cloriza and	Tith a smanl										12	0
Advertising	Lithograpl g Notices c	nnaatad	with Rec	ristration	•••		•••			758	8	11
Travel distill	g Itomees e	оппестеа	, WIUII IUC	31501 401011	•••	•••						
			TOTAL	***	•••		•••	•••		£24,163	1	4
				•••						1		

VICTORIA.

INTEREST GUARANTEED TO SHAREHOLDERS. MELBOURNE AND GEELONG RAILWAY COMPANY.

RETURN TO AN ORDER OF THE LEGISLATIVE COUNCIL. THE HONORABLE G. W. COLE.—27TH OCTOBER, 1859.

LAID ON THE COUNCIL TABLE BY THE HONORABLE T. H. FELLOWS, 15TH DECEMBER, 1859 AND ORDERED BY THE COUNCIL TO BE PRINTED, 9TH FEBRUARY, 1860.

- (1.) THE AMOUNT on which Interest was guaranteed to the Shareholders of the Melbourne and Geelong Railway Company.
- (2.) An Abstract of the Amount of Interest, dates when due, and when paid.

(3.) THE NAME and Station to whom such were paid.

- (4.) Copy of the section of the Act authorising such payment.
- (5.) Copy of the last Warrant authorising the payment.
 (6.) Copy of the last Receipt given.

(7.) Any Correspondence relative to the Interest having been applied to other purpose than to the Shareholders.

(1.)

THE AMOUNT on which Interest was guaranteed to the Shareholders of the Melbourne and Geelong Railway Company ... £350,000 0 0

(2 and 3.)

AN ABSTRACT of the Amounts of Interest, dates when due and when paid, showing also the Names and Stations of the persons to whom payment was made.

An	oun	t.	Due.	Paid.	Name and Station to whom paid.				
£	s.	d.							
2,107	6	5	5th Oct., 1853, and 5th Oct., 1854	28th Feb., 1855	Edwd. Evans, for Bank of New South Wales.				
201		0	5th April, 1855	19th July, 1855	C. N. Thorne, as President, and Chas. Ibbotson and A. McMillan, directors.				
1,948	19	3	5th April, 1855	19th July, 1855	Ditto, ditto, ditto.				
3,907		8	5th Oct., 1855	13th Nov., 1855	Ditto, ditto, ditto.				
4,271	•		5th Oct., 1855	25th April, 1856	C. Thorne, as President, and W. Barrow and J. B. Hat ton, directors.				
354	15	10	5th April, 1856	25th April, 1856	Ditto, ditto, ditto.				
467		7	5th April, 1856	25th April, 1856	Ditto, ditto, ditto.				
1,529		1	5th April, 1856	4th July, 1856	Joseph J. Hewitt, as Secretary.				
175	_	2	5th April, 1856	5th Jan., 1857	C. N. Thorne, for Geelong and Melbourne Railway Co.				
	15	2	5th Oct., 1856	19th May, 1857	Chas, E. Strutt and G. F. Belcher.				
8,110		9	5th April, 1857	19th May, 1857	Ditto, ditto.				
8,621			5th Oct., 1857	23rd Oct., 1857	Ditto, ditto.				
7,097		0	5th April, 1858	15th Feb., 1858	C. N. Thorne, as President, and Martin Sholl, Secretary				
8,629		7	5th April, 1858	16th April, 1858	G. F. Belcher and W. Burrow.				
7,707	1	1	5th Oct., 1858	9th Aug., 1858	Charles Ibbotson, as President; William Burrow and A. McMillan, directors.				
1,066		4	5th Oct., 1858	6th Nov., 1858	Ditto, ditto, ditto.				
7,682		0	5th April, 1859	28th Jan., 1859	Ditto, ditto, and Geo. Wright.				
1,064		7	5th April, 1859	16th April, 1859	Martin Sholl, for C. Ibbotson.				
7,682		0	5th Oct., 1859	17th May, 1859	J. Buckley, under an order from Charles Ibbotson, President.				
1,091	9	5	5th Oct., 1859	2nd Nov., 1859	Charles Ibbotson, President.				

(4.)

COPY of the Section of the Act authorising payment of the guaranteed Interest on the Shares of the Geelong and Melbourne Railway.

(ACT 18 VICTORIA SECTION V.)

"If the Governor of Victoria shall with the advice of the executive council think fit to give in respect of all the shares in the stock of the said company a guarantee to the shareholders of yearly dividends of profits at the rate of five pounds for every hundred pounds by the year upon the capital for the time being actually paid up of all the shares in the stock of the said company during a term not exceeding twenty-one years from the first day of January in the year 1853 it shall be lawful for the directors for the time being of the said company without the consent of the shareholders thereof to take and accept such guarantee Provided that any assignment or mortgage of the property of the said company made in pursuance of the provisions of the seventy-second clause of the said recited Act to secure repayment of any sum of money paid under any guarantee given or to be given by Her Majesty's Government shall have priority over all other charges and incumbrances affecting the property of the said company."

(5.)

COPY of the last Warrant authorising the payment.

Act 22 Vic., No. 26.

WARRANT No. 26.

Sec. 17. To the Commissioners of Audit.

The amount of moneys likely to become due and payable out of the "Public Account" during the Month now next is eight thousand seven hundred and fifty pounds, and the services and purposes for which the same will be required are as follows, that is to say:—

EsT	ENCE TO IMATE VOTES.	For S	ERVICE.	Not for Serv	ICE.	А мот	JNT.	
Year.	No. of Vote.	Division.	Sub-Division.	Purpose.				
1859.			CIAL APPROPR terest on Railway (•••	£ 8,750	s. d	
	•		Total		•••	£8,750	0 0)

Dated this seventeenth day of May, 1859.

(Signed)

GEO. HARKER,

Treasurer.

No. 26.

We certify that the sums above mentioned are now legally available for and applicable to the services and purposes above set forth.

Dated this seventeenth day of May, 1859.

(Signed)

C. H. SYMONDS,

FRANCIS JONES,

Commissioners of Audit.

To the Treasurer of Victoria.

You are hereby authorised to issue, out of the Consolidated Revenue, the amount above set forth, and for so doing this shall be your sufficient Warrant.

Given under my hand the eighteenth day of May, 1859.

(Signed)

HENRY BARKLY,

Governor.

(6.)

COPY of RECEIPT for One thousand and ninety-one pounds, nine shillings, and five pence, paid on the account of the interest guaranteed to the Geelong and Melbourne Railway Company.

Received on the 2nd November, 1859, from W. H. Hull, Esquire, the sum of One thousand and ninety-one pounds, nine shillings, and five pence sterling, in full payment of the above account.

(Signed)

CHARLES IBBOTSON,

President, Geelong and Melbourne Railway Company.

Witness to the payment and signature—
(Signed) G. F. BELCHER.

ABSTRACT of Correspondence in re-payment of the guaranteed Interest on the Capital of the Geelong and Melbourne Railway Company.

	Date.	From whom.	To whom.	Subject.
1 .	June 23	Under Treasurer Attorney-General	Attorney-General	Submits case relative to payment of guaranteed interest of the Geelong and Melbourne Railway Company. Opinion as to above case, stating that pay-
3	July 23	G. F. Belcher (Govt. Director of the Rail- way Company)	Treasurer	ment should be made to the shareholders. Points out that the directors are precluded by resolution of shareholders from appropriating interest in payment of London shareholders.
4 5 6	July 29 July 27 Aug. 3	Martin Sholl, Secretary Under Treasurer	Treasurer Secretary of the Gee- long and Melbourne Railway Company	Copy Treasurer's minute on above letter. Forwards account for interest due 5th Oct. Informs him that the account in question has been passed for payment.

58 | 3327

Treasury, Melbourne, 23rd June, 1858.

SIR,

I am directed to request that the Treasurer may be favored with the opinion of the Law Officers, as soon as possible, upon the following point:

Under the 5th clause of the Act of the 18th Vic., for amending the Act incorporating the Geelong Railway Company, a guarantee has been given to the shareholders of that company

of a yearly dividend to the amount of 5 per cent. upon the paid-up capital.

The sums which have hitherto fallen due under this guarantee have been paid to the directors of the company, but the line being now open the contingency may occur of the working expenses of the company exceeding the receipts, and it becomes a question under these circumstances whether, in the event of the money obtained from the Government not being appropriated in its entirety to the payment of interest upon the paid-up capital, any remedy would exist on the part of the shareholders against the Government.

The Treasurer would be glad to know, therefore, whether he is bound under the Act to make payment of the interest which may hereafter accrue, to the directors of the company, or whether he is at liberty (or whether it is his duty) to make payment of the interest to the shareholders direct, without the agency of the directors.

The question, it should be pointed out, involves one of policy also, as it is of course of paramount importance that, at the present time, no suspicion should be allowed to exist as regards the character of securities, in any way guaranteed by the Government.

As the payment of interest for the current half-year will very shortly become due, the Treasurer is very anxious to be informed of the opinion of the Law Officers on the subject as soon as possible.

I have the honor to be, Sir,

The Secretary to the Law Officers.

Your most obedient servant, E. S. SYMONDS. (Signed)

Attorney General's Opinion.

In order to answer the case submitted in the Under Treasurer's letter of the 23rd June,

copies of the instruments of guarantee should have been before me.

I have applied to the Clerk of the Executive Council for copies of any minute on the subject, and all that is to be found is contained in a paper, a copy of which I annex. I learn, however, from certain correspondence between the company and the Government, before me for another purpose, that the company is in possession of certain letters of guarantee, and on these loose and informal instruments the sum of £17,500 a year, being 5 per cent. on the paid-up capital of £350,000, has been hitherto punctually paid, the Government having very properly acted on the moral obligation, as if it had been embodied in a legal contract.

Such being the state of the facts, no legal conclusion whatever can be drawn from these loose and imperfect memoranda, and we must fall back upon the private acts of the company,

16 Vic. and 18 Vic.

The 72nd section of the former Act empowers the company to mortgage their property to the Government, in case the Government should "enter into any agreement with the said "company to guarantee to the shareholders of the said company the payment of any sum of "money, either as a dividend or interest on the paid-up capital," &c. The same language is preserved in the 5th section of the 18 Vic., in which the guarantee is expressed to be to the shareholders.

It is clear from both these clauses that the intention of the legislature was to empower the Governor to guarantee to the shareholders 5 per cent. dividend or interest, if the profits should not amount to so much, and the mention of "paid-up capital," is only to fix the limit.

I think, therefore, that under the letter and spirit of the two Acts, the Government is

bound to see that any payment they may make under the above loose and scanty instruments of guarantee should become available to the shareholders. The Government may either charge itself with the expense of an agency to pay the dividend, or may impose the duty of seeing to the faithful disposal of the money upon the directors appointed by the Government.

The Treasurer is certainly not bound to pay the directors, and if there be the slightest doubt as to the faithful appropriation of the money, I think he should not do so, without

security for the due performance of the trusts.

(Signed)

H. S. CHAPMAN. 26 | 6 | 58.

Geelong, 23rd July, 1858.

SIR,

I have the honor to inform you that I have this day signed the necessary certificate upon which the Directors of the Geelong and Melbourne Railway Company have, hitherto, received the half-yearly interest guaranteed by Government to the shareholders.

I think it my duty, however, to point out to you, prior to the passing and payment of the account, that, although the Directors apply for the amount set forth for the ostensible purpose of remitting the same to England, in payment of interest to the London shareholders, they, the Board of Directors, are entirely precluded from so applying the money in consequence of the shareholders at their last half-yearly meeting having passed a resolution directing the interest money payable by the Government on shares to be appropriated in payment of the interest on the Company's debentures, and for that purpose only, a resolution which has since been affirmed by the Board at one of its meetings subsequently held, and the London agent of the Company has been so instructed.

Herewith I beg to enclose printed copy of the Directors' half-yearly report, with proceedings at the meeting of shareholders, and would direct your attention to the motion of Mr. George Wright, seconded by Mr. Kernot, (page 7) having reference to the 24th paragraph

of the Directors' report, which was carried unanimously.

I bring the matter under your notice in order that you may beforehand be made aware of the manner in which the money applied for from Government is to be expended, and that you may satisfy yourself, whether under the 69th clause of the Company's Act, the Directors have the power to carry out the expressed wishes of the shareholders.

I have the honor to be, Sir,

Your most obedient Servant,

(Signed)

G. F. BELCHER, One of the Official Directors of the Geelong and Melbourne Railway Company.

The Honorable the Treasurer, Melbourne.

Copy Treasurer's Minute upon which payment was made of the guaranteed interest to the Directors of the Geelong and Melbourne Railway Company.

The account to be passed for payment as required by the Directors of the Geelong and Melbourne Railway Company.

(Signed)

G. HARKER, 29 | 7 | 58.

58 | 4581

Geelong and Melbourne Railway, Geelong, 27th July, 1858.

SIR,

I have the honor to forward a duly certified statement and account of the interest which will become due to the Geelong and Melbourne Railway Company, under Government guarantee in London, on the 5th October next, and beg to request that a warrant may issue for the amount.

I have the honor to be, Sir,

The Honorable the Treasurer.

Your most obedient Servant,

(Signed)

MARTIN SHOLL.

58 | 4169

Treasury, Melbourne, 3rd August, 1858.

SIR,

I am directed by the Treasurer to inform you that the account for interest guaranteed by the Government to the shareholders of the Geelong and Melbourne Railway Company, enclosed in your letter of 27th ult., has now been passed for payment.

The Secretary to the Geelong and Melbourne Railway. I have the honor to be, Sir, Your most obedient Servant, E. S. SYMONDS. (Signed)

VICTORIA.

DEFENCES OF THE COUNTRY.

Return to Address:

THE HONORABLE G. URQUHART.—8TH DECEMBER, 1859.

LAID UPON THE COUNCIL TABLE BY THE HONORABLE T. H. FELLOWS, 18TH JANUARY, 1860, AND ORDERED BY THE COUNCIL TO BE PRINTED, 9TH FEBRUARY, 1860.

COPIES of the Correspondence that has taken place between the Imperial Government and the Government of this Colony relative to the Defences of the Country.

MILITARY.

No. 2.

Government Offices, Melbourne, 15th February, 1858.

SIR,

Your circular despatch of 8th December, 1856, desiring me to impress upon my Government the expediency of not neglecting to maintain a reasonable amount of warlike preparation during peace, was duly communicated to my responsible advisers, and by them laid before the local Parliament.

As the military estimates for the year 1857 had not at that time been voted, it was deemed better that the report required from the officer commanding Her Majesty's troops, as to the efficiency of the volunteer force recently established and the general state of the colonial defences, should be postponed, and I subsequently fixed the 30th June as the most convenient period for its being annually rendered.

for its being annually rendered.

Owing to circumstances, however, alluded to in the enclosed letter from Major General 12th February, 1858. Enclosure. Macarthur, the first annual report has just come into my hands; and, as the mail is about to

close, I can only, in forwarding it, make a few hasty remarks upon its contents.

It will be seen that, at each of the seaports on the shores of Port Phillip, the nucleus of a volunteer corps, armed either as artillery or rifles, exists, and there can be no doubt that, with proper encouragement from the local Government, a large and effective force could speedily be organized.

Towards the protection of the Bay by fortifications, much progress has not yet been made; though, since the idea of fortifying the Bluffs at its entrance was abandoned as unfeasible, on the report of Captain Ross, R.E., two of the batteries recommended to Sir Charles Hotham by Captain Pasley, R.E., for the defence of the inner harbor at Hobson's Bay, have been constructed, under the supervision of that officer, as Commissioner of Public Works.

Captain Pasley, however, does not seem to regard them as likely to prove of much use, even in resisting the attack of a privateer, unless in combination with a tower to be erected on

a shoal in the middle of the Bay, for which no provision has been made.

It has been suggested, indeed, that a floating battery, or a gun-boat, moored on this spot, would be sufficient; but this raises the wider question of the comparative facility of defending the entire harbor by means of ships, which could be placed so as to command the two channels of approach, whenever the requisite amount of naval protection could be afforded by Great Britain.

Such a plan would apparently be far more advantageous than the expenditure of large sums in the erection of permanent fortifications.

I have, &c.,

(Signed)

HENRY BARKLY.

The Right Honorable Henry Labouchere, &c.,

[A true copy.-O. F. Timins, Private Secretary.]

No. 20.

SIR,

Downing-street, 26th May, 1858.

I have to acknowledge the receipt of your despatch, No. 2, of the 15th of February, with the papers enclosed on the existing state of the Defences of the Colony under your Government.

6t May, 1858.

Having communicated these papers to the War Office, I now transmit to you a Report from the Inspector-General of Fortifications, in which, from the want of such detailed information as would be indispensably necessary to enable him to propose any regular defensive system for the protection of the Colony against assault, he has indicated the general principles by which the development and maintenance of the armed forces and the construction of batteries should be regulated.

I cannot doubt that you and your advisers will consider the Inspector-General's suggestions most valuable, and eminently deserving your careful consideration.

I have, &c.,

(Signed)

STANLEY.

Governor Sir Henry Barkly, K.C.B., &c., &c., Victoria

ENCLOSURE TO DESPATCH OF 26TH MAY, 1858. Memorandum on the Defence of Victoria.

There is no detailed information in the War Office, nor probably in England at all, on which to form specific projects for the most appropriate defensive arrangements for Victoria, but it may be useful to lay down a few principles that would appear to be worthy of attention

but it may be useful to lay down a few principles that would appear to be worthy of attention.

I assume that even in war time England will not be able to contribute more towards the protection of Victoria and its establishments than the chance operations of its fleets against those of the enemy, which must be very precarious in any one given very distant locality, and a very small (if any) additional auxiliary force on shore, and that the main resources for defence must be from the efforts of the Colony itself.

I assume also, that the great mass of the population would feel warmly the desire to oppose an inroad by any hostile power.

Three distinct measures then are involved in the consideration:

1. Armed forces.

2. Batteries and works of defence.

3. Floating defences; and the problem is, how these are to be provided in a manner to be most efficient, and at a reasonable expense.

1. So distant a locality to reach, which requires a voyage over nearly half the globe, may be attacked by perhaps a considerable squadron, but hardly by any large forces ashore.

The attacks by the ships must be met by batteries and floating armaments; and to prevent any impression being made by landing, armed forces on shore must be organized; the latter, however, not in dribblets of a few hundred men, as indicated by the report made by the General in command, which would be insufficient to oppose the force that might be landed by a moderate squadron sent for the purpose, but by several thousands, on the principle that the defence will rest with the Colony itself.

The first impression probably will be, that an increase to that extent is impossible, on account of the expense, and of the inconvenience to the population; but it is submitted, that it may be very practicable by deviating from the ordinary system of organising such forces.

may be very practicable by deviating from the ordinary system of organising such forces.

The first and most economical process is a simple enrolment as a militia of all the able bodied men in the Colony, say such as are between twenty and fifty years of age, and without physical incapability, with such exemptions and modifications as may be thought desirable; this is the system adopted by the United States. They are not clothed, nor even embodied, but simply enrolled; but there should be a collection of arms, ammunition, and accourtements for them, stored, carefully maintained, and always forthcoming.

This would be the basis for periods of peace, not precluding any smaller force in a more advanced condition for early service, such as the present volunteers, that the Colony might deem expedient; nor by any means impeding the valuable bodies of self supporting volunteer corps, who will provide their own uniform and give up certain portions of their time without remuneration, and who generally select peculiar branches for their service, such as cavalry, rifles, or artillery, and are worthy of every encouragement.

A militia, as above described, thus previously enrolled with its officers, arranged by regiments and companies in as compact districts as regards their residences as possible, having all necessary arms and equipments in store, and being in good spirit, would, on war breaking out, or threatened danger, speedily be trained into such simple exercises as would render them formidable to any enemy.

The exercises would be in proportion to the apprehended danger, and would be studiously arranged so as to interfere in the smallest degree with the avocations of the men, as in the admirably organized militia of the Channel Islands, where the existence of such a corps without remuneration is considered by law a duty.

An uniform is considered necessary for all organized military bodies, but it becomes a heavy item of expense for those who may be only very occasionally embodied; in this case therefore it might be altogether dispensed with, or such style adopted, as by a very moderate

encouragement, the bodies might be induced to adopt for themselves, namely, a frock coatee or jacket and foraging cap, such as the artisans and laboring classes habitually use, but of some select uniform color and pattern. This, which would be always serviceable and for every day use, with the arms and black waist belt for ammunition and bayonet, would give a sufficient degree of military appearance in the ranks.

By such a system it is conceived that a Colony like Victoria might have powerful means, and at a very moderate expense, always available for opposing the inroad of any enemy on its

territory.

2. There seems to be no reason to doubt but that the propositions of Captain Pasley, R.E., comprise what can be best done in the batteries for the protection of the bay and anchorage off Melbourne.

The works would however be very imperfect, as the localities do not afford sites for guns that could keep an enemy's ships at an effectual distance.

A tower, as Captain Pasley suggests, in the middle of the Bay, near the buoy, would

afford a powerful addition, but the cost of construction would be extremely heavy.

Judging however from the chart (the only information available) I cannot at all agree with him and Col. Ross in the total rejection of all defences for the outer entrance from the ocean to an estuary of from thirty to thirty-five miles in diameter, on which Melbourne, Geelong, and no doubt other valuable settlements are placed, and to which the only access is by this channel.

The effect of leaving that passage totally unprotected would be, that an enemy could at all times enter freely, have complete range over the gulf, approach quite near to these most important settlements, and be able to destroy a vast amount of property by distant cannonading and bombardment, even if he could not venture to land; and worst of all, he would possess a shelter and anchorage at the very entrance to the channel, which could not be passed in or out by an inferior force, and thus he might blockade the entire settlement with ease and in security.

The occupation of the entrance by three forts, if it did not totally prevent, would greatly

impede these effects.

The objection no doubt is the great width of the channel—it would appear to be nearly 4000 yards from point to point; but though that distance is very great for an effective cross-fire, there are certain advantages in the conformation of the land that may be turned to account.

The course of the passage in winds round from between Point Nepean and Point

Lonsdale for about a quarter of a mile, when another point, Shorland's Bluff, is met at about the same distance from the former; so that a ship entering could not, during a course of between three and four miles, be more than 2000 yards from one or other of the batteries placed on those three points. She could not therefore enter by daylight without considerable risk of serious damage, although the range is very long, nor could she venture to anchor within even a greater distance.

Friendly vessels also chased from the outside would find protection under these forts.

One or more floating batteries in time of war moored about midway between these three

points would very greatly increase the defensive arrangements.

It may be said, and with truth, that the enemy might enter by night, but there is always a disadvantage in being so restricted, and in the reflection that he cannot know under what circumstances he may have to return.

These works need not necessarily be large, nor need they require more than very small garrisons, but they should be well flanked and covered, and quite secure against being taken by a coup-de-main, with boom proof cover for men and stores. The proof we were

Fort Nepean being on a long narrow peninsula could probably be easily given these qualities, combined with considerable interior space, and it would have on it the mainhold of the three.

3. In the event of war with any considerable maritime power, the demand on the naval service of the country will be too great to indulge in expectations that any man of war could be allotted to a stationary service for this peculiar dependency. It must therefore consider, however, to provide for itself a certain amount of the valuable resource of floating defences.

This will be best and most economically done by converting, when the emergency of war shall arise, any vessels that can be procured into floating batteries, and almost any can be so

That they should be steamers is hardly to be expected on account of the constant expense, for a chance of being required, or at most, for an occasional service; but they may have many of the advantages of steam by applying in times of need for their principal moving power, the steamers, of which it is presumed there will always be a certain number for the ordinary traffic at the diffierent places in the estuary, and with whom easy arrangements could no doubt be made me the throng property of for such periods of emergency.

To carry out these principles of protection in general for the Colony, and as preparatives to be constantly maintained, the matters for early attention (for they require time) will be the construction and arming of the small forts at the outer entrance, an arsenal at or near the principal settlement, well provided with guns, small arms, ammunition, and other necessary warlike stores, secured and sheltered in the manner best adapted to their preservation, with a capability by position and system of being rapidly made available for their respective service.

J. F. BURGOYNE,

MILITARY. No. 9.

Government Offices, Melbourne, 11th September, 1858.

SIR,

With reference to Lord Stanley's despatch of the 26th May, No. 20, covering the valuable report of the Inspector General of Fortifications upon the plans proposed by Captain Pasley, R.E., for the defence of this city and harbor, I have the honor to state that the whole subject had, since the date of my communication, been referred for the consideration of a Committee, before whom that despatch and its enclosure were immediately laid.

The rumored intention of the French Government to make their recently acquired settlement in New Caledonia the rendezvous of a far larger naval force than has hitherto been stationed in the Pacific, coupled with reports of increased activity in the Russian establishments on the Amoor, led indeed to a good deal of excitement here, and, before the Legislature separated last June, discussions took place as to the state of the defensive preparation of the colony, which, if they resulted in nothing else, proved the general existence of a desire that it should be placed on a more efficient footing, with as little delay as possible.

In deference to this desire, my advisers decided that the subject should be thoroughly investigated during the recess, and I appointed accordingly (as will be seen from the accompanying *Gazette*), a Commission, under the presidency of the Major General commanding, composed, in nearly equal proportions, of naval and military men, and of such members of either

House as had exhibited the warmest interest on the question.

The Commissioners have not yet reported; but, after taking the evidence of those best acquainted with the system of modern warfare, as well as of those familiar with the great estuary of Port Phillip, and, proceeding in Her Majesty's colonial steam sloop *Victoria* to the Heads, at its entrance, with a view of ascertaining the practicability of their being fortified, they have communicated to the Government a series of resolutions, as unanimously adopted, in order that steps may be taken at the earliest period possible to order out from home the heavy ordnance required, as well as a certain supply of rifles, ammunition, and accoutrements for light infantry.

This, I am afraid, cannot well be done until Parliament reassembles on the 7th prox., but I trust, by the ensuing mail, to be in a position to invoke your assistance in the matter; and meantime, I have thought it right to send forward a copy of these resolutions for your

information, without loss of time.

I have, &c.,

(Signed) HENRY BARKLY.

The Right Honorable Sir Edward Bulwer Lytton, Bart.,

&c., &c., &c

[A true copy.— O. F. Timins, Private Secretary.]

MILITARY,

Government Offices, Melbourne,

27th January, 1859.

No. 2. Sir.

In my despatch of the 11th September, "Military No. 9," I mentioned that I had, with the concurrence of my advisers, appointed a Commission to enquire into the state of the Defences of the Colony, and I also forwarded a copy of resolutions unanimously adopted by the Commissioners, respecting the best mode of protecting the shipping in Hobson's Bay, as well as the City of Melbourne itself, against an attack.

2. At that time I anticipated that the subject would be promptly dealt with, but by the meeting of Parliament popular feeling on the prospect of invasion had subsided. It was thought better to await the final report of the Commissioners; and as this had not been sent in when the vote of £25,000 asked for defensive purposes came under consideration in the House of Assembly, it was agreed that that vote should stand over until the rest of the Estimates had

been gone through.

3. As some weeks may still elapse ere this is the case, and the questions involved are such as demand the fullest investigation of the military authorities at home, it seems better however no longer to delay submitting the Report of the Commission, which has now been printed, and I have the honor accordingly to enclose a copy for the information of Her Majesty's

4. In so doing I shall not attempt to pass in review the suggestions therein made, either with regard to the fortification of the harbor, or to the enrolment and organisation of the militia:—the first being in the main a professional question, on which my opinion could have little weight; the second, one which it will be plenty of time to discuss when a Bill on the subject is framed and laid before the Legislature next session.

5. It may perhaps, however, serve to bring out the more salient points of the report, and give some indication of the views of this Government with regard thereto, if I append copies of the minute in which I thought it right to call the attention of my responsible advisers to the document in question, and of that handed to me in return by the Chief Secretary, Mr. O'Shanassy.

6. It will be seen, first, that the ministry disclaim any idea of applying, as suggested, for a company of Royal Artillery, though I must confess I do not see how the extensive works contemplated could be manned without such a nucleus for the organization of a colonial force.

Enclosure A.

Enclosure B.

Enclosure A.
Enclosure B.

7. Second, that they would wish at once to ascertain the views of the Home Government with respect to a blockship, and I presume likewise as to the arrangement proposed for dividing the expense. To facilitate the consideration of the former point, I enclose the chart of Hobson's Bay referred to in my minute (the rest of Captain Ross's survey not being yet lithographed), from which it appears, that the depth of water on the shoal near the white buoy, where it is designed to place this ship or battery, is between eleven and twelve feet.

8. Third, that this Government is of opinion, that the Australian naval station ought no longer to be left with two or three small sailing vessels, but raised to an Admiral's command, with a really effective squadron. In this proposition I feel bound to express my most cordial concurrence; for it seems to me, that whatever plan may, in the event of a war, be adopted for the naval defence of the colonies themselves, it cannot be in accordance with sound policy, even in time of peace, so to distribute the naval forces of the empire as to leave the Australasian seas, in which a sixth of the commerce of Great Britain is conducted, at the mercy of a foreign flag in the event of hostilities suddenly breaking out, whilst large fleets are maintained, as on the coast of Africa or in the Pacific, where neither our political nor commercial interests are comparatively of importance.

9. Fourth, and lastly, it will be seen that it is intended at length to provide her full armament for the steam sloop *Victoria*, belonging to this Colony. This vessel has, to a great extent, supplied the place of a man-of-war, so far as the preservation at any rate of order in our harbor, where a hundred of the largest ships of all nations may sometimes be seen lying at a time; but as in so doing it has been necessary to threaten to exercise powers in regard to foreigners, which it is questionable whether any but a vessel in Her Majesty's service possesses, it appears to me that it is very desirable that her right to Admiralty jurisdiction should be recognised, and that she should be placed as far as possible on the same footing as the vessels of the Indian navy.

10. Deferring any further remarks until I come to address you in regard to the appropriation of the expected vote of the Legislature,

I have, &c.,

(Signed)

HENRY BARKLY.

The Right Honorable Sir Edward Bulwer Lytton, Bart.,

&c., &c., &c

[A true copy.—

O. F. Timins, Private Secretary.]

ENCLOSURE A TO DESPATCH (MILITARY) No. 2, OF 27TH JANUARY, 1859.

Memorandum for the Hon. the Chief Secretary, on returning Report of Defence Commission.

The Governor has perused, with much interest, the report of the Commissioners appointed to inquire into the state of the defences of the colony, and is desirous that thanks should be conveyed in his name to the members of the Commission, for the calm and moderate spirit in which the subject is treated, the careful manner in which their investigations have been conducted, and the practical nature of the suggestions submitted, which latter will receive the serious attention of the Executive Government without loss of time.

The Governor has no wish to precipitate the decision of his advisers; indeed, on a question of such great difficulty and importance, in which he is aware they must be guided mainly by the amount of the pecuniary provision which the Legislature may be willing to make, but he feels deeply sensible of the responsibility which, after the appointment of such a Commission and the receipt of their report, rests upon the Executive, until proper steps are taken to

carry out the principal recommendations.

As the consideration of the vote of £25,000 towards the defences of the colony has been postponed until the rest of the estimates are gone through, and as the proposal to provide the military pay and allowances of the garrison on the usual scale gave rise to discussions in the Assembly not yet apparently set at rest, he deems it not an inappropriate time to make a few

remarks on the whole subject.

Entirely concurring in the conclusion at which the Commissioners have arrived as to the inexpediency, under present circumstances, of incurring expense in fortifying the Heads of Port Phillip, he is strongly impressed with the necessity which they point out for the immediate establishment of batteries around Hobson's Bay, sufficiently strong to protect the shipping and the city of Melbourne from any force that could probably be brought against them.

As a considerable period must elapse before the heavy ordnance required for this purpose can be procured from Great Britain, the Governor would urge the desirableness of at once

obtaining the sanction of the Legislature to the order being given.

The proposed vote of £25,000 would amply suffice: say—
Sixty 68-pounder guns, complete, with ammunition, at £300 each
Ten 32-pounders, ditto, ditto, at £200 each 2,000

£20,000

leaving a balance for the purchase of the 2,000 stand of rifles recommended by the Commissioners to be immediately procured, as also for the light field batteries.

This would leave the block ship, or floating battery, still unprovided for; but, as the Imperial Government is to be requested to bear half the cost of it, a correspondence must necessarily take place previously, and inquiries as to the expense be made.

The Inspector General of Fortifications at home will, no doubt, be able to decide which of the two means of defence is the most eligible; but a copy of the chart, which it is understood was prepared by Commander Ross, R.N., for the use of the Commission, should be forwarded with the report; for the question, as Sir William Denison has remarked, turns very much upon the depth of water, since any battery of the kind, drawing over ten feet, would be liable to be boarded and its guns turned against the defenders, thus constituting in itself a fresh source

The money at present asked for being thus appropriated, it would remain to be considered

what is to be done as to raising a militia force.

The Governor considers the Commissioners' suggestion to embody between three and four thousand volunteers in the neighborhood of Melbourne by no means in excess of the requirements of the case; but he is somewhat alarmed at the largeness of their estimate of the annual cost, £23,855, particularly as no provision is appended for the pay of the men when called out for training, which would amount to at least £10,000 per annum more—say together, £34,000!

This might not be a large item for a disciplined and effective force; but, as it is questionable whether seven days' drill a year for five years would make a soldier, it is well worthy of the serious consideration of the Legislature, and he scarcely looks on it as probable that

a Militia Bill will pass during the present session.

As an auxiliary to regular troops, a force thus imperfectly trained might doubtless prove valuable, but the four companies of infantry to which the garrison has lately been reduced, in pursuance of the provision on the estimates for 1859, would, as pointed out by the Commission,

be altogether insufficient in the event of an attack on the colony.

At any rate, such training as is proposed would scarcely produce artillerymen fit to work the guns round Hobson's Bay, without professional assistance, and the application, therefore, suggested by the Commissioners for a company of the Royal Artillery as a nucleus on which the Militia Artillery might be formed and trained, seems imperatively to demand attention.

The Governor is perfectly ready to support this application, if in accordance with the views of his advisers; but he feels bound to add that, according to the principles laid down in recent despatches, the Colony will be expected to provide not only the allowances but the pay of the company sent out; and he would suggest after the discussions which have arisen on the annual votes for the expenses of the Head Quarter Staff and the 40th regiment, both equally removed here at the request of the authorities on the same understanding, that it would be far preferable if a pledge were given by the Legislature to secure payment for a fixed term of years.

Of course it is not meant that the Colonial Government should under no circumstances be competent to put an end to the arrangement by notice at an earlier period, but it is certainly only fair that the Imperial Government should not be at the trouble and expense of sending troops needlessly backwards and forwards, whose services might perhaps have been more advan-

tageously applied in some other quarter of the globe.

The Governor, lastly, will not fail to press on the special consideration of the Imperial Government that portion of the report in which his attention is directed to the inadequacy of the

naval force at present maintained in these colonies.

The representations of the Executive Council of Tasmania, to which approving reference is made by the Commissioners, were, as will be remembered, brought under the notice of his advisers at the time, with a view, as desired by Sir Henry Young, of joint action in the matter, and it is well now to determine whether a similar application to have the Australian naval station raised to an Admiral's command ought not to be distinctly put forward in the name of this Government.

That the armament of the steam sloop Victoria ought to be completed, as recommended by the Commission, admits of no doubt, and the Governor hopes the remainder of the 32-pounders for which she is pierced and fitted, will be forthwith ordered from home, so as to be ready to be

put on board in case of necessity.

The Governor, in conclusion, trusts to be placed in a position, when forwarding by next mail copy of the report to H.M. Secretary of State for the Colonial Department, to accompany it by some intimation as to the views and intentions of this Government on the points to which he has severally adverted. HENRY BARKLY.

(Signed)

8th January, 1859.

ENCLOSURE B TO DESPATCH (MILITARY) No. 2, OF 27TH JANUARY, 1859. [COPY.]

Minute for the information of His Excellency.

Having convened the Members of the Government to consider the Report of the Defence Commission and the Minute of Your Excellency by which it was accompanied, I have now the honor of briefly communicating their views upon the subject.

1. It is proposed immediately to address a circular to the gentlemen composing the Commission, thanking them for their services in the terms contained in Your Excellency's

2. Considering the state of the public business in Parliament, it is not deemed expedient to submit any proposal to the House until the consideration of the vote of £25,000 for the Defences comes before it in due course.

3. It is proposed immediately after the vote has been obtained to take the necessary steps to procure the heavy guns and the rifles, &c., &c.

4. It is not intended to make any application for a Company of Artillery.

5. It is considered impracticable to introduce a Militia Bill during the present session.

6. It is considered that negotiations for obtaining a Blockship may be entered upon with the Home Government without delay.

7. It is also deemed desirable that there should be an Admiral's Station established here, and that application should be made for a squadron for these seas; the interest of the mercantile navy of England demanding the grave attention of the Imperial Government.

8. It has been decided that the armament of the Victoria will be completed out of the

proposed vote.

17 | 1 | 59.

(Signed)

J. O'S.

MILITARY.

No. 3.

Government Offices, Melbourne,

11th April, 1859.

SIR,

When bringing under your notice in my Despatch of 27th January, Military No. 2, the recommendations of the Commissioners appointed to report on the Defences of the Colony, I deferred further observations thereupon until I should be in a position to address you with respect to the appropriation of the sum of £25,000 expected to be voted by Parliament, on account of defensive preparations, this year.

2. This I can at length do, the grant having been duly made, and my advisers having

subsequently adopted the suggestions, in regard to its disposal, of Captain Pasley, R.E., Enclosure A. Inspector General of Public Works, of which I have now the honor to transmit a copy.

3. I enclose likewise, in order to facilitate the full comprehension of the questions mooted, Copy of the Evidence taken before the Defence Commission, of which I could not procure the whole when sending their Report, as it was printed solely for the use of the Commissioners themselves.

4. Captain Pasley, it will be seen, is of opinion that, looking to the limited means at the disposal of the Government, as also at the smallness of the Artillery Force it could under present circumstances muster, half only of the number of heavy guns recommended and half the quantity of small arms should in the first instance be procured from England, say thirty 68-pounder iron guns with traversing platforms complete, and a thousand stand of Enfield rifles, which, with the stores required to render them effective, and the completion of the armament of H.M. C.S.S. Victoria, may, he calculates, absorb as much as £16,000 of the vote, leaving £9,000 to be expended in the Colony.

5. A remittance to the above extent is made by the Treasurer to the Colonial Agent General by this mail, and I beg concurrently to request that you will be so good as to move the Right Honorable the Secretary of State for War, to give directions in the proper quarter for

the early execution of the order.

6. Captain Pasley having suggested likewise that some competent person should be appointed to superintend the selection and shipment of the arms and stores, as also to transmit as soon as possible accurate drawings of the traversing platforms, &c., so as to admit of preparations being made for placing the guns, my advisers are desirous that Captain Andrew Clarke, R.E., Enclosure B. should undertake this duty, for which a remuneration of £300 will be allowed. I have further therefore to beg that His Royal Highness the Commander-in-Chief may be applied to to detail an officer for the service, and that, if there be no objection, His Royal Highness's choice may fall upon Captain Clarke, whose local knowledge so well fits him for the discharge of the duty contemplated.

I have, &c.,

(Signed)

HENRY BARKLY.

The Right Honorable Sir E. B. Lytton, Bart.,

&c., &c.,

A true copy. O. F. Timins, Private Secretary.

ENCLOSURE A TO MILITARY DESPATCH No. 3, OF 11th April, 1859.

[COPY.]

Public Works Office, Melbourne,

14th March, 1859.

SIR, I have the honor to acknowledge the receipt of your letter of the 1st inst., in which you do me the honor to ask my opinion on the best method of expending the sum of £25,000, voted by Parliament towards the defence of the colony.

The recommendations of the Commissioners on this subject were as follows:—

1. Seventy guns (sixty 68-pounders, and ten 32-pounders), to be placed in position on the shores of Hobson's Bay.

2. A steam block ship of sixty guns, or a steam floating battery, cased with iron, to be

moored in the Bay, between St. Kilda and Williamstown.

3. Two thousand stand of the most approved rifles (Enfield or Whitworths) to be provided for the militia.

4. The armament of the steam sloop Victoria to be completed.

As some time must elapse before any militia law can be passed by Parliament, and as it is not probable that, under the present Act, a sufficient number of volunteers will be obtained to man the whole of the projected batteries, even were the sum voted sufficient to provide them, I beg to recommend that, for the present, a portion only of the arms and stores proposed by the Commissioners be ordered from England, as follows:—

1. Thirty 68-pounder iron guns, with traversing platforms.

2. One thousand stand of short Enfield rifles.

3. The necessary guns, &c., to complete the armament of the Victoria.

Enclosed is a detailed statement of the articles required. I have not included gunpowder, tubes, and some other necessary stores, as they can be obtained from the ordnance stores at Sydney and Hobart Town, on application through the Major General commanding.

It is not in my power to ascertain exactly what the total expense will be; but, from such information as I have been able to obtain, I believe that the whole of the articles contained in the enclosed list will not, when delivered in Melbourne, cost more than £16,000, and perhaps much less. This will leave a sum of at least £9,000 with which to make preparation for placing the guns in position, and storing the small arms, &c.

In order to carry out the views of the Commissioners satisfactorily, it will be necessary that some competent person should be deputed to superintend the procuring and

shipping of the arms and stores.

I beg to recommend, therefore, that the Secretary of State for the Colonies be requested to move the Minister of War to appoint an officer of the Royal Artillery or Engineers to perform this duty, and that the officer so named be authorised to substitute the Whitworth for the Enfield rifle, if, in his opinion, it should be desirable to do so. He should also be instructed to send here, by the first mail, a correct description and drawings to scale of the traversing platforms, and especially of the pivots, in order that preparations may be made to place them in position as soon as they arrive.

Intelligence has been recently received from England, which appears to prove that the iron cased floating batteries do not answer the expectations which were formed of them. I would suggest, therefore, that the Secretary of State be requested to inform this Government whether the Imperial Government will be willing to furnish a block ship, as contemplated by the Commissioners, with the understanding that the cost of fitting her up and navigating her to

Port Phillip should be defrayed by this colony.

I have,

(Signed)

C. PASLEY, R.E.

The Honorable the Treasurer.

True copy.—W. H. B.—A. K.]

Carlotte Carlot

[COPY.]

Nature of Ordnance, Small Arms, &c., required for the Armament of the Colony of Victoria.

Name or Species of Stor	ES. 4 4 4 4 4 4 4 4 4 4 4 4 4 4 4 4 4 4 4		1 - 1 - 1	Proportion or Quantity.
68-pounders iron, 10 feet 10 inches, 113 cwt		•••		30
Traversing platforms, wood, 68-pounders, pivots	in front	•••	•••	25
Dwarf traversing ditto, ditto	•••		•••	12
Solid shot, 68-pounders			•••	2500
Shrapnell shell, ditto, ditto, with fuzes	*** .	•••	•••	250
Common ditto, ditto, ditto, ditto	•••	•••	•••	250
Cartridges, flannel, empty	•••	•••	•••	3000
Scales, tangent brass, 68-pounders	•••	•••	•••	38
Ditto, ditto wood, ditto ditto	•••	•••	• •	38
Sights, fixing with screws, ditto ditto	•••	•••	•••	38
Blocks, double and single, with coils of rope (60	of each)	• • • •	• • •	120
Preventor ropes	•••	•••	•••	40
Shod levers	•••	•••	•••	60
Latch ditto	•••	•••		60
Sponges, with staves	•••			40
Rammer heads, with staves		•••		40
Sponge heads, spare	•••	•••	•••	12
Boxes, tube, with straps	•••	•••	•••	30
Thumb-stalls	• • • •		•••	60
Iron priming, with punches for 68-pounders (30	of each patter	n)	•••	60
Cylinders, cartridge leather, for 68-pounders		•••	•••	30
Cartouches	1444		• • •	12
Scissors (pairs) laboratory	•••	•••		6
Knives ditto		• • •	•••	6
ETHITY CD CATOO			·	

Nam	e or Species of Sto	RES—con	tinued.			Proportion or
Scales, copper, with bea	m and weights					QUANTITY.
7 7 7 7 7 7 7 7 7 7 7 7 7 7 7 7 7 7 7 7			•••	•••	•••;	3
Wad-hooks, with staves		•••	•••	•••	•••	60
Fuze boxes, new pattern		•••	•••	•••	•••	6
		•••	•••	•••	•••	12
(Exercise of Hea	ivy Ordnance	•••	•••	•••	•••	36
Field Battery E	xercise, new edition	1	•••	•••	•••	36
Books & Adjutant Griffit	h's Field Gun Drill	•••			•••	40 .
/ Artillery cards,	sets complete, with	leather	case	•••	•••	36
(Hand Books for	Field Service, late	st editio	n	•••	•••	36
Short rifles, of the patter	rn for rifle corps an	d infant	rv sergean	ts. with	sword	
bayonets	•••		•	•••		1000
Accoutrements complete	black leather sets		•••	•••	•••	1200
Light cavalry swords, w	ith steel scabbards	and leat	her sword	-knote	•••	200
Pistols, Deane	ns's 71 inch harrol	with hl	act sword	-Zilois	••• hale	
Bullet mould	onical balls	MINI DI	ack leatine	r cases ic	or pert	400
	onical balls	•••	•••	•••	•••	50
Conical bull	•••	•••	•••	•••	•••	8000
Wads, for t	•••	•••	• • •	•••		8000
Manuals for	ıfantry sergean	ts' drill	•••	•••	•••	60
	' (Signed)	,	J. FITZ	STMMO	NS.
O.l D. alam D. XXXX A						of Artillery.

Lieut. Col. Pasley, R.V.V.A., Melbourne.

[True copy.—A. K.]

ENCLOSURE B TO MILITARY DESPATCH, No. 3, OF 11TH APRIL, 1859.

[COPY.]

59 | 2536.

Treasury, Melbourne,

13th April, 1859.

Sir,

I am directed by the Treasurer to inform you that it has been determined, in accordance with the report of the Commission appointed to enquire into the state of the defences of the Colony, to appoint an officer in England to select and purchase certain arms, stores, ammunition, &c.

I am to state that, subject to the approval of the Imperial Government, His Excellency the Governor has been pleased to recommend you to that duty, in recommendation for the performance of which a sum of £300 will be allowed to you, which the Colonial Agent General will be instructed to pay over in sums proportionate to the expenditure.

On the assumption that you will accept this office, I am to enclose to you a copy of the report of the Defence Commission, and of a letter received from Captain Pasley, R.E., the recommendations contained in which I am to request you to carry into effect as nearly as

possible.

Remittances are made by this mail to the Colonial Agent General, to enable him to make the necessary payments for the supplies obtained by you, which are to be procured through the War Department, if the permission of the Right Honorable the Secretary of State for that department (for which His Excellency has forwarded an application by this mail) can be

obtained.

The Treasurer will be glad to hear that you are prepared to accept this duty; should you do so, you will be good enough to advise him from time to time of your proceedings in connection with its performance.

Finally, I am to request you to be so good as to duly advise this Department of any shipments you may make.

I have the honor to be, Sir,

Your most obedient Servant,

Captain Clarke, R.E., &c., &c.

(Signed)

E. S. SYMONDS.

No. 15.

Downing-street, 9th August, 1859.

SIR,

I received your despatch, No. 2 (Military), of the 27th of January, 1859, enclosing the Report of the Commissioners appointed to enquire into the question of the defences of Victoria, together with minutes founded on that Report, which had passed between yourself and your responsible advisers.

From that despatch it appeared, that your Ministers had resolved to make application to the Colonial Legislature to sanction the appropriation of £25,000 towards defraying the cost of such defensive equipments as were suggested by that Commission. The question was

A 5.-c.

See No. 40, Parliamentary Papers of 1858. 30th June, 1859.

consequently left incomplete, pending the decision of the Legislature; but I communicated in the meantime with the Lords Commissioners of the Admiralty with reference to the renewed proposal for stationing a block ship at Hobson's Bay. I transmit, for your information, a copy of the reply which I have received, from which you will perceive that their Lordships are unable at this time to accede to that application. I regret that such should be their Lordships' decision but the intimetions which have already been acceded to the control of the reply which I have already been acceded to the control of the control of the reply which I have already been acceded to the control of the reply which I have already been acceded to the control of the reply which I have already been acceded to the control of the reply which I have already been acceded to the control of the reply which I have already been acceded to the control of the reply which I have already been acceded to the control of the reply which I have a closely been acceded to the control of the reply which I have a closely been acceded to the control of the reply which I have a closely been acceded to the control of the reply which I have a closely been acceded to the control of the reply which I have a closely been acceded to the control of the reply which I have a closely been acceded to the control of the reply which I have a closely been acceded to the control of the reply which I have a closely been acceded to the control of the reply which I have a closely been acceded to the control of the reply which I have a closely been acceded to the control of the reply which I have a closely been acceded to the control of the reply which I have a closely been acceded to the control of the reply which I have a closely been acceded to the control of the reply which I have a closely been acceded to the control of the reply which I have a closely been acceded to the control of the reply which I have a closely been acceded to the control of the reply which I have a closely been acceded to the control of the reply which I have a closely been acceded to the control of decision, but the intimations which have already been conveyed to you of their sentiments on the subject of the naval defence of the Australian colonies would prepare you naturally for such

I have now received your further despatch, No. 3 (Military), of the 11th April, 1859, reporting that the proposed expenditure had obtained the sanction of the Legislature, the report and suggestions of the Commission having been adopted by them, and pointing out in a more definite form the views of the local Government. The first practical step I perceive is the appropriation of £16,000 out of the amount so voted to the purchase of heavy iron guns and

I am now in communication with the Secretary of State for War on the subject of these despatches.

I have, &c.,

(Signed)

NEWCASTLE.

Governor Sir H. Barkly, K.C.B., &c., &c., &c.

الأراوا الماسيكية الدارات

MR. ROMAINE TO MR. ELLIOT.

[COPY.]

Admiralty, 30th June, 1859.

SIR,

With reference to your letters of the 25th April and 5th May last, and their enclosures, from the Governors of Victoria and South Australia, on the subject of the naval defences of those Colonies, I am commanded by my Lords Commissioners of the Admiralty to state, for the information of His Grace the Duke of Newcastle, that they are unable at this time to comply with the request of the Government of Victoria for a block ship to be stationed in Hobson's Bay, Port Phillip, but that the squadron employed on the coasts of Australia has been recently considerably increased, and the station has been made an independent Commodore's command.

The enclosures to your letter of the 25th April are returned, as requested.

I am, &c.,

F. Elliot, Esq., &c., &c., &c. (Signed)

W. G. ROMAINE.

MILITARY, No. 5.

Government Offices, Melbourne, 16th July, 1859.

SIR,

My despatches marked as above of 11th September and 27th January, have informed you of the recommendations made by the Commission which I appointed this time last year to enquire into the defences of the Colony, and in a further despatch dated 11th April last, I had the honor of applying for the aid of Her Majesty's Government to give immediate practical effect to a certain extent to those recommendations.

2. The tidings received by last mail of the outbreak of a fresh European war, have not unnaturally recalled public attention to this subject, and a meeting numbering it is said two thousand of the inhabitants of this city was held under the presidency of its mayor on the 12th instant, at which a respectful address to the Queen praying for additional naval protection was adopted, and a committee appointed to wait upon me therewith, and to represent the necessity

of measures being promptly taken for the organisation of a militia.

3. Parliament not being in session, I thought it desirable with a view to allay needless alarm, to embrace this opportunity of briefly recapitulating the precautions adopted, and I accordingly prepared a written reply, explaining what had been done and what it was intended to do for the defence of the Colony, which I am happy to state was very satisfactory to the

4. I transmit copy of this reply, with the addresses, because it will save the necessity of much recapitulation, and of many explanations with which I should otherwise have to trouble you.

5. It will be observed by it that I have deemed it expedient, with the advice of my Executive Council, to re-appoint the military and naval members of the former Defence Commission, to consider how its recommendations may be most speedily carried into effect.

6. The new Commissioners have had several meetings, and have submitted a "Progress Report" containing suggestions, which, having been adopted by the Governor in Council, L now Same of the same of the same of the same beg to lay before Her Majesty's Government.

- These suggestions are of a twofold nature, the first relating to a further supply of the muniments of war which it is recommended should be procured from England without delay; the second to the precautions to be adopted in the Colony, including the raising of an additional armed force.
- 8. With respect to the former, it will be seen that the accounts recently received of the Armstrong gun have modified the views of the Commissioners as to the expediency of at once fortifying the entrance to Port Phillip, and that they are desirous that twenty large and four small guns of the new construction should be forthwith procured for this purpose, as well as in substitution for the thirty 68-pounder guns designed for the defence of Hobson's Bay, should the latter not have been shipped in pursuance of my former application.
- 9. In the event, however, of its being impossible to supply the Colony with Armstrong guns within a brief period, the thirty 68-pounders are still to be furnished, with the rest of the supplies ordered, as also the balance of the rifles, with additional ammunition and military stores, according to the detailed lists attached to the present report.
- 10. Such funds, in addition to the £16,000 formerly sent, as may be requisite for the completion of this further requisition, will be remitted by the ensuing mail, prior to the despatch of which it is hoped that advices will have been received from England, showing how far and at what cost the previous requisition has been complied with.
- 11. The local Government is likewise willing, as suggested, that an officer of the Royal Engineers, with a party of at least twenty-five non-commissioned officers and men of that corps, should be despatched to the Colony to superintend the erection of the proposed defences; pespatch No. 17, and as H.R.H. the Commander-in-Chief was pleased recently to signify his readiness to afford of 9th March, 1859. such aid towards the trigonometrical survey, for which it will not be needed, as elsewhere explained, I trust that there will be no difficulty in this request being acceded to, the Colony of course guaranteeing the necessary amount for pay and allowances, with whatever other expense the service may entail.

- 12. It need hardly be pointed out, that an officer who has been recently employed in the construction of defensive works would be preferable for this duty, and that it would be a great advantage to him to receive the suggestions of Sir John Burgoyne, whose attention has been directed to the question of defending Port Phillip Heads, and also that he should be made acquainted, before embarking, with the decision of Her Majesty's Government, in relation to the block ship or floating battery suggested by the Defence Commissioners in their first report.
- 13 The Commissioners now further recommend, and my advisers approve, of the engagement of twenty-five non-commissioned officers, of those discharged from the Royal Artillery, who may be willing to come out here on terms to be arranged by the authorities at home, to instruct the volunteer artillery in this country; it being assumed that a company of Royal Artillery would not at present be available for this service.
- 14. In regard to the steps to be taken on the spot, those contemplated prospectively, in the event of a war with any great maritime power, embrace the extinction of the leading lights, and the removal of the buoys and land marks at the entrance of the Bay, which would render the approach to its inner harbors almost impracticable without experienced pilots. The electric telegraph is likewise to be extended to one of the easternmost promontories on the Victorian coast, Cape Schank, Melbourne being already in telegraphic connection with all points on the western coast, including within the last few days Cape Otway.
- 15. The immediate measures authorised comprise, an attempt to recruit 300 additional men for H.M. 40th Regiment, to be paid and maintained at the sole expense of the Colony, as stipulated, in regard to any excess beyond the 400 men allotted to it, by Lord Stanley's despatch, and to which, as you are aware, the garrison here was in consequence reduced at the end of last year. This recruiting was clearly fairer than demanding back the companies then sent to South Australia and Tasmania, which would have created, no doubt, dissatisfaction in those Colonies at the present moment, and I am happy to state that Lieutenant-Colonel Leslie, who commands the regiment, is of opinion, that by lowering the standard as has been done at home, and perhaps increasing the bounty, it may be successfully accomplished in a few weeks' time.
- 16. The next step has been in imitation of the course pursued at home, and until such time as the Legislature here can make proper provisions for a militia, to encourage the enrolment of volunteer corps, in extension of those already existing under the Act 18 Victoria, No. 7.
- 17. I have accordingly issued a Proclamation in Her Majesty's name, inviting the inhabitants of the metropolitan districts, and of the chief seaport towns, to form rifle companies, on conditions which in so far as they go beyond the purview of the Act referred to, are set out in a further Proclamation from myself.
- 18. That Act limits the number of volunteers to be raised under it to 2000, and, as the existing corps amount to about 350, this would leave 1650 men to be raised, which is nearly as many as could at present be provided with arms. Should it be found desirable, however, to exceed this strength, and to raise between 3000 and 4000 men, as recommended by the Commissioners, there is little probability of any objection being started in the Legislature on the score of unauthorised expenditure, in the present temper of the times.

19. I believe, therefore, I may truly say, that everything suggested by the Defence Commission, in its original as well as supplementary report, has been either actually done, or put in train, and trusting that Her Majesty's Government will approve the measures adopted, and assist in carrying out those for which their aid has been invoked,

I have, &c.,

(Signed)

HENRY BARKLY.

The Right Honorable Sir Edward Bulwer Lytton, Bart., &c.

&c., &c.,

[A true copy.-O. F. Timins, P.S.

MILITARY. No. 7.

SIR,

Government Offices, Melbourne,

15th August, 1859.

In addressing you by last mail, on the subject of the defences of the colony, I stated that the funds requisite for the execution of the further order for military stores then sent would be remitted as soon as a proper estimate of the cost of the whole supply requested could be framed; and I have now the honor to inform you that the Agent General for the colony will, by this opportunity, receive a sum of £13,000, which it is calculated, with the £16,000 remitted in April, will suffice to cover the expenses incurred, even should Armstrong guns be shipped.

What further outlay will be requisite to fortify the harbor, as recommended by the Defence Commission, must of course depend on the plans eventually decided on, and the views which the Imperial Government may entertain of the degree to which its co-operation in such a work can fairly be looked for; but I deem it of the greatest importance that advantage should be taken of the feeling which now exists in the colony, to have its defences placed on a footing of permanent and substantial security, sufficient, at least, to prevent perpetually recurring panics, and I anticipate no objection on the part of my advisers to asking the Legislature, at its approaching session, to make provision for this purpose on a considerable scale.

Meanwhile, the measures already reported by me as resolved on for increasing the

military force within the colony are quietly in progress.

As regards the Volunteer Rifle Companies, the movement for their formation has, I grieve to report, sustained a temporary check, and Her Majesty's service a most serious loss, through the death, by a fall from his horse, of Lieutenant Colonel Neill, late Deputy Adjutant General in this command, who had, with the zeal which always characterised his proceedings, volunteered to superintend the organisation of such a force—a task for which his own experience, as well as the confidence reposed in him by this community, eminently fitted him.

Captain Pitt, who succeeds as Acting Deputy Adjutant General, has, however, offered his services, under the superintendence of the Major General commanding (the Volunteer Corps Act requiring a field officer to inspect), and meetings have been since held in most of the suburban districts, at which, despite occasional opposition from some who maintain that it is the duty of the State to pay its defenders, committees have been formed for the enrolment of

members, and other preliminaries arranged.

I avail myself of this opportunity of acknowledging your despatch of 5th May, No. 31, announcing the intention of strengthening the naval force in the Australian station, on terms which cannot but be acceptable to the colonists; and I have also to add, that H.M.S. Niger has already arrived at this port, en route to join the Commodore at Sydney, and that, from her report, H.M.S. Pelorus cannot be far distant.

A colonial allowance will be provided for the officers and crew of whichever of these

vessels is permanently stationed here.

I have, &c.,

(Signed)

HENRY BARKLY.

The Right Honorable Sir Edward Bulwer Lytton, Bart.,

&c.,

[Examined.— O. F. Timins, P. S.]

SIR,

Downing-street, 14th July, 1859.

With reference to previous correspondence on the same subject, I have to acquaint you that a communication has been received from the Admiralty, reporting that Captain Loring, commanding Her Majesty's ship Iris, has been appointed a Commodore of the second class, and that the Australian station has been made a separate naval command, independent of the commanders-in-chief of Her Majesty's ships in the East Indies and China.

It is further stated that, in addition to the ships noted in the margin, and which are mentioned by Captain Loring as numerically sufficient for the service which they have to perform, the Lords Commissioners have attached the Pelorus, a screw corvette of twenty-one guns to the Australian Station.

I have, &c.,

(Signed)

NEWCASTLE.

The Niger.
, Cordelia
,, Iris. Elk.

Governor Sir Henry Barkly, K.C.B.,

&c., &c.,

MILITARY, No. 8.

Government Offices, Melbourne, 16th September, 1859.

MY LORD DUKE,

It was not my intention to have offered any observations by the present opportunity upon your Grace's Circular Despatch of the 14th July, announcing the receipt of a communication from the Admiralty, reporting the establishment of a separate Australian Naval Command, under Commodore Loring, whose high authority is further quoted for the adequacy of the force at present under his orders.

The apprehensions, however, so generally expressed at home when the July mail was made up, were not without their echo here, and a special meeting of the Melbourne Chamber of Commerce was convened a few days after its arrival, to consider the defenceless state in which

the Colony still lay.

At that meeting a deputation of four gentlemen, two of them members of the Legislature, was appointed to wait upon the Chief Secretary, and in the event of such steps as they considered suitable not having been taken, to urge that "the necessity of keeping upon the Australian naval station not less than 4 (four) powerful steam frigates; and further, of sending out to Melbourne 3 (three) fully armed men-of-war as flag ships for the protection of the port," Query "guard ships".

should be duly impressed upon the Imperial Government.

At the instance of my Advisers, accordingly, I bring this proposition under your Grace's notice, as the recommendation of the merchants of this city, and without endorsing it as reasonable, especially in so far as the latter portion is concerned, or even as practicable, I feel it my duty to state my firm conviction, that when Commodore Loring represented four ships of war as "numerically sufficient" for the service of the (including New Zealand) seven Australian colonies, four powerful steam frigates, as now called for, were more like the ships in his contemplation, than the four vessels noted in the margin of your Circular, two alone of which possess steam power at all, and that in the most moderate degree, whilst the other two are small sailing vessels of antiquated construction.

The Pelorus screw corvette, mentioned as attached as an extra ship to the station, has not yet reached this port, but from all accounts she is very far superior to the rest both in force and efficiency, and probably four vessels even of her class would suffice, though I would beg, in conclusion, most respectfully to submit for the consideration of Her Majesty's Government, that the importance of the Australian trade to the mother country is such, that it ought to be protected by a squadron capable of coping with any that could, in the event of a sudden outbreak

of war, be brought against it by any naval power whatsoever.

I have, &c.,

(Signed)

HENRY BARKLY.

His Grace the Duke of Newcastle, &c., &c., &c.

> [A true copy.-O. F. Timins, Private Secretary.]

> > Мемо.

No further information has yet been received from the Imperial Government respecting the arms applied for, but the following letter has been addressed by Captain Clarke, R.E., to the Honorable the Treasurer, showing the steps that had been taken up to that date in the matter.

Private Secretary's Office, 13th January, 1860. O. F. TIMINS, Private Secretary.

[COPY.]
Army and Navy Club, Pall Mall, London,
18th October, 1859.

SIR.

I have the honor to acknowledge the receipt of your letter of the 16th July, 1859, in which you refer to a former letter from you of the 13th April, 1859, and informing me that a further communication relative to the defences of the Colony had been sent by Sir Henry Barkly to the Secretary of State, and advising me to apply to the War Office for instructions before acting on the letter of the 13th April.

Your letter of the 16th July, which reached me on the 22nd ultimo, was the first official intimation I received on the subject of these defences, and my appointment in connection with them. Your letter of the earlier date of the 13th April, which would have informed me of this, having been transmitted under cover of a despatch from Sir H. Barkly, dated the 11th April, to the Secretary of State to the Colonies, no copy having been sent to me direct from you, I did not receive till the 1st instant, and then as an enclosure to me from the Inspector-

General of Fortifications, notifying my appointment. As I have every hope that no material injury, but rather advantage, will be the result to Victoria of the long time which elapsed before giving effect to the wishes of the Government, I do not think it desirable to make further allusion to this delay; but I take this occasion to request you will have the goodness to assure His Excellency I value this mark of his confidence in naming me to undertake the duty of selecting the arms and stores required for the defence of Victoria.

A 5.-d.

I have now only to report what progress has been made in complying with the demands on the War Office for these stores.

On receiving the official notification of my appointment, I placed myself in communication with the Principal Military Storekeeper at Woolwich, when I found that he had already taken the preliminary steps for entering into a contract for the supply of thirty (30) 68-pounder 10 feet 10 in. 113 cwt. guns.

As, however, the proposals of the Defence Commission, as conveyed in my first instructions, were modified by these, in its report of the 15th July, I have arranged with him that, pending the final decision of the Imperial Government as to affording Victoria a supply of the Armstrong gun, or other improved rifle ordnance, to arm the works at the Heads, the contract for the thirty 68-pounders should be limited to twelve, intended for the batteries in Hobson's Bay, for which they will be perfectly effective, these last being rifled by the new system from the block.

With these latter description of guns it is intended, I am assured, to continue in the service for shore defence, and in all batteries the present armament will be substituted for them.

Should I fail in obtaining Armstrong's guns, it will then become a question how far it will be desirable to complete the demand by forwarding similar guns, or endeavoring to obtain an improved arm from other sources.

I would, however, here mention, that at this moment no decision has as yet been arrived at with regard to the nature of the Armstrong gun, to be finally adopted into the service. The whole subject is, as far as I can learn, still one of experiment: alteration and improvement in the arm itself is being made day by day by the inventor, whilst the character of the projectile, form of the carriage, and other details, are yet undetermined.

Whilst, therefore, I desire to keep in view the wants of Victoria for means of defence, I hesitate, when no immediate pressure exists, to put her to an unnecessary cost of paying for inferior arms, when it is of every importance that these she should have limited in number, as they must be, however liberal may be the intentions of her Government and Legislature, and should be of the very greatest efficacy. I trust, therefore, I shall receive His Excellency's approval in the course I have adopted.

It was with the same object in view that, when I found, on visiting the Tower, that two thousand stand of a long Enfield rifle, of the pattern of 1853—an arm not only not in use in the service, ill adapted for the force to be raised in Victoria, but directly at variance with my instructions—were about to be shipped for Melbourne, their cost to be defrayed by the colony, that I at once protested against their being sent, and notified my intention to refuse my certificate.

A letter from the Secretary of State to the Lord Lieutenant of Counties, which appears in this morning's journals, bears me out in the step I have taken; for, similar arms having in some instances been issued to the rifle corps now forming in this country, Mr. Secretary Herbert, in this letter, intimates that they will, as soon as practicable, be exchanged for the improved short Enfield rifle.

I am in hopes that I will be able to obtain a sufficient number of the Lancaster—an arm which, now in use in the service, has been found as effective, if not more so, than the Enfield; or, failing this, to enter into a contract with Whitworth for a supply of his breech-loading rifle—a somewhat more costly, but infinitely more powerful weapon than any rifle yet invented.

I have only now to allude to the demand for the completion of the armament of H.M.S.S. Victoria. This I have finally arranged for, and I trust to be able to report by next mail that the whole of it has been, or will be shortly shipped.

With regard to this latter supply, I propose having made a 32-pounder rifled gun, adapted to the carriage of the 32-pounder (42 cwt.) gun; but, as it will take some time to make and test a rifled arm, I have decided on sending at once, for immediate use, the 32-pounder ship gun demanded.

I should be glad to have copies of the drawings of any military works in progress or proposed, showing their sites, with plan and elevations of their details.

The drawings of the traversing platform alluded to in Captain Pasley's letter of the 14th March I am not able to transmit, as the carriage and platform to be adopted for the new rifled arm have not yet been approved.

I would also beg to mention that, as Colonel Anderson, of V.A.R., is in England, I propose, as he is so deeply interested in the whole question, to consult him before deciding on one or two of the points to which I have referred.

I have the honor to be, Sir,

Your most obedient servant,

(Signed)

A. CLARKE.

The Honorable the Treasurer, &c., &c., Victoria.

[A true copy.—F. C. G.—W. H. B.]

VICTORIA.

GEODETIC SYSTEM OF SURVEY.

RETURN TO AN ORDER OF THE LEGISLATIVE COUNCIL.

THE HONORABLE G. URQUHART,—8TH DECEMBER, 1859.

LAID UPON THE COUNCIL TABLE BY THE HONORABLE T. H. FELLOWS, 18TH JANUARY, 1860, AND ORDERED BY THE COUNCIL TO BE PRINTED, 9TH FEBRUARY, 1860.

A RETURN showing the NATURE and COST of the OPERATIONS carried on under the Geodetic System of Survey in the Colony up to the present date.

GEODETIC SURVEY.

This survey was commenced in September, 1858. The first work was the astronomical determination of the standard meridian. This was completed about the middle of October.

The meridian was then traced, cleared, and measured as far as the intersection of the 37th parallel of latitude, and the intersection astronomically determined. This occupied until March, 1859. It than became necessary, in order to facilitate future operations, to determine the geographical positions of some of the trigonometrical stations;—those of Mount Macedon, Warrenheip, as well as the second chief meridian (144th), were determined astronomically, and a portion of the second chief meridian cleared and traced.

In April, the measurement of the first standard parallel was commenced, this being one of the most important and difficult portions of the whole work, and the foundation on which all the meridians are erected.

The parallel was started from the first standard meridian at Flemington, and has been carried on as far as the intersection of the second standard meridian. Along this parallel a most careful triangulation has been carried on to fix the intersection of all the secondary meridians.

In addition to the fixing and marking of the parallel, a good deal of work to forward the trigonometrical survey has been done.

For the expeditious carrying out of the survey, the main triangulation has been diligently prosecuted, as both are inseparably connected.

The first standard meridian is now carried through to the Murray, and the laying out some large blocks of country in that district by geodetic lines is in progress.

The 37th parallel has been carried through a portion of Anglesey, and blocks of land are being laid out in a similar manner.

The fifth and sixth secondary meridians have also been run from the first standard parallel as far as the dividing ranges, and are being pushed forward to the northern boundary of the Colony.

To obtain all the expedition possible in carrying out the survey, it is very desirable that as many points as possible should be established geographically throughout the Colony.

As a great deal had been done in previous years in clearing the tops of mountains for a trigonometrical survey, the primary triangulation was commenced some months since, and observations have been made at many stations, as will be seen by reference to the accompanying map.

The measurement of the base line for the triangulation is also in hand.

Altogether, rather over three hundred miles of geodetic lines have been run, including the fifth and sixth standard meridians.

These will form the ground work of a large portion of the survey.

The following are the officers employed:-

From 1st August, 1858, to present date—Robert L. J. Ellery, Superintendent.

From 20th August, 1858, to present date—R. Petty, Assistant.

From April, 1859, to present date—A. C. Allan, Assistant; E. De Verdon, Assistant.

From July, 1859, to present time—Messrs. P. Chauncy, District Surveyor, Heathcote, and T. W. Pinniger, District Surveyor, Kilmore, have been occasionally engaged in carrying the geodetic lines through their respective districts; and—

P. Crenion, from 1st April, 1859, to present date, Computer, for both Geodetic and Trigonometrical Surveys.

CHS. W. LIGAR,
Surveyor General.

Crown Lands Office, Melbourne, 13th December, 1859.

RETURN showing the Expenditure incurred upon the Geodetic Survey of Victoria, from 1st August, 1858, to 31st October, 1859.

From 1st August to 31st Dece	MBER, 1858.			£	s.	<i>d</i> .	£	s.	<i>d</i> .
Salaries and Wages of Staff	•••	•••			••		742	11	0
Contingencies:— Purchase of Horses Forage for Horses Waggon and Harness Construction of Portable Observatory Stores, Equipment, and Incidental Expenses				56 44 94 39 26	1	0 8 0 0 6	261	8	2
•	TOTAL FOR	1858					£1,003	19	2
FROM 1ST JANUARY TO 31ST OCT Salaries and Wages of Staff Contingencies :— Purchase of Horses Forage for Horses Purchase and Hire of Drays, Bullocks, &c. Purchase and Repair of Instruments Observatory Tents Fitting Intersectional Stations Travelling Expenses Stores, Equipment, and Incidental Expenses	OBER, 1859			30 166 287 72 44 45 60 75	13 14 14 13 17	0 4 0 0 2 0 7 1	3,663 783 £4,447	17	
From 1st August, 1858, to 31st (October, 18	59.							
Salaries and Wages of Staff Contingencies				4,405 1,045		6 4			
·	TOTAL EXI	PENDITURI	· · · ·				£5,451	0	10

MEMORANDUM.

This Return does not include the expense of occasional assistance rendered by surveying parties engaged in laying out lands for sale, who may have in the course of their duties carried the Geodetic lines through their districts.

Crown Lands Office, Melbourne, 13th December, 1859. CHS. W. LIGAR, Surveyor General.

[Examined—G. W., J. L. L.]

1859-60.

VICTORIA.

ACCOUNTS

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SEWERAGE AND WATER COMMISSION.

RETURN TO AN ORDER OF THE LEGISLATIVE COUNCIL.

THE HONORABLE G. W. COLE, 18TH JANUARY, 1860.

- A RETURN of the Yearly Accounts of the Sewerage and Water Commission.
- A SPECIAL ACCOUNT of the particulars and cost of the Yan Yean Tramway; also, the price and conditions for which the Tramway has been leased, and by what Act or authority it was thus disposed of.

LAID ON THE COUNCIL TABLE BY THE HONORABLE T. H. FELLOWS, 15TH FEBRUARY, 1860, AND ORDERED BY THE COUNCIL TO BE PRINTED, 26TH APRIL, 1860.

ABSTRACT OF RECEIPTS AND DISBURSEMENTS OF THE COMMISSIONERS OF SEWERS AND WATER SUPPLY FROM 1st JANUARY TO 31st DECEMBER, 1853.

To cash received from the Government 20,000 0 0 0 0 0 0 0 0		ECEIPTS.		£	s. d.	1853. DISBURSEMENTS. £ s. d.	£ s. d.
By office expenses, viz.:— Seal of office, half cost of Rent ditto, ditto 12 10 0	1853. To cash received from	m the Government	•••	20,000	0 0	Ditto of Commissioner ditto, at £300 214 3 4 Ditto of Secretary ditto, at £600 188 16 10 Ditto of Chief Engineer ditto, at £800 221 13 4 Ditto of Consulting ditto ditto, at £300 30 4 10	1 022 17. 7
By law expenses, &c.:- Law costs, half cost of Advertisements						By office expenses, viz.:— Seal of office, half cost of	
By salaries and wages to assistants, viz.:— Assistant engineers			•			Law costs, half cost of 55 5 0	
By tents, outfit, and instruments, viz.:— Tents and outfits for tents						Assistant engineers 470 18 3 Draftsmen 392 2 6 Laborers and chainmen 260 19 6	· · · · · · · · · · · · · · · · · · ·
By horses, forage, and travelling expenses:— Two horses, spring cart, and harness Forage of ditto, and travelling expenses By contract works:— Removing and stacking pipes Carubbing trees at reservoir Lifting and relaying Sandridge main By advances on account of sewerage, viz.:— Proportion of salaries Ditto office expenses Ditto miscellaneous charges By balance at the Bank of Victoria By balance at the Bank of Victoria 175 6 0 225 6 10 400 12 10 400 12 10 5,782 10 0						By tents, outfit, and instruments, viz.:— Tents and outfits for tents 84 17 11 Carriage of ditto 48 0 0	
Removing and stacking pipes					-	Two horses, spring cart, and harness 175 6 0 Forage of ditto, and travelling expenses 225 6 10	
By advances on account of sewerage, viz.:— Proportion of salaries			· , •			Removing and stacking pipes 67 10 0 Grubbing trees at reservoir 4,700 0 0 Lifting and relaying Sandridge main 1,015 0 0	5.782 10 0
By balance at the Bank of Victoria 9,944 3 7						By advances on account of sewerage, viz.:— 1,033 16 11 Proportion of salaries 1,033 16 11 Ditto office expenses 172 7 9 Ditto miscellaneous charges 112 10 3	
$\ \pounds 20,000 \ 0 \ 0 \ $					-1		9,944 3 7

THE COMMISSIONERS

ABSTRACT OF RECEIPTS AND DISBURSEMENTS OF THE COMMISSIONERS OF SEWERS AND WATER SUPPLY, FROM THE 1st JANUARY TO 31st DECEMBER, 1854.

1854.	Dr. To balance on accounts for 1853	£ s. d.	£ s. d. 9,944 3 7	1854.	Cr. By cash expended on permanent waterworks, viz.: For salaries	£ s. d. £ s. d. 1,027 15 11 487 10 2
Jan. 24 Feb. 10 May 4 June 13 Aug. 26 Nov 6 Dec. 15	To cash received from the Colonial Treasurer, viz.: To cash Ditto Ditto Ditto Ditto Ditto Ditto Ditto	16,000 0 0 0 20,000 0 0 0 20,000 0 0 0 20,000 0 0 0			" office expenses	2,730 15 3 78,906 8 9 413 0 6 215,606 1 3 6,398 17 1
Jan. 28 May 5 Aug. 1 Sept. 20	To cash remitted to the colonial agent in London, viz.: To cash Ditto discount Ditto discount To cash To cash Ditto discount Ditto discount	60,000 0 0 600 0 0 60,000 0 0 1,800 0 0 50,000 0 0 2,500 0 0 60,000 0 0	146,000 0 0		By cash expended on temporary water supply, viz.: For salaries Office expenses Surveyors, laborers, mechanics, &c Contract works Miscellaneous expenses Total expenditure for the temporary water supply	1,002 15 11 285 7 2 2,111 5 10 49,495 11 8 284 12 4 53,179 12 11
"	Ditto discount To cash received for pipes sold, &c To cash received from Sandridge station Ditto ditto Emerald Hill ditto	3,000 0 0 1,048 7 6 618 3 7	237,900 0 0 131 9 1 1,666 11 1		By cash expended on the sewerage, viz.: For salaries Office expenses Preliminary and miscellaneous expenses Remitted to England on account of metal cover for main sewer	1,686 17 10 409 2 5 286 8 3 31,500 0 0 33,882 8 6
	•	£	395,642 3 9		By balance in hand	$ \begin{array}{c ccccccccccccccccccccccccccccccccccc$

COMMISSIONERS OF SEWERS AND WATER SUPPLY, 1853 AND 1854.

[COPY.]

I hereby certify that I have carefully examined the Abstract of Receipts and Disbursements by the Commissioners of Sewers and Water Supply for the period from the appointment of the Commission to the 31st December, 1853, together with the and Water Supply for the period from 1st January to 31st December, 1854, inclusive, together with the Vouchers in support and Water Supply for the exceptions mentioned below.

Youchers in support thereof, and that I consider the same to be correct, with the exceptions mentioned below.

EDWARD GRIMES, Auditor General.

	EXCEPTIONS REFERRED TO ABOVE.												
Voucher. 277 222 308 356	Overpaid Overpaid Ditto Ditto	••	•••	£ 8 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0	\$. 0' 0 0	3 7 6	Recovered and credited in the Account for 1856. Recovered and credited in the Account for 1857.						

ABSTRACT OF RECEIPTS AND DISBURSEMENTS OF THE COMMISSIONERS OF SEWERS AND WATER SUPPLY, FROM THE 1st JANUARY TO 31st DECEMBER, 1855.

Contracts, &c. :— Embankment of reservoir					
Sewerage Sewerage	RECEIPTS.	$oldsymbol{\pounds}$ s. d.	£ s. d.	DISBURSEMENTS.	£ s. d. £ s.
Stewerage Stew	Balance from account ending 31st December, 1854	47.	3,009 13 5	Sewerage.	·
(The cash paid per contra was advanced from the fund provided for the Water Supply.) WATER SUPPLY. Cash received from the Colonial Treasurer at various times Ditto Ditto Apollo boat 272 20 Ditto Ditto Ditto Apollo boat 2,861 9 Ditto Ditto Emerald Hill station 2,861 9 Ditto Water Supply. Salaries and office expenses :— Commissioners 1,300 0 0 Ditto Ditto Apollo boat 1,591 8 8 Ditto Emerald Hill station 2,861 9 0 Ditto Hospital station 2,861 9 0 Ditto Wost Lonsdale-street station 2,326 4 7 Cash received by the Secretary for sundries 2,326 4 7 Cash received from Meyer and Co. for cracked pipes, &c., per various shipments 756 4 8 Cash received from Meyer and Co. for cracked pipes, &c., per various shipments 756 4 8 Contracts, &c. Embankment of reservoir 3,361 8 Contracts, &c. Embankment of reservoir 3,361 8 Contracts, &c. 2,321 0 Parting uses of reservoir 3,361 8 Ditto extras 29 11 3 Valve chamber 9,221 0 Valve	Sewerage.		,	Lighterage of ditto	567 15 0
Water Supply.				Charges on ditto	
Cash received from the Colonial Treasurer at various times 7.58 1 8 117,500 0 0 0 17,500 1	vided for the Water Supply.)		·	WATER SUPPLY.	2,023 19
Cash received from the Colonial Treasurer at various times	WATER SUPPLY				
Ditto Ditt		-	117 700 0 0		
Ditto Ditto Ditto Eastern Hill station 1,021 8 8 5 10 10 10 10 10 10 10			117,500 0 0		
Ditto Emerald Hill station					
Ditto Hospital station 1,326 d 7 10,856 3 10 2,326 d 7 7 7 8 0 7 8 0 7 8 0 7 8 0 9 0 0 0 0 0 0 0 0	Ditto Emerald Hill station	1,021 8 8		Surveyors	25 4 0
Ditto West Lonsdale-street station 2,326 4 7 10,855 3 10 27 8 0 Cash received by the Secretary for sundries					
Cash received by the Secretary for sundries					
Cash received by the Secretary for sundries	Divo West Lonsdate-street station	2,020 4 1	10.856 3 10		
Cash received from Meyer and Co. for cracked pipes, &c., per various shipments	Cash received by the Secretary for sundries	•••		Ditto (Engineers')	•
Contracts, &c.:— Embankment of reservoir Stable and fencing for keeper's lodge Fencing reservoir Burning trees off reservoir Water course Ditto extras Valve chamber Valve chamber Van Yean extras Van Yean extras Laying main pipe and tramway Plenty bridge Plenty road Plenty bridge Do. extra. Do. extra. Melbourne water tank Maintenance of steam engines May 2,255 0 0 May 2,256 0 8 May 2,250 0 0 May 2,256 0 8 May 2,250 0 8 May 2,250 0 8 Maj 2,250 0 8 Maj 2,250 0 8 Maj 2,250 0 8 Maintenance of steam engines Maintenance of steam engines Maintenance of steam engines Maintenance of steam engines Maintenance of steam engines Maintenance of steam engines Maintenance of steam engines Maj 2,250 0 8 Maintenance of steam engines Maj 2,250 0 8 Maintenance of steam engines Maj 2,250 0 8 Maintenance of steam engines Maj 2,250 0 8 Maintenance of steam engines Maj 2,250 0 8	Cash received from Meyer and Co. for cracked pipes, &c., per			Rent	
Contracts, &c. :— Embankment of reservoir	various shipments	•••	756 4 8	Furniture	
Embankment of reservoir				Contracts &re	8,588 18
Stable and fencing for keeper's lodge 170 0 0 0 Fencing reservoir 1,220 0 0 0 Burning trees off reservoir 3,513 8 6 Water course 7,963 15 4 Ditto extras 372 11 0 Valve chamber 927 5 6 Sluice bridge 29 11 3 Yan Yean extras 985 19 8 Laying main pipe and tramway 15,950 0 0 Plenty pridge 5,232 4 2 Darebin bridge 5,232 4 2 Darebin bridge Melbourne water tank Melbourne water tank .					275 0 0
Fencing reservoir 1,220 0 0 0 Burning trees off reservoir 3,513 8 6 Water course					
Water course			,	Fencing reservoir 1	220 0 0
Ditto extras	•				
Valve chamber				1	
Sluice bridge		<u>.</u>		1	
Ditto extras		-	[.		
Laying main pipe and tramway	~			Ditto extras	•
Plenty road 4,663 12 4 Plenty bridge 5,232 4 2 Darebin bridge					
Plenty bridge 5,232 4 2 Darebin bridge			``		
Darebin bridge					
Do. extra		·			
Maintenance of steam engines 3,691 18 10	And the second services of the second	••.		Do. extra	33 12 10
Maintenance of steam engines 3,691 18 10					
		•		Maintenance of steam engines 3,	
Molhorum atations	was the second of the second o		-	Malhamma stations	
Lodges for turncocks 460 7 6					
	The second of th	والمناوية والداريونية صفيد بناندات التحاف و			
Carried forward \pounds 132,149 9 11 Carried forward \pounds		£	132,149 9 11	Carried forward	£

ABSTRACT OF RECEIPTS AND DISBURSEMENTS, 1855 .- continued.

	RECEIPTS.—continued.	•		£ s. d.	DISBURSEMENTS.—continued.	•	£ s, d.	£ s. d.
Balance	Amount brought forward	•••••••••••••••••••••••••••••••••••••••	•••	1,450 13 5	Contracts, &c.—continued. Amount brought forward Stand pipes Engine and water wheels for Sandridge station Sandridge station Culvert to engine house Laying service pipes Laying pipes, Contract A. Ditto Ditto B. Miscellaneous works Cartage of pipes, castings, &c.		552 9 10 613 17 7 34 19 6 1,130 17 2 20 11 10 300 0 0 600 0 0 730 2 5 1,331 5 9	
					Arbitration costs Valuation expenses Compensation for land Freight Lighterage Charges on stowage, &c. Cranes, &c. Travelling expenses allowed ditto Law expenses Interest to Bank of Victoria	rses	306 16 8 63 15 0	23,524 13 5
			£	133,600 3 4			£	133,600 3 4

[COPY.]

I hereby certify that I have carefully examined the Abstract of Receipts and Disbursements by the Commissioners of Sewers and Water Supply for the period from 1st January to 31st December, 1855, inclusive, together with the Vouchers in support thereof; and that I consider the same to be correct and satisfactory.

EDWARD GRIMES, Auditor General.

Audit Office, 10th August, 1857.

ABSTRACT OF RECEIPTS AND DISBURSEMENTS OF THE COMMISSIONERS OF SEWERS AND WATER SUPPLY FROM THE 1st JANUARY TO 31st DECEMBER, 1856.

Ditto from the several water stations, viz.:— Sandridge Station	Balance overdrawn on bank, 1st January, 1856 1,45
Cash received from the Colonial Treasurer at various times Ditto from the several water stations, viz:— Sandridge Station £695 8 4 Civil Commissariat	Freight of arch plates per Sardinian
Howard-street ditto	Secretary, accountant, collector, &c 1,349 6 6
	Engineer and assistants
	Contracts, &c.:— 4,235 0 0 Fencing reservoir
Carried forward £ 161,121 10	

ABSTRACT OF RECEIPTS AND DISBURSEMENTS, 1856—continued.

RECEIPTS—continued.		£ s. d.		£ s. d.	£ s. d.
Amount brought forward	•••	161,121 10 4	·	•••	
			Contracts, &c.—continued. Amount brought forward £416 0 10 Tramway and fencing pipe track 5,767 14 9 Ditto 1 mile ditto 1,254 16 4	7,438 11 11	
			Pipe trench, by day labor £147 0 0 Ditto extras 567 0 3	7,438 11 11 480 15 6	
			Merri Creek aqueduct, sundries	7,593 10 4 392 5 9 412 13 0 699 10 0	
			Laying pipes contract A £5,427 17 4 Ditto ditto B 670 0 0 Ditto day labor 1,013 9 8 Ditto contract C 2,275 15 3 Ditto day labor 972 17 11		
			Ditto contract D 2,387 2 2 Ditto day labor 1,527 8 1 Ditto Smith-street 193 4 0 Ditto Collingwood 1,832 4 7 Ditto West-end of city 663 19 0 Ditto to Richmond 381 10 3 Ditto sundry by day labor 848 14 5		
	·		Laying service pipes	18,194 2 8 95 1 2 2,000 0 0 1,132 15 11 860 3 8 1,308 16 1 1,826 3 4	04 000 15 11
			Sundries, viz.:— Colonial Agent, remitted to England on account of pipes £19,607 16 11 Bank charge on ditto 392 3 1	20,000 0 0	84,668 15 11
Carried forward	•••	£ 161,121 10 4	Carried forward	-	***

RECEIPTS—continued.		£ s. d.	DISBURSEMENTS—continued. £ s. d. £ s. d
Amount brought forward	•••	161,121 10 4	Amount brought forward
			Sundries—continued. Amount brought forward Coals for engines 2,954 4 3 Valuation expenses 2,954 4 3 Arbitration costs in lands, &c. 3,519 11 10 Law expenses 3,519 11 10 11,738 5 3 Freight £11,887 6 4 Lighterage 16,329 0 0 Charges on stowage of cargoes, &c. 16,329 0 0 Charges on stowage of cargoes, &c. .
	£	161,121 10 4	Service pipes, cocks, &c £387 3 4 Travelling expenses £240 0 0 1,059 11 2 Forage allowed engineers, &c £387 3 4 Travelling expenses 42 11 9 Interest to Bank of Victoria 586 3 0 Balance in hand

Extract of a Letter from the Audit Commissioners respecting the Accounts for 1856.—"The only points now remaining to be decided upon and settled are, First—The explanation given in reference to the non-enforcement of bonds in certain cases: Second—The appointments which have to receive His Excellency's sanction: And last—The transfer to the Commissioners cash account of all sums now unnecessarily continued at the credit of the Commissioners at the Savings' Bank. Should His Excellency be pleased to accept the explanation given in respect of the first point, and give his sanction to the appointments alluded to in the second, we, upon due notification being made to us accordingly, and after being informed of the completion of the transfer mentioned as the third point, shall be happy to remove the surcharges, and grant our certificate of the correctness of the accounts."

Audit Office, 15th November, 1858.

(Signed)

C. SYMONDS.

F. JONES.

It may be noted that the two last points have been complied with; the sanction of the Governor having been given to the appointments, and the items in the Savings' Bank transferred to the cash account. With regard to the first point, it is presumed that the explanation given has not yet been accepted by His Excellency.

F. J. BURY, Secretary.

. RECEIPTS.	£ s. d. £ s. d		\pounds s. d. \pounds s. d.
Balance in hand 1st January, 1857	3,831 13 1 63,500 0 0 15,000 0 0 78,500 0 0	Secretary, Accountant, Collector, &c	852 7 0 2,043 0 11 2,154 3 4 819 5 10
Ditto ditto from the several water stations, viz. :— Sandridge station Emerald Hill ditto Eastern Hill ditto Hospital ditto Lonsdale street west, station	933 11 6 1,017 1 6 1,766 14 9 2,414 15 1 1,280 11 10	Surveyors	83 5 9 1,200 0 0 688 6 1 1,936 13 2 224 0 0 26 3 6
Smith street ditto	1,940 10 8 388 15 3 1,357 6 7 ————————————————————————————————————	Ditto (Engineers')	23 12 5 359 16 3 250 11 6
Amount received from water rates Ditto ditto sundries for sale of water pipes, valves &c. Ditto ditto ditto service pipes, cocks and meters Ditto ditto ditto laying service pipes Ditto ditto ditto old metal, use of cranes and } pipe carriages, iron chain, waste of water, &c } Amount received from Actuary of Savings Bank for deposit on }	7,378 7 11 703 15 0 1,720 19 3 93 16 4 813 6 6	Contracts, works, &c.:— Embankment of reservoir Yan Yean tunnel extras Ditto sluice gates extras Completion of Yan Yean tunnel Compensation channel at Yan Yean Pitching part of water course	1,530 0 0 132 2 3 529 18 0 3,010 9 4 824 0 0 4,128 12 9
account of compensation for land } Amount received for interest on compensation money for land Ditto ditto unclaimed salary of the late M. J. Taylor	861 1 3 35 8 8 25 0 0	Supplying pitchers, bye wash, Yan Yean	665 0 0 5,285 15 3 4,100 0 0 1,212 6 9 833 16 7
		Yan Yean extras, sundry works	3,363 17 9 20,000 0 0 8,297 14 8 250 0 0 99 10 9 139 12 4
		Ditto at Preston Sundry pipe laying and works upon pipe track by day labor Pipe cartage contract Castings for pipe laying, &c	42 6 8 2,319 16 7 66 5 7 117 11 6 66 12 3
		Merri Creek aqueduct	23 10 9 1,199 12 4 464 1 4 300 0 0 960 0 0 1,277 0 11
Carried forward	£ 105,062 15 2	Ditto ditto ditto at falls \mathcal{L}	261 14 7

RECEIPTS—continued. Amount brought forward	•••	•••	£ s. d. 105,062 15 2	DISBURSEMENTS—continued. Amount brought forward Contracts, works, &c.—continued.	£ s. d.	£ s. d.
				Amount brought forward Miscellaneous works, viz. :—		•
				Castings for pipe track £176 14 ·4 Pitching sundries 348 12 ·1		
				Iron roofing over pipes at Darebin Creek bridge 65 2 6 Miscellaneous cartage 161 1 4		
				Miscellaneous works 686 5 7 Sundries, viz.:—	1,726 11 9	63,228 0 8
				Colonial agent general remitted to England on account pipes &c. Coals for engines	15,000 0 0 2,991 19 1	
		•		Forage allowed engineer, collector, &c	475 0 0 59 19 9 13 1 0	
				Arbitration on land	60 0 0 1,812 14 6 1,982 19 9	
				Freight	2,411 5 4 1,130 16 11	
		•		Charges on stowage in England	$\begin{array}{cccccccccccccccccccccccccccccccccccc$	
				Water rates returned	$\begin{bmatrix} 2 & 7 & 11 \\ 37 & 16 & 2 \end{bmatrix}$	
				Miscellaneous expenses, viz.:— Clerical assistance £85 4 0 Messenger 144 10 0		
				Printing 63 18 5 Advertising 176 5 6		
				Expenses of witnesses 42 13 0 Expenses of witnesses 78 0 0 Sundries 215 13 6		
					806 4 5	27,359 12 10
The Committee of the Co				Balance on hand		101,248 19 3 3,813 15 11
	And the second	£	105,062 15 2		$\pounds \begin{vmatrix} 1 \\ 1 \end{vmatrix}$	105,062 15 2

No. 1, SW.

[COPY.]

To the Commissioners of Sewerage and Water Supply.

We certify that we have examined the Vouchers in support of payments made by the Commissioners of Sewerage and Water Supply during the year, from 1st January to 31st December, 1857, forwarded with letter of the second day of May, 1858, amounting to One hundred and one thousand two hundred and forty eight pounds, nineteen shillings and three pence: and that we find the same to be correct. (£101,248 19 3.) Amounting to One hundred and one thousand two hundred and forty eight pounds, nineteen shillings, and three pence.

Given under our hands, at Melbourne, Victoria, this Fifteenth Day of April, 1859.

C. M. SYMONDS, FRANCIS JONES, Commissioners of Audit.

ABSTRACT OF RECEIPTS AND DISBURSEMENTS OF THE COMMISSIONERS OF SEWERS AND WATER SUPPLY, FROM 1st JANUARY TO 31st DECEMBER, 1858.

Balance in hand 1st January, 1858	£ s. 9,922 6	d.
Balance in hand 1st January, 1858	9.922 6	
Amount received from the Colonial Treasurer at various times Ditto from the several Water Stations, viz.:— No. 1 Water Station 1,453 3 7 2,070 11 3 Engineer and assistants 1,453 3 7 3 ditto 1,453 3 7 3 ditto 1,453 3 7 3 ditto 1,453 3 7 4 ditto 1,453 3 7 3 ditto 1,453 3 7 4 ditto 1,453 3 7 4 ditto 1,453 3 7 4 ditto 1,453 3 7 4 ditto 1,453 3 7 4 ditto 1,453 3 7 4 ditto 1,453 3 7 4 ditto 1,453 3 7 4 ditto 1,453 3 7 4 ditto 1,453 3 7 5 ditto 1,453 3 7 4 ditto 1,453 3 7 5 ditto 1,453 3 7 4 ditto 1,453 3 7 5 ditto 1,453 3 7 4 ditto 1,453 3 7 5 ditto 1,453 3 7 4 ditto 1,453 3 7 5 ditto 1,453 3 7 5 ditto 1,550 11 9 1,390 15 9 5 ditto 1,390 15 9 5 ditt	9.922 6	
Ditto from the several Water Stations, viz.:— 1,453 3 7 department 2,070 11 3 No. 1 Water Station	9.922 6	
No. 1 Water Station 1,453 3 7 g ditto	9.922 6	•
" 2 ditto 487 3 8 Draftsman and clerk in engineer's office 506 5 0 " 3 ditto .	9.922 6	
3 ditto 918 3 6 Surveyors	9.922 6	
", 4 ditto "	9.922 6	
", 5 ditto " " " 550 11 9 Inspectors of pipe laying, storeman, &c " " 2,122 5 10 ", 6 ditto " " " 1,390 15 9 Inspector of service pipes " " 254 11 8 Sandridge ditto " " " 1,309 11 2 Office expenses (secretary's) " " " 44 11 9 Emerald Hill ditto " " 1,134 9 6 " Ditto (engineers') " " " 34 17 3 Preston ditto " " " 57 14 0 Rent of offices and lodges at water stations " " " 436 10 0 Flemington ditto " <	9.922 6	
3. 6 ditto	9.922 6	
Sandridge ditto 1,309 11 2 .	9.922 6	
Emerald Hill ditto 1,134 9 6 Preston ditto	9.922 6	
Preston ditto 436 10 0 Flemington ditto	9.922 6	
Flemington ditto	9.922 6	
Northcote ditto	9.922 6	
Northcote ditto 125 18 0	9.922 h	•
L'Ontroofe Works Aro .	0,022 0	1
Dittils with the control of the cont		
Pitching water course at ditto 5.328 15 6		
Amount from water rates 15,405 4 5 Von Von order and maintenance 1,700 11 4		
Ditto sale of water pipes, valves, &c 947 13 5 Laying main pipe and tramway 2,907 15 2		
Dividual Sale of Service pipes, cocks, and meters 5,114 0 0 Ding leaving contract in Collingwood and North Melhourne 1,009 5 0	-	
Ditto for laying ditto 52 2 1 Pipe laying contract in Collingwood and North Melbourne 1,002 3 0 Ditto ditto at Pentridge 950 0 0	-	
Amount from sundries, viz.:— Ditto ditto in city and Collingwood 355 7 7		
Deposit from J. Davies on contract 700 0 0 Sundry pipe laying, repairs to pipe laying, &c., done by labor 3,831 13 1		
Hire of cranes and pipe carriages, sale of broken metal, &c. 802 4 11 Pipe cartage contracts 126 0 10		
1,502 4 11 Ditto ditto on account { 300 0 0		
Actuary of Savings Bank for deposits on account of compensa- Taking up pipes in Gisborne-street 90 19 0		
tion for lands 590 5 3 Castings for pipe laying 75 0 0		
Interest on compensation money for land and on account Laying service pipes in city, contract 2,400 0 0	•	
current with Bank of Victoria 141 2 10 Ditto ditto ditto 450 0 0		
Ditto in Collingwood ditto 375 0 0	· · ·	
Ditto ditto 30 17 8		
Ditto sundries 85 8 1		
Valve house contract 70 16 0		
Covering Merri Creek aqueduct 231 0 0		•
Reducing valve house, contract No. 1 2,021 11 1		
Ditto ditto No. 2 1,270 15 5	,	
Ditto extras and repairs to split pipes 1,693 3 4		
Steam engine 236 0 0		
Erecting girder over Yarra contract 302 17 8		
Miscellaneous works, viz.:—		
Miscellaneous castings for Yan Yean, and		
thimbles for pipes £501 8 3		
Engineering works, Dow and Co 139 1 2	•	
Constructing city jets and extras 316 8 0	•	•
Carried forward Carried forward		
Carried forward 55,477 0 6 Carried forward		

RECEIPTS—con	ntinued.			£ s. d.	DISBURSEMENTS—continued.	£ s.	d.
Amount brought for	ward	•••	•••	55,477 0 6	Amount brought forward Contracts, works, &c.—continued. Amount brought forward Miscellaneous works—continued. Amount brought forward Supplying and printing notice boards 49 8 4 Road metal 72 13 10 Sundry works 444 5 7		
			•,		Compensation for land 576 13 Freight <td>31,828 5 1 8 5 8 6 6 8 0 8 4 8 9 1 5</td> <td>9</td>	31,828 5 1 8 5 8 6 6 8 0 8 4 8 9 1 5	9
					Water rates drawback allowed	5 8	
			-		Dinner and refreshment to workmen at opening of the Yan Yean 74 17 6 Advertising and printing 309 12 8 Analyses of Yan Yean and Yarra waters by Drs. Maund and Macadam, and Messrs. Gibbons and Johnston 202 5 0 Clerical assistance 54 9 7 Messenger 156 10 0		•
					Miscellaneous and incidental expenses 122 7 10 1,427 12 Balance in hand	9,170 14 50,921 5 4,555 14,	10
والمعا للمحرور والإسلام المراد	The state of the s	· · · · · · · · · · · · · · · · · · ·	week of the second	£55,477 0 6		£55,477 0	

The accounts for 1858 have been audited, but the certificate of the Commissioners of Audit has not yet been received.

No. 3.

	* .			•.			£	s.	d.		•.	
			land for tram	way, as per de	tailed state	ment	?				(-	
,		annexed Total cost of	constructing tra	mway, as per d		ment	22,857	12	4	. ,		:
		annexed	•••	•••	•••	•••	29,502	16	11			•
	:					£	52,360	9	3	:		

RETURN OF COSTS, AND PARTICULARS OF LAND FOR TRAMWAY.

Names of Owners.	Quantity of Land.	Compensation of all Demands.	Names of Owners.	Quantity of Land.	Compensation of all Demands.
:	A. R. P.	£ s. d.		A. R. P.	£ s. d.
Thomas and Sons	0 0 16	125 0 0	R Campbell	2 2 0	202 10 0
W. Lansdown	0 2 3	464 10 0	R. Campbell	3 0 8	190 18 0
Private road	0 0 143	101 10 0	Colonel Anderson	600	255 0 0
Francis Lokie	0 2 0	500 0 0	J. and H. Brock	2 2 32	305 10 0
David Moore (part in tramway)	2 2 28	1,150 0 0	R Campbell	3 2 24	346 0 0
Private road	0 0 143	1,150 0 0	Darebin Creek	0.0 91	010 0 0
John Guthrie (part in tramway)	0 0 7	580 0 0	W. Clelland	0 0 32	35 0 0
36	0 0 9 1	300 0 0	N.C. 17!	1 2 16	94 0 0
TOT:11: YOY 11	0 1 22	240 0 0		0 0 63	010
Q Q	1 1 0	342 10 0	Colin McKinnon	3 1 34	300 0 0
William Degraves	1 1 30	337 10 0	T. Hurry	102	40 18 9
That are a district in the second of the sec	0 0 8	337 10 0	Intersection of Kilmore road	0 0 21	40 10 3
T TT The series	0 2 37	450 0 0	H. Miller	9 0 0	\
70 1 1	0 2 37	400 0 0	YY 3 6133	1 0 0	1/
John Clarke	0 3 3	450 0 0	H. Miller	2 0 27] [
Dr. McArthur	1 1 0	600 0 0	H. Miller	3 0 31	> 1,065 6 3
Mrs. A. McArthur, shutting up	1, 1, 0	-	D., 112	0 0 371	(
a road, and injury to house	}	250 0 0	TT 3 ('11	3 1 16	
N/C*/1	0 3 16	512 10 0	T D11	0 3 32	30 0 0
T 1 (T M	2 1 6	650 0 0	m m .	4 1 17	208 18 0
Y.1 D	2 0 13	400 0 0	0 4	4 0 24	100 0 0
T II Dattonson	1 3 37	515 0 0	Public road	0 0 8 1	1
C TT	1 3 32	277 13 0	Stockdale	4 0 7	
Dial and III was to	1 1 18	125 0 0	Public road	0 1 123	
D.:			No owner, disputed title	0 0 193	
371 3 T -! -1	$\begin{array}{c ccccccccccccccccccccccccccccccccccc$	300 0 0	T 377'14 7	7 0 24	152 10 0
Tana a Damma	0 0 33	25 0 0	3.6 701	1 3 4	86 0 0
~ · · · · · · · · · · · · · · · · · · ·	1 .	1	1 4 0	3 1 0	125 0 0
T () 111	$0.016\frac{1}{4}$	331 0 0	ll roe rou	0 0 16	
T O C-11!	$\begin{array}{ c c c c c c } & 4 & 0 & 5 \\ 2 & 0 & 11 \\ \end{array}$	250 0 0	(T) Daan	6 3 9	1,032 7 6
T . T		60 0 0	11	3 0 32	144 18 0
0 7 1		200 0 0	3371 /	4 2 3	
T D: .1	$\begin{array}{c cccc} & 0 & 2 & 2 \\ & 0 & 1 & 1 \end{array}$	85 0 0	m 1	0 0 123	
A C	1	80 0 0	C m 1	2 3 26	90 0 0
T Charana	$\begin{array}{c cccc} & 0 & 0 & 29 \\ & 0 & 0 & 30 \end{array}$	70 0 0	T Carles	2 0 25	78 18 0
T) A 11 am		75 0 0	TT C	2 0 25	78 18 0
	0 0 30	75 0 0	TT 377 1 1 4	1 3 3	180 0 0
J. Tyler	0 1 26		337 337 11	8 0 8	346 0 0
Public roads	0 0 164	115 0 0	T 75 C ()	200	60 0 0
T. Bailey	0 2 2		11 ~ , ,	2 0 0	102 0 0
S. Chandler	0 1 0			1 2 0	91 5 0
R. Christie	0 1 0		Alexr. Thompson	18 3 1	562 13 9
T. Smiley	0 1 8	75 0 0	T. D. Edwards E. and R. Pilkington	0 0 0	
T. Wylde	0 1 0			0 0 0 1	10 0 0
W. F. Splatt	0 2 24	129 5 0	Wm. Sutton	3 2 24	206 0 0
C. Crawley	2 0 6	80 0 0	T. D. Edwards	0 2 24	200 0 0
T. D. Edwards	4 0 32	209 0 0	11		
Intersection with Kilmore road	0 1 284		[]	172 1 21	£17.240 4 3
R. Campbell	3 0 0	171 15 0	1	11/2 1 219	5 ~ 11,2 TU T

EXPE	NSES ON	ABOVE	LAND, v	viz. :		£	s.	d.
Valuation of land	l					532	12	2
Arbitration ditto					•••	363	1	10
Survey ditto				•••	•••	148		6
Law costs ditto			•••	•••	•••	4,572	15	7
Total cost	of land for	r tramway	•	•••	£	22,857	12	4

COST OF CONSTRUCTING TRAMWAY TO YAN YEAN, viz:-

McNamara and Whitehair, contractors (transferred to Bolton and Reilly)	s. d.	
constructing a portion of tramway, fencing, and extras	10 6	
William Hastie's contract ditto ditto 5,767	14 9	ľ
Bolton and Reilly's ditto ditto ditto 1,254	16 4	
McDonald and Co., timber for tramway 180	0 0	
John Ross, ditto 236	0 10	
Rus. Davis, constructing iron railway, tramway, fencing, and extras 1,952	2 2	
John Moore, staging at Merri Creek to support tramway 450	0 0	
J. Macauly ditto ditto 345	0 0	
Hope and McKenzie, timber for ditto 949	8 3	
Owen and Wallis, ditto ditto 497	10 10	
Inglis, Adams, and Co., ditto ditto 7	5 6	
John Rider, ditto ditto 216	14 0.	
McDonald and Co., ditto ditto 188	10 5	
J. Macauly, laying planking on ditto 58	0 0	
J. Moore, superintending, &c 36	4 9	
J. Davies, Darebin Creek Bridge contract £547 0 0	•	
Ditto ditto extras 567 0 3		
Dow and Co., ditto ditto 33 12 10		
£1,147 13 1		
Proportion of above chargeable to tramway, say one-half 573	16 6	
J. Davies, Plenty Bridge contract £13,232 4 2		
•		
Proportion of above chargeable to tramway, say one-half 6,616	2 1	
€ 29,502	16 11	
	1 30000	

COMMISSIONERS OF SEWERS AND WATER SUPPLY FOR THE CITY OF MELBOURNE.

SPECIFICATION.

LEASE OF YAN YEAN TRAMWAY.

1859.

SPECIFICATION, CONDITION, AND TERMS TO BE OBSERVED BY THE LESSEE OR LESSEES OF THE LINE OF TRAMWAY COMMONLY KNOWN AS THE "YAN YEAN TRAMWAY."

INTERPRETATION.

In this specification the words "Commissioners of Sewers, &c." shall be understood to mean the Commissioners of Sewers and Water Supply for the City of Melbourne; the word "Lessee" shall mean one or more lessee, and shall include his or their heirs, executors, and administrators; and the word "Trainers" shall mean Northbar Bulleck Trainers "About the Words Trainers" and the word the words the "Engineer" shall mean Matthew Bullock Jackson, civil engineer, or other the engineer who shall be duly appointed to act as engineer for the Commissioners of Sewers, &c. during the period of the duration of the lease.

GENERAL STIPULATIONS.

The property intended to be leased by the Commissioners of Sewers, &c., (and for which tenders will

The property intended to be leased by the Commissioners of Sewers, &c., (and for which tenders will be received subject to the subjoined specifications, conditions, and terms) consists of the following:—

1st. Reserve for the tramway terminus in Melbourne: this reserve, which contains by admeasurement seven acres two roods thirty-three perches, more or less, is bounded by a line commencing at a point on the west side of Nicholson-street, such point being the intersection of the western building line of Nicholson-street with the northern building line of Elgin-street, and runs in a general northerly direction parallel to the eastern building line of Nicholson-street, and at a distance from the same of ninety-nine feet more or less until it intersects the southern building line of Reilly-street, produced from the point of intersection. The boundary line runs in a general westerly direction in the line of the southern building line of Reily-street to a point situated three chains from the last mentioned point of intersection; from the last-named point the boundary line is continued in a general southerly direction parallel to the first described line, and distant therefrom three chains until it intersects the northern building line of Elgin-street; and from the last named point of intersection the boundary line is continued in a general easterly direction until it meets the starting point.

2nd. The tramway and ground included between the fences generally known as the tramway fences, together with all iron rails, sleepers, and tip waggons now on the same. The strip of land on which the tramway is laid commences on the east side of Nicholson-street, and is continued to a point on the village reserve at Yan Yean, three chains more of less south of the bye-wash or waste water channel from the Yan Yean reservoir.

The strip of land is of one uniform width of one chain, and the total length of the whole, from the southern boundary line of the terminus reserve in Melbourne to the terminal point on the Yan Yean village

southern boundary line of the terminus reserve in Melbourne to the terminal point on the Yan Yean village reserve, is eighteen and a half miles (18½ miles) more or less.

3rd. Two portions of ground suitable for stations, situated respectively at the Merri Creek and at the intersection of the line of tramway with the Upper Plenty-road, containing respectively—the former two acres and a half (2½ acres) more or less, and the latter one road and a half (1½ road) more or less. On the former is erected an iron store or workshop.

4th. The reserve for the terminus at Yan Yean will contain ten acres (10 acres) more or less, the same will be pointed out by the engineer, and to be as per plan annexed.

5th. A quantity of contractor's rails (about 35lbs. to a yard), mostly laid down at present, and a quantity of old tip waggons and portion of waggons.

quantity of old tip waggons and portion of waggons. For the accuracy of the above measurements or contents, the Commissioners of Sewers, &c., do not hold

themselves responsible, and the lessee is to satisfy himself as to the accuracy of the same.

The Commissioners of Sewers, &c., will receive offers to lease the line as it now stands, from Nicholson-street northwards, together with the lands, &c., previously described, for a period of fourteen years, at per sum

street northwards, together with the lands, &c., previously described, for a period of fourteen years, at per sum
per annum, from the first day of July, 1859.

The lessee will be required, at his own cost, at once, to put the tramway in an efficient state of repair, Lessee to put
and to keep the tramway or railroad, at all times and at all seasons, in a good state of repair, so that means of
access may be had to the pipes and other works of the Commissioners of Sewers, &c., and there shall be at all
times a continuous line of tramway or railroad from end to end of the ground described under the second head
of the description of the property leased; such tramway or railroad to be of such a nature as that any of the
materials required by the Commissioners of Sewers, &c., may be safely conveyed over it.

The lessee to have full powers to make such alterations and additions on the tramway itself, and by
building stations, &c., as he may think proper, subject to the approval of the Commissioners of Sewers, &c., on
the report of the engineer, such alterations, additions, and buildings to be at the cost and charge of the lessee.

The lessee is to do nothing that shall in any way injure existing works, or works that may hereafter be
constructed.

The lessee shall at once make good and shall keep in thorough repair, for the full term of the lease, at Lessee to keep in the same pood, or for the repair of which they are in any way liable, and shall hold the Commissioners of Sewers, &c., are bound to keep good, or for the repair of which they are in any way liable, and shall hold the Commissioners of Sewers, &c., harmless and free from any costs or expenses in regard to the same during the term of the lease, and he, the lessee, shall be held to be in precisely the same position, as regards all liabilities and responsibilities in respect to the same, as the Commissioners of Sewers, &c., now are.

Public and private

All crossings of public or private roads are to be made good and maintained by the lessee, to the satisfaction of the several road boards, trustees, or individuals concerned, and free of all costs to the

Officers ficers of the Commissioners have access to the works.

Commissioners of Sewers, &c.

Any officer of the Commissioners of Sewers, &c., or any laborer employed by them to repair any portions of the works or to execute any new works, shall have at all times and at all seasons access to the works, or on to any portion of the line; but such officer, servant, or laborer, will be provided with a ticket, showing that he

Pipe bursting.

to any portion of the line; but such officer, servant, or laborer, will be provided with a ticket, showing that he really is employed by the Commissioners of Sewers, &c.

In case of any pipes bursting or any accident occurring which requires immediate repair, the lessee shall be bound to render every assistance in his power, and shall at his own cost convey any pipes, thimbles, clasps, or other material that may be required for the purpose of effecting repairs to such portion of the line as may be indicated or described to him or to any clerk or officer or foreman in his service, or the Commissioners of Sewers, &c., or their officers, may use, in case of emergency, any carriage or truck belonging to the lessee, and may press any horse or horses, or laborers, at a rate not exceeding one shilling per ton per mile.

The lessee shall maintain all sidings with a switch on each of five different points to be shown to him.

Lessee to maintain a siding on each of which a carriage, suitable for the conveyance of pipes and thimbles shall always remain in order with a switch that every accident may be repaired in the shortest possible space of time, such carriages are to be provided

Lessee to make all drains, &c.

The lessee shall make and maintain in good order and condition, and free of all cost to the Commissioners of Sewers, &c, all drains that may now or hereafter be required, such drains to be subject to the approval of the Commissioners of Sewers, &c, on the report of the engineer, and the lessee shall be responsible for all damage that may be done by reason of his neglect to provide and maintain the same.

Should additional

Should the Commissioners of Sewers, &c., require at any time during the continuance of the contract mains require or lease to lay down any additional mains or pipes, or put in any additional valves, or to carry any material to be laid.

over the tramway or railroad, the lessee shall, if required, be bound to find carriages, and to load, carry up, and unload the same safely and to the satisfaction of the Commissioners of Sewers, &c., on the report of the engineer, at a price not exceeding one shilling per ton per mile, and the lessee shall at any and every time be bound to take that sum in full quittance of all claims and demands against the Commissioners of Sewers, &c. And provided further, that all pipes, valves, or other materials required to be carried up shall be delivered by the Commissioners of Sewers, &c., on one or other of the reserves now let, or at some place where there shall hereafter be a station. In case of such work being required to be done, the lessee shall be bound to give it a priority

No pipes to be re-

over all other, and if deemed necessary by the engineer, he shall stop all other work until the above is completed.

The lessee is not to remove any portion of the pipes, thimbles, or clasps at present stored on the moved from the Melbourne station reserve from that reserve, but he may, on obtaining the written permission of the Commissioners of Sewers, &c., to do so, remove them to some other portion of the same reserve, and the said Commissioners of Sewers, &c., to do so, remove them to some other portion of the same reserve, and the said Commissioners of Sewers, &c., to do so, remove them to some other portion of the same reserve, and the said Commissioners of Sewers, &c., to do so, remove them to some other portion of the same reserve, and the said Commissioners of Sewers all other work until the above is completed. sioners, at all times during the continuance of the lease, shall retain full and uninterrupted possession of so much of the said reserve as shall by the engineer be considered necessary, provided the same shall not exceed half an acre in extent, for the storing of pipes and other materials the property of the said Commissioners, with full power of ingress, egress, and regress to the said reserve, for the purpose of removing the same or

No rails, &c., are

making repairs thereto.

o rails, &c., are The lessee is not to remove any portion of the present iron rails, wherever they may be laid down, to be removed from the premises or property of the Commissioners of Sewers, &c.; nor is he to remove from the line of from tramway. from tramway, tramway, or from the property of the aforesaid Commissioners of Sewers, &c., any rails at present lying on the property of the aforesaid Commissioners of Sewers, &c., but he may use the same on any works for the improvement of the tramway or railroad, provided he first obtain from the Commissioners of Sewers, &c., on the report of the engineer, authority to do so.

Lessee may use the line.

The lessee may, subject to the permission in writing of the Commissioners of Sewers, &c., upon the wagons now on report of the engineer, use any tip waggons or portions of waggons that may belong to the Commissioners of Sewers, &c., provided the same be used exclusively for the improvement of the tramway or railroad; or the Commissioners of Sewers, &c, would be open to receive offers for the absolute purchase of the whole or any

Nothing once put

othing once put
on the tramway of the Commissioners of Sewers, &c., shall be removed from the same without the consent of the Commissioners of Sewers &c., upon the consent of the consent of the Commissioners of Sewers &c., upon the consent of the consent of the Commissioners of Sewers &c., upon the consent of the consent of the Commissioners of Sewers &c., upon the consent of the consent of the Commissioners of Sewers &c., upon the consent of the consent of the Commissioners of Sewers &c., upon the consent of t sioners of Sewers, &c., upon the report of the engineer, but this condition shall not apply to such tipping waggons or dobbin carts as the lessee may put on the line for the purpose of forming the same.

The lessee is to be responsible, during the term of the lease to be granted, for all damage that may be

Lessee to be responsible for all done during the progress of any works which may be undertaken by the lessee, to any valve, valve house,

Lessee not to in-terfere with

Level of line above

damage. valve covering, pipe, or pipes.

essee not to interfere with valve houses. The lessee is not in any manner to remove or interfere with any portion of any valve house or valve covering, without the consent of the said Commissioners first obtained.

The Commissioners of Sewers, &c., will not pay for any damage that may be done to any works of the bursting.

The Commissioners of Sewers, &c., will not pay for any damage that may be done to any works of the may be occasioned thereby.

Alteration of levels.

pipes.

Before any locomotive engine shall be put on the line there shall not be less than three clear feet in Before any locomotive engine shall be put on the line there shall not be less than three clear feet in depth of earth over the entire length of pipes, and the level of the rails shall not in any place be less than three feet six inches clear above the level of the upper outside surface of the pipes now laid down. And should the lessee require to alter the existing levels of the tramway in any way, permission must first be obtained from the said Commissioners for the performance of such works; and the alteration of the levels, if permitted, must be such that the level of the rails shall not be less in any place than three feet six inches above the level of the top of the pipes already laid: that is to say, that at any given point, should a cross section be taken entirely across the line between the fences, the level of the rail shall be three feet six inches above the upper outside surface of the pipes above the upper outside surface of the pipes.

Side cuttings. Side drains.

No side cutting will be allowed on the line between the two lines of fence.

Any side drain that may be cut is to be cut in such a manner as not to interfere with any second main that may require to be laid down.

Bridge Merri Creek.

In case of any bridge or staging being erected to carry the tramway or railroad over the Merri Creek. no portion of the same, or of any portion of the staging for carrying the same, will be allowed to be connected to or abutting on or touching the present iron girder over the creek.

In case of any bridge being built over the Darebin Creek, the same shall be so constructed as not to

Bridge

Darebin Creek. interfere with the present line of pipes, or to make it more difficult to repair any one of them that may hereafter give way.

Bridge over the Plenty.

Any additional work executed on the bridge crossing the Plenty must be subject to the sanction of the said Commissioners, upon the report of the engineer.

Designs for bridges.

Every design or plan for any bridge over the Merri Creek or Darebin Creek must be subject to the approval of the Commissioners of Sewers, &c., upon the report of the engineer, and the general design for the

At expiration of

bridge over the Merri Creek must harmonize with the iron girder already fixed.

t expiration of At the expiration of the term the lessee to have, in the event of the Commissioners of Sewers, &c., lease improved deciding to re-let it, the first offer of the same; but the Commissioners of Sewers, &c., will in no case pay for mental proved. ments to become the property of the Commissioners.

The little first offer of the same; but the Commissioners of Sewers, &c., will he can property of the property of the Commissioners.

The lesse, to be kept in a good state of repair, and at the expiration of the term to be so left, and become the property absolutely of the Commissioners of Sewers, &c. Should the lessee delay or neglect, after due notice given to him thereof under the hand of the President of the said Commission, any portion of the work undertaken by him, or, in the opinion of the Commissioners of Sewers, &c., upon the report of the engineer, not execute it in a proper manner; or should he not fulfil the terms of the lease or contract, the said lease shall become absolutely void, and the Commissioners of Sewers, &c., may take the whole of the said works into their own hands, and seize and take possession of all or any part of the implements or materials provided by the lessee, who in such case shall forfeit all claim for compensation, and shall have no further power or authority to interfere in such works; and all such materials of whatsoever nature shall become the absolute property of the said Commissioners.

Should the lessee injure any portion of the works of the Commissioners.

Should the lessee injure any portion of the works of the Commissioners of Sewers, &c., or should he at any time neglect to have a continuous line of rails laid down throughout the entire length of the line, or should he obstruct any officer or servant of the Commissioners of Sewers, &c., or should he refuse or neglect to fulfil or abide by any written instruction or instructions of the engineer, approved by the said Commissioners of Sewers approved by the said Commissioners to fulfil or abide by any written instruction or instructions of the engineer, approved by the said Commissioners, he shall forfeit to the said Commissioners of Sewers, &c., on each occasion, such sum as the Commissioners of Sewers, &c., shall determine, provided always that such sum shall not exceed £50 (fifty pounds) sterling in each case; and the engineer shall have full power to stop all works or traffic on the line in such manner as may appear to him to be best, until such injury shall have been repaired or such written instructions executed; and the Commissioners of Sewers, &c., shall not pay to the lessee any compensation for such stoppage.

The contractor will be required to pay to the secretary of the Commissioners of Sewers, &c., within one Payments. week of the date of the acceptance of his tender, the amount of the rent of the first year, and afterwards each half-year's rent in advance. Each succeeding half-year's rent, to be paid before the expiration of the preceding

Security will be required from the lessee by bond, in one good and sufficient surety jointly with the security. lessee, for due payments of the rents during the term of two years, as the same shall respectively become due and payable, and for performance and fulfilment of the covenants, conditions, and provisos to be contained in the lease, the same to be in accordance with the conditions herein contained and signed by the lessors and lessee, as at the expiration of the said term of two years, and also at the expiration of every succeeding two years, during the period of the lease, such surety to be renewed. And the lessee must at least one month prior to the expiration of such surety, at every second year, submit in writing to the Commissioners of Sewers, &c., the name of the party he proposes as his surety for the ensuing two years, for their approval. Any alteration or variation in the said conditions, covenants, provisos, or agreement herein, or in the said lease to be executed shall in no way render void or voidable the said bond or the liabilities of the said surety, the same alterations or variations being made by consent of the lessors and lessee.

A cash deposit of Five Hundred Pounds (£500) sterling to be paid to the Commissioners of Sewers, &c., on the signing hereof for the due execution of the aforesaid lease, in the event of the lease not being executed by the lessee; the same to be forfeited, as and for liquidated damages to the Commissioners of Sewers, &c.;

by the lessee; the same to be forfeited, as and for liquidated damages to the Commissioners of Sewers, &c.; such sum, nevertheless, after the due execution of the lease, and upon the expiration of three calendar months from the date thereof, to be returned to the lessee.

I, the undersigned, Gilbert Handasyde, undertake and agree to execute and accept a lease as above stated, in accordance with the foregoing conditions, upon the same being tendered for execution, and at the same time to give the bond before-mentioned.

(Signed)

G. HANDASYDE.

Melbourne, 9th June, 1859.

To the Commissioners of Sewerage and Water Supply

Gentlemen,—I hereby agree to lease the Yan Yean Tramway for fourteen years, in accordance with your conditions and specifications, and to pay the following amounts as rent for the same, viz.:-

		£			£
For the 1st year	•••	250	For the 9th year	•••	1,750
2nd ditto		350	10th ditto		2,000
3rd ditto		500	11th ditto		2,250
4th ditto	•••	650	12th ditto		2,500
5th ditto		800	13th ditto		4,000
6th ditto	•••	1,000	14th ditto		4,500
7th ditto	•••	1,250			
8th ditto	. •••	1,500	In all	•••	£23,300

I have the honor to be, Gentlemen, Your obedient servant, (Signed)

(Signed)

G. HANDASYDE.

The Commissioners of Sewers and Water Supply having resolved to lease the tramway to Yan Yean, for fourteen years, request that the resolution may be submitted for the approval of His Excellency the Governor in Council, (in accordance with Act 21st Vic., No. 59, section 9), specification and copy of accepted tender herewith submitted for the approval of His Excellency in Council. G. S. W. HORNE,

9th June, 1859.

For Ex. C. H. B.

Commissioner of Public Works.

The Governor in Council consents to this resolution of the Commissioners of Sewers and Water Supply, in accordance with the provision of the 9th section of No. 59, of the 21 Vict.

(Signed)

J. H. KAY, C.E C.

13th June, 1859.

Sewerage and Water Commission, Secretary's Office,

2, Victoria Parade, Melbourne, 31st May, 1859.

Sir,—The Commissioners of Sewers and Water Supply having resolved to lease for a period of fourteen years the tramway to Yan Yean, and having invited tenders for the same until the 9th June next, I have the honor, by direction of the Board, to request that, in accordance with the Act 21 Victoria, No. 59, section 9, you will have the goodness to submit this resolution for the approval of His Excellency the Governor in Council.

I have the honor to be, Sir,

Your most obedient servant.

The Honorable the Commissioner of Public Works.

Your most obedient servant,

F. J. BURY, Secretary.

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VICTORIA.

HAWTHORN AND STUDLEY TOLL BARS.

RETURN TO AN ORDER OF THE LEGISLATIVE COUNCIL. THE HONORABLE J. P. FAWKNER.—22ND MARCH, 1860.

LAID ON THE COUNCIL TABLE BY THE HONORABLE T. H. FELLOWS, 28TH MARCH, 1860, AND ORDERED BY THE COUNCIL TO BE PRINTED, 26TH APRIL, 1860.

RETURN in compliance with Motion by the Honorable J. P. Fawkner of the amount of Toll taken at the Hawthorn Toll-bar and the Studley Toll-bar, situate between Johnston street Bridge and the township of Kew, from the date of the commencement of taking toll up to the 29th February, 1860; together with the rates charged on passengers, cattle, and vehicles:—

		* · · · · · · · · · · · · · · · · · · ·	,			T	OLLS TA	KEN AT		
		YEAR.			Hawtho from 23rd			Studley from 11th		
					£	s.	d.	£	s.	d.
1854		•••	•••		2,025	0	0	ŀ		
1855	•••	•••			4,283	6	8	}		
1856	•••	•••	•••		5,416	13	4	'		
1857	•••	•••			5,767	14	0		_	
1858	•••	•••	•••		7,317	6	0	}		
1859					6,813	$\hat{2}$	6	470	15	5
	to 29th	February	•••		1,004	ō	Ö	150	5	0
		1			£32,627	2	6	£621	0	5

Note.—For rates chargeable, see printed Schedules attached.

JOHN STEAVENSON, Commissioner of Roads and Bridges.

Office of Roads and Bridges, Melbourne, 23rd March, 1860.

HAWTHORN TOLL GATE, 1860.

TOLLS ON ROADS UNDER THE BOARD OF LAND AND WORKS.

PROCLAMATION.

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

Whereas by an Act passed in the sixteenth year of the reign of Her present Majesty (Number Forty,) initiuled An Act for making and improving Roads in the Colony of Victoria, it was amongst other things enacted that it should be lawful for His Excellency, with the advice of His Executive Council, by proclamation in the Government Gazette, to declare the rates of tolls to be collected by any district road board, as thereinafter mentioned, and such rates and tolls from time to time to vary and alter, and any such Proclamation to revoke: And whereas by another Act passed in the seventeenth year of the same reign (Number Twenty-nine), intituled An Act to amend an Act initialed "An Act "for making and improving Roads in the Colony of Victoria," it was amongst other things enacted that it should be lawful for the Governor, pursuant to the provisions of the nineteenth section of the said first recited Act, to declare, alter, and revoke the rates of tolls to be collected by the Central Road Board in manner thereinafter directed, in like manner as by the said first recited Act as to a district road board, and that the provisions in the twentieth section of the said first recited Act as to a district road board levying toll should be deemed to authorise the said Central Road Board to levy tolls and erect toll bars, toll gates, and toll houses: And whereas by an Act passed in the twenty-first year of the same reign (Number Thirty-one), intituled An Act to establish a Board of Land and Works, it was amongst other things enacted that on and after the first day of January, 1858, the Central Road Board should be, and the same were thereby transferred to and vested in, and should and might be exercised by the said Board of Land and Works; And whereas it is deemed expedient to alter the rates of tolls anthorised to be collected on all-roads under the charge of the said Board of Land and Works, as hereinafter specified: Now therefore I, Sir Henry Barkly, the Governor of Victoria, with the advice of the Executive Council, do hereb

J	,		s.	$\cdot d.$
For every	sheep, lamb, pig, or goat		0	$0\frac{1}{4}$
,,	ox, or head of neat cattle	•••	0	$\frac{1}{3}$
,,	horse, mare, ass, or mule		0	3
,,	cart, dray, or other such vehicle constructed to carry go	ods,		
	with two wheels, drawn by one horse or other animal	•••	1	0
,,	ditto, if drawn by two horses or other animals	•••	1	6
,,	ditto, if drawn by three horses or other animals	•••	2	0
,,	ditto, if drawn by four horses or other animals	:	. 2	6
	and threepence for each additional horse or other anim	al draw	ing.	
,,	wagon, wain, or other such vehicle with four wheels, dr	awn	_	_
	by one or two horses or other animals	•••	1	6
,,	ditto, if drawn by three horses or other animals	•••	$\frac{2}{2}$	0
,,	ditto, if drawn by four horses or other animals		2	6
	and threepence for each additional horse or other anima	al draw:	ing.	
,,	cart, dray or wagon, drawn by two bullocks	•••	1	6
	and threepence for each additional bullock drawing.			
,,	gig, chaise, or other such carriage constructed to carry	pas-		
	sengers, with two wheels, and drawn by one horse or o	ther	_	
	animal	•••	0	6
,,	ditto, if drawn by two or more horses or other animals	•••	1	0
,,	coach, chariot, or other such carriage, with four wheels,	and		
	drawn by one horse or other animal	•••	1	0
,,	ditto, if drawn by two horses or other animals	•••	1	6
,,	ditto, if drawn by more than two horses or other animals	•••	2	0

Tolls payable one way only for going and returning on the same day.

Three-fourths only of the above rates for any vehicle to be paid when the tires of the wheels of such vehicle are not less than four and a half inches wide, and perfectly flat and level throughout their whole width.

Given under my Hand and the Seal of the Colony, at Melbourne, this tenth day of August, 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,
GEO. S. W. HORNE,
Vice-President of the Board of Land and Works.

SCALE OF TOLLS PAYABLE AT STUDLEY TOLL BAR.

(See Government Gazette, 10th May, 1859.)

TOLLS ON ROADS UNDER THE BOARD OF LAND AND WORKS. 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.

Order of the Bath, Captain-General and Governor-in-Chief of the Colony of Victoria, and Vice-Admiral of the same, &c., &c., &c.

Whereas by an Act passed in the sixteenth year of the reign of Her present Majesty (Number Forty), intituled An Act for making and improving Roads in the Colony of Victoria, it was amongst other things enacted that it should be lawful for His Excellency, with the advice of His Executive Council, by proclamation in the Government Gazette, to declare the rates of tolls to be collected by any district road board, as thereinafter mentioned, and such rates and tolls from time to time to vary and alter, and any such Proclamation to revoke: And whereas by another Act passed in the sevententh year of the same reign (Number Twenty-nine), intituled An Act to amend an Act intituled "An Act for making and improving Roads in the Colony of Victoria," it was amongst other things enacted that it should be lawful for the Governor, pursuant to the provisions of the nineteenth section of the said first recited Act, to declare, alter, and revoke the rates of tolls to be collected by the Central Road Board in manner thereinafter directed, in like manner as by the said section is directed as to a district road board, and that the provisions in the twentieth section of the said first recited Act as to a district road board levying toll should be deemed to authorise the said Central Road Board to levy tolls and erect toll bars, toll gates, and toll houses: And whereas by an Act passed in the twenty-first year of the same reign (Number Thirty-one), intituled An Act to establish a Board of Land and Works, it was amongst other things enacted that on and after the first day of January, 1858, the Central Road Board should be, and the same was thereby abolished, and all the rights, powers, duties, and authorities thereof should be and the same were thereby transferred to and vested in, and should and might be exercised by the said Board of Land and Works: And whereas it is deemed expedient to alter the extensive f exceeding the rates hereinafter declared, that is to say:

ang mor	aves neremaner declared, mai is	o say:—	-				
		_				s. ·	d.
For ever	y sheep, lamb, pig, or goat	•••	•••	•••	•••	0	$0\frac{1}{4}$
, ,,	ox, or head of neat cattle			•••	•••	0	1
,,	horse, mare, ass, or mule			•••	•••	0	2
,,	cart, dray, or other such vehicle	e constru	cted to car	rry goods	, with		
	two wheels, drawn by one ho					0	6
,,	ditto, if drawn by two horses or			•••		0	9
,,	ditto, if drawn by three horses			•••	•••	1	0
,,	ditto, if drawn by four horses o	r other a	nimals	•••		*2	$egin{matrix} 0 \ 6 \ 2 \end{matrix}$
	and for each additional horse	e or othe	r animal d	lrawing		0	2
,,	wagon, wain, or other such veh	icle, wit	h four wh	eels, drav	n by		
	one or two horses or other a		•••		•••	1	0
,,	ditto, if drawn by three horses		animals	•••		1	6
,,	ditto, if drawn by four horses of					${ {1} \atop {2} }$	0
,,	and for each additional hors			drawing		Ō	0 2 9
,,	cart, dray, or wagon, drawn by			444	•••	0	9
,,	and threepence for each add	itional b	ullock dra	wing.		-	
, ,,	gig, chaise, or other such carri				issen-		
. "	gers, with two wheels, and						
	animal		25 0_0 _			0	6
	ditto, if drawn by two or more	horses o	r other an	imals	•••	ĭ	ō
"	coach, chariot, or other such					-	•
"	drawn by one horse or other			I WILCOID	, unu	1	0
	ditto, if drawn by two horses o			•••	•••	î	6
"	ditto, if drawn by more than to			animala	•••	$\overset{1}{2}$	Ö
Tolla na	vable one way only for going and					4	J

Tolls payable one way only for going and returning on the same day.

Three-fourths only of the above rates for any vehicle to be paid when the tires of the wheels of such vehicle are not less than four and a half inches wide, and perfectly flat and level throughout their whole width.

Given under my Hand and the Seal of the Colony, at Melbourne, this tenth day of August, in the year of Our Lord One thousand eight hundred and fifty-eight, and in the twenty-second year of Her Majesty's Reign.

HENRY BARKLY.

(L.S.)

By His Excellency's Command,
GEO. S. W. HORNE,
Vice-President of the Board of Land and Works.

GOD SAVE THE QUEEN!

VICTORIA.

SURVEY

OF THE

WHOLE COAST OF THE COLONY

AND

BASS'S STRAITS.

RETURN TO AN ORDER OF THE LEGISLATIVE COUNCIL.

THE HONORABLE G. W. COLE.—18TH JANUARY, 1860.

(1.) All Correspondence and Documents relative to the necessity for the whole Coast of this Colony and Bass's Straits being surveyed.

(2.) All Records of Wrecks that have taken place within the Colony and Neighborhood since the date of the last Return of such Wrecks.

LAID UPON THE COUNCIL TABLE BY THE HONORABLE T. H. FELLOWS, 29TH MARCH, 1860, AND ORDERED BY THE COUNCIL TO BE PRINTED, 26TH APRIL, 1860.

By Authority:

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Andrew Communication of the Co

SCHEDULE.

		1	· ·	
No. in Series.	Date and Number.	From and to whom.	Subject.	Page.
1	6th October, 1857, No. 168.	Chief Harbor Master to Commissioner of Trade and Customs.	Necessity for survey of coast and desirability of its being performed by the Home Government.	5
2	7th August, 1858, No. 132.	Chief Harbor Master to Commissioner of Trade and Customs.	Ditto ditto.	5
3	11th May, 1859.	Secretary to Melbourne Chamber of Commerce to the Chief Secretary.	Forwards resolution of the Chamber to the same effect.	6
4	20th May, 1859. B 59 172.	Commissioner of Trade and Customs to Chief Harbor Master.	Forwards copy of above-named resolution, and requests report thereon.	6
5	25th May, 1859. D 59 355.	Commissioner of Trade and Customs to Secretary to Chamber of Commerce.	In reply to letter of 11th May, states that the matter will be considered by Govern- ment.	6
6	3rd June, 1859. 59 113.	Chief Harbor Master to Commissioner of Trade and Customs.	Forwards report as requested.	7
7	1st Sept., 1859. 59 185.	Chief Harbor Master to Commissioner of Trade and Customs.	Again states necessity for re-survey of coast.	8
٠ 8	20th Dec., 1859. C 59 412.	Commissioner of Trade and Customs to Chief Secre- tary.	Requests that N. S. Wales Government may be addressed, inquiring whether H.M.S. Herald is available for survey of coast.	9
9	31st Dec., 1859.	Chief Secretary, Victoria, to Colonial Secretary, N. S. Wales.	Inquires whether <i>Herald</i> is available.	9
10	10th Jan., 1860. 60 3.	Colonial Secretary, N. S. Wales, to Chief Secretary, Victoria.	States that N. S. Wales Government have no anthority over the <i>Herald</i> , but copy of letter has been sent to Captain Denham.	9
11	11th Jan., 1860.	Captain Denham, R.N., to Chief Secretary, Victoria.	States that <i>Herald's</i> duties call her to the northward of Port Jackson.	10
12	10th March, 1860. No. 28.	His Excellency Sir Henry Barkly to the Duke of Newcastle.	Urges necessity of survey of the coast of Victoria by Imperial Government.	10

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$\mathbf{x} \in \mathbf{C}(\mathbf{O}; \mathbf{R}, \mathbf{E}, \mathbf{S}, \mathbf{P}, \mathbf{O}, \mathbf{N}, \mathbf{D}; \mathbf{E}, \mathbf{N}, \mathbf{C}, \mathbf{E}_{\bullet})$

No. 1.

No. 168.

Extract from Letter of Chief Harbor Master to the Commissioner of Trade and Customs, dated 6th October, 1857.

"With reference to the marine survey, I do think that, if the Marine Surveyor is still to remain attached to the Victoria, that officer should be transferred to the department of to remain attached to the Victoria, that officer should be transferred to the department of Trade and Customs also, seeing that his duties have all direct reference to the trade and commerce of the country. I beg, however, to give my opinion upon the important subject of an accurate survey of our coasts and harbors, and the Victoria being used in connection therewith. I respectfully submit that, considering the extent of our coasts—namely, from Cape Howe to near Cape Northumberland, a distance, following the bends of the land, of about six hundred miles, scarcely any portion of which has had any other than a running survey—that to effect an accurate survey of the coast will be a work we, with the means now at our disposal, will not accomplish for a long time; and, moreover, I submit that this coast survey should be carried out by the Home Government, seeing the greatest proportion of the vessels which traverse our waters are, with their cargoes, either owned or insured in England. This remark, traverse our waters are, with their cargoes, either owned or insured in England. This remark, as regards their cargo, also applies to a large proportion of the foreign vessels which frequent our ports. It is, therefore, manifestly the interest of the Home Government that our coasts should be well laid down, and to effect this important service they have at their disposal the right men—Marine Surveyors, thoroughly versed and trained to the work; and no chart will give confidence to the navigator which does not emanate from some such authority. I would here bring under notice that at this moment the British Government have surveying expeditions in China, Feejee Islands, West Indies, and the Pacific, and that within these few months back beautiful charts of the coast of New Zealand, the work of the surveying ship *Pandora*, which vessel was stationed there for some years, and only left recently, have been received here, whilst many portions of this coast are not known at all; and I submit that our coasts are of at least equal importance to the British mercantile marine as those above mentioned: it is, therefore, not too much to expect that the Home Government would accede to a request to send a

regularly equipped surveying vessel, we undertaking to pay a portion of the expense.

"The delay which would arise in carrying this into effect would be of little importance compared to the solid advantages we should derive from it when done; but if it is considered necessary that this work must be at once proceeded with, application might be made to Captain Denham, who is a high authority in marine surveying, for the officers and crew of H. M. surveying ship Herald to be temporarily transferred from that ship to the Victoria, for the purpose of surveying this coast, should the senior naval officer at Sydney have the discretionary power to do so, and in the meantime the Marine Surveyor of the colony be employed within this harbor, which is very imperfectly surveyed.

(Signed)

"CHARLES FERGUSON,

Chief Harbor Master.

La Company of the state of the state of the

"The Honorable the Commissioner of Trade and Customs."

... No. 2.

Extract from a Letter from the Chief Harbor Master to the Commissioner of Trade and Customs, dated 7th August, 1858.

"From the soundings which we took outside the entrance of Corner Inlet, and the unfinished state of the Admiralty charts, both of the Inlet and other parts of this coast, I beg again to urge that steps be taken to have the entire coast of Victoria properly surveyed, and as the surveying ship, H.M.S. Herald, is now in Sydney, I beg to refer to my letter, No. 168, dated 5 | 10 | 57, upon the subject of that vessel being engaged in surveying this coast. I am convinced that there are many places on the coast which, if properly surveyed, would both give shelter and in process of time facilitate traffic, and be a great boon to the maritime interests of this colony. of this colony.

"CHARLES FERGUSON, (Signed)

" Chief Harbor Master."

No. 3.

Copy of a Letter from the Secretary to the Melbourne Chamber of Commerce to the Chief Secretary, dated 11th May, 1859.

SIR,

Melbourne Chamber of Commerce, 11th May, 1859.

Enclosure to No. 3.

I am instructed by the committee of this Chamber respectfully to direct your attention to a copy, on the other side, of a resolution passed at their meeting on Monday last, relative to the necessity for a survey of the coasts of Australia, and earnestly to request the intervention of Government in pressing on the home authorities the importance of early attention to the

I have, &c.,

The Honorable the Chief Secretary.

(Signed)

JOHN RUSSELL.

ENCLOSURE TO No. 3.

Copy of a Resolution passed at a meeting of the Committee of the Chamber of Commerce, 9th May, 1859.

Resolved—That, as little or nothing has been done by Government (as far as this Chamber is aware) towards a comprehensive survey of the coast of Victoria, the secretary be instructed to call the attention of Government to the want of recent or accurate charts of the coast line of the colony; and to request that this deficiency may be pointed out to the British Government, with the view that surveying ships may be sent to survey the coasts of Australia, so that reliable charts may be obtained for the use of navigators.

Transferred to the Hon. the Commissioner of Trade and Customs.

13 | 5 | 59.

(Signed)

J. MOORE.

No. 4.

Copy of a Letter from the Commissioner of Trade and Customs to the Chief Harbor Master, dated 20th May, 1859.

B 59 | 172. No. 60.

Department of Trade and Customs, Melbourne, 20th May, 1859.

SIR,

No. 3.

I am directed by the Honorable the Commissioner of Trade and Customs to forward to Vide Enclosure to you herewith the copy of a resolution passed at a meeting of the Committee of the Chamber of Commerce on the 9th instant, and to request that you will be so good as to furnish a report upon the subject thereof, attaching also extracts from the "Wreck Register," which you were requested to keep by letter of the 7th October, 1857, No. B 605, showing the wrecks which have occurred on the coast of Victoria during the last four years, and stating whether, in your opinion, any of these have been occasioned by the incorrectness of the charts at present in use, and the want of a complete survey of the coast.

I have, &c.,

(Signed)

J. CHATFIELD TYLER.

The Chief Harbor Master, Williamstown.

No. 5.

Copy of Letter from the Commissioner of Trade and Customs to the Secretary to the Melbourne Chamber of Commerce, dated 25th May, 1859.

D 59 | 355.

Department of Trade and Customs, Melbourne, 25th May, 1859.

I have the honor to acknowledge the receipt of your letter of the 11th instant, forwarding the copy of a resolution passed at a meeting of the Committee of the Chamber of Commerce, respecting the necessity for a survey of the coast of Australia, and requesting that the matter may be brought under the notice of the Home Government.

In reply, I have to state that the subject of the resolution in question will receive the

greatest consideration of the Government of the Colony.

I have, &c.

HENRY MILLER. (Signed)

No. 6.

Copy of a Letter from the Chief Harbor Master to the Commissioner of Trade and Customs, dated 3rd June, 1859.

No. 59 | 113.

Department of Ports and Harbors, Williamstown, 3rd June, 1859.

Sir,

In reference to your letter forwarding copy of a resolution passed at a meeting of the 20th May, 1859. Melbourne Chamber of Commerce on the ninth ultimo, drawing attention to the want of accu-

Vide Nos. 1 and 2.

2. I herewith forward extracts from my former correspondence upon the same subject, and am still of opinion that, notwithstanding the facilities we are giving mariners, by erecting additional lighthouses on our coast, a resurvey is necessary, and that it should be undertaken by the Admiralty, because it is not a local question, but one affecting the British mercantile interest very generally, and is also of considerable importance to the neighboring colonies, all of whom, as far as the vessels which frequent their ports and trade with us are concerned, are just as great sufferers from the want of complete charts as we are—indeed, probably more so; because the experience of many of the masters of our regular traders has supplied them with information

not possessed by those at a distance.

- 3. I believe that any partial survey by us would leave the position of many points undecided, which, although not on our coasts, are still of importance to vessels navigating these waters; for instance, supposing we had our own coast line re-surveyed, and published a chart of it, without including King's Island, the northern and western parts of Tasmania, and the islands in Bass's Straits, the work would only be half done and lead to confusion, as it would necessitate the existence of the old charts, and the fact that the Admiralty might not adopt ours, as I presume we would take the longitude of the observatory here found by Mr. Ellery as a starting This longitude differs nearly four miles from that inserted in the Admiralty charts, consequently the whole of the existing charts are that amount in error; so that, were we to correct the longitude of one part of the Australian coast, and the adjacent portion remain as at present, serious casualties would be the result.
- 4. A chart to be of practical service to vessels navigating these waters must embrace not only our own coasts but also the islands at the entrance of, and those in Bass's Straits, showing the soundings well to seaward—say two hundred miles off the coast; hence the necessity of the

work being done by the Admiralty.

5. The present state of our coast survey stands thus:

First.—Stokes's chart of Bass's Straits, corrected up to 1843, commencing about longitude 150 E. and terminating about longitude 143 E.; that is, from Cape Howe, our eastern boundary line, to a little beyond Cape Otway.

Second—Flinders' chart surveyed in 1802, and corrected up to 1843 by Captain

Second.—Flinders' chart, surveyed in 1802, and corrected up to 1843 by Captain The chart commences at Cape Otway, and terminates about a degree and a half

beyond our western boundary line.

6. In reference to the first (Stokes's chart), it is most valuable as far as the general navigation is concerned of Bass's Straits, the islands there, and northern part of Tasmania; but that part of the coast line known amongst seamen as the Ninety-mile Beach, namely, from the neighborhood of Gabo Island to within a short distance of Port Albert, comprising, instead of ninety, nearly one hundred and fifty miles of coast unsurveyed; in fact, a great blank, with neither headland nor inland mark put down, nor any soundings either on the coast or adjacent waters to guide the mariner. Scarcely any more is known of this part of the coast than there was in 1798, when Bass first discovered the straits which bear his name.

7. I am quite certain that for want of correct charts being published and in possession of the masters of our coasting vessels, that the annual loss of time, and consequent loss of money,

upon this part of the coast is very great.

8. My report, dated the 7th August, 1858, shows that the soundings in the neighborhood of Corner Inlet cannot now be relied on, probably because of the banks having shifted their

position since the last survey was made.

9. The coast from the Glennie Islands west to the eastern entrance of Western Port has been but roughly surveyed; and the soundings in that part of Western Port near the Bass river and northern part of the eastern entrance are found, I am informed by persons trading there, not to agree with those in the chart.

10. This great sheet of water assumes an aspect of considerable importance when viewed

in connection with its being probably the future outlet for shipping the produce of the extensive coal-fields said to exist in that neighborhood; but the survey of this port being a local work, should probably be done by the Marine Surveyor of this colony.

11. The coast from Point Lonsdale to Cape Otway is but imperfectly surveyed; for instance, Point Flinders, which, although close to the Heads, is about two miles out of its position; and the discovery recently of a sunken rock off Apollo Bay shows that a re-survey is very desirable.

12. In reference to the second chart, this part of the coast was surveyed by Captain Flinders in 1802, and corrected by Captain Stokes in 1843; the corrections, however, were, I believe, made from a hurried survey of the coast; the chart itself is the best authority. Of

its imperfections, for instance, between Cape Otway and Portland Bay, there are several portions not examined at all. Belfast is scarcely noticed, and where Warrnambool exists the coast is a perfect blank, marked as unsurveyed; yet this part of the coast is constantly being approached by steam and sailing vessels, both in our coasting trade, by vessels from Europe and India bound here, to New South Wales, Tasmania, and New Zealand, freighted annually with thousands of passengers and millions' worth of property.

13. One reason why so few persons have turned their attention to our coast and deep-sea fisheries, and the want of success in those who have, is, I think, in some measure to be attributed to the want of good harbors and anchorage upon our coast, wherein such vessels could seek shelter during bad weather. This risk would be lessened, and the fisheries, a very important branch of industry, developed, were we in possession of a carefully compiled chart, showing not only the large harbors, but every available spot where boats and small craft could anchor or be hauled upon the beach, and the soundings and nature of the bottom shown to guide them when in search of fishing ground. I believe that here and there on our coast such anchorages and small boat harbors exist.

14. In reference to the latter part of your letter, asking extracts from the "Wreck Register," I find that we have not kept copies of it, as when it was compiled and forwarded to your office, I was under the impression the register would be printed, and therefore must

refer you to it for the information sought.

15. I would however observe, that the mere fact of the register not showing that the loss of a vessel was not traceable to the want of a good chart will not convey a clear idea of the incompleteness of our charts; but the fact of their incompleteness, which shipmasters can see on the face of the charts, causes them very often to lose much valuable time in, as it were, grouping their way to their destinations, and I am quite sure has led to very narrow escapes from shipwreck, if not loss altogether.

16. I would instance the Schomberg, which vessel, with her cargo, was a loss of over one hundred thousand pounds, the master attributed the loss of his vessel to the inaccuracies of his chart; and whether that was the case or not, it is certain that the bank or reef on which she

struck is not laid down in the Admiralty chart.

17. The recent loss of H.M. brig Sappho may be considered to have taken place on some of the islands in Bass's Straits, and it is not unreasonable to suppose that the non-allowance for currents in the Straits had something to do with the mysterious disappearance of that vessel, which probably, with fuller data, the commander would have guarded against.

18. I am aware, from statements made to me by many commanders of vessels, that, after

boisterous weather, the tides and currents in Bass's Straits are often found most perplexing.

19. As the question of a coast survey affects the whole of the colonies, I would suggest that the respective governments should unite in making application to the Home Government to send out a surveying ship for the purpose of thoroughly re-surveying Bass's Straits, King's Island, the coast of South Australia, Tasmania, and New South Wales, and sounding the adjacent sea, say for the distance of two hundred miles off the coasts, beginning first with Bass's Straits.

20. I am quite sure that, in point of economy and efficiency, this work, which must be sooner or later undertaken, would be better left in the hands of the Admiralty than for each colony to survey their over coest, as irremediable discrepancies in the relative position of places

colony to survey their own coast, as irremediable discrepancies in the relative position of places surveyed by different officers would arise, and be highly injurious to navigation.

(Signed)

I have, &c., CHARLES FERGUSON, * Chief Harbor Master.

The Honorable the Commissioner of Trade and Customs.

egilandi, godin je kalendari (Albania)

No. 7.

Copy of a Letter from the Chief Harbor Master to the Commissioner of Trade and Customs, dated 1st September, 1859.

Department of Ports and Harbors, Williamstown, 1st September, 1859.

In reference to my letter, No. 113, dated the 3rd of June, 1859, respecting the re-survey

of our coasts, I have the honor again to draw your attention to the same subject.

Although the cause of the recent loss of the Admella has not yet been ascertained, I cannot avoid expressing my conviction that, unless our coasts be re-surveyed, and full accounts published of the sets of currents, &c., we may expect in these times of keen competition, when vessels are compelled to push along, to hear every now and again of wrecks on the coast.

I am strongly inclined to think that, if the steamers *Bombay* and *Havilah* really passed

so close to the wreck of the Admella as Mr. Rochfort states in his letter, dated published in the Argus of 29th ultimo, both vessels were led there by a strong indraught, or else the coast line is not properly defined; otherwise, I cannot see how these two vessels were so close in-shore at that part of the coast.

(Signed)

CHARLES FERGUSON, Chief Harbor Master.

No. 8.

Copy of a Letter from the Commissioner of Trade and Customs to the Chief Secretary, dated 20th December, 1859.

Urgent.

C 59 | 412.

Sir,

Department of Trade and Customs, Melbourne, 20th December, 1859.

The necessity for a complete and reliable survey of the coasts of Victoria having been brought very prominently under my notice by the Chamber of Commerce of this city, by the Chief Harbor Master, and by others, in connection with wrecks which have recently occurred on our coasts, I have the honor to request that you will be good enough to cause that the Government of New South Wales shall be communicated with by the first opportunity, with the view of ascertaining whether H.M.S. Herald, Captain Denham, engaged in surveying, and

now supposed to be in Sydney, is available for the purpose specified.

If such be the case, inquiry should be made as to the terms upon which the services of the *Herald* can be obtained by this Government, and the period when Captain Denham would

be in a position to commence operations.

As it is of importance that a communication should be addressed to the Imperial Government on the subject by next mail, the Colonial Secretary in Sydney should be requested to furnish a reply as soon as possible.

I have, &c.,

VINCENT PYKE,

The Honorable the Chief Secretary.

Commissioner of Trade and Customs.

No. 9.

Copy of Letter from the Chief Secretary, Victoria, to the Colonial Secretary, New South Wales, dated 31st December, 1859.

SIR,

Chief Secretary's Office, Melbourne, 31st December, 1859.

The Government of Victoria being impressed with the necessity of having a complete and reliable survey of the coasts of the Colony taken, in consequence of several shipwrecks which have recently occurred, I have the honor to inquire whether H.M.S. Herald, Captain Denham, can be spared for the purpose.

If the services of the *Herald* should be available, I have to request that you will be good enough to state on what terms they can be obtained by this Government, and when Captain

Denham would be in a position to commence operations.

I have further to request that you will be so good as to favor me with a reply at your earliest convenience, as it is of importance that it should be received prior to the departure of the next mail for Europe.

I have, &c.

(Signed)

WM. NICHOLSON.

The Honorable the Colonial Secretary, New South Wales.

No. 10.

Copy of Letter from Colonial Secretary, New South Wales, to the Chief Secretary, Victoria, dated 10th January, 1860.

No. 60 | 3.

Colonial Secretary's Office, Sydney, 10th January, 1860.

I have the honor to acknowledge the receipt of your letter of the 31st ultimo, inquiring whether Her Majesty's Ship Herald can be spared for the purpose of surveying the coasts of Victoria, and in reply, to inform you that the Government of New South Wales has no authority whatever over that vessel; but I have forwarded to Captain Denham a copy of your communication.

I have, &c.

(Sigued)

WILLIAM FORSTER.

The Honorable the Chief Secretary of Victoria.

No. 11.

Copy of Letter from Captain Denham, R.N., to the Chief Secretary, Victoria, dated 11th January, 1860.

H.M.S. Herald,

Sir,

Port Jackson, 11th January, 1860.

Your letter to the Honorable Colonial Secretary, New South Wales, desiring to know whether the *Herald* can be spared to survey the coasts of the Colony of Victoria, has been referred to me, and I have the honor to state that the Herald's duties call her to the northward of Port Jackson until otherwise disposed of by the Board of Admiralty, at the instance of their Lordships' Hydrographer, Captain Washington, R.N., F.R.S.

I have, &c.

(Signed)

H. M. DENHAM,

Captain, R.N.

To the Honorable the Chief Secretary of the Colony of Victoria.

No. 12.

Despatch from His Excellency Sir Henry Barkly to His Grace the Duke of Newcastle, dated 10th March, 1860.

No. 28.

Victoria, Government Offices, Melbourne, 10th March, 1860.

My Lord Duke,

Enclosure A.

The accompanying memorandum respecting the necessity of a more accurate survey of the southern coast of Australia has been laid before me by my advisers, and I beg most earnestly to call your Grace's attention to the matter, which is one almost beyond the ability of a Colonial Government, even if Imperial interests were not those chiefly involved.

The Australian Colonies have, during the last few years, made most liberal provision for lighting their coasts. Bass's Straits in particular will shortly be as well lighted as the British Channel; but a great deal is still wanted to render our charts complete, as will be seen from the

Chief Harbor Master's report on the subject.

Indeed, I have often heard the remark from the captains of the contract mail steamers, that no coast could be more vaguely laid down, and I know that, when sending H.M. Steamship Niger to the rescue of the survivors on the wreck of the Admella steamer a few months since, no certain information could be procured as to how many miles from land the reefs extended, though it has been since discovered that the vessels of the Peninsular and Oriental Company, on their way to and from Kangaroo Island, often pass in close proximity to them at night.

I am not of course aware of the reasons of the Lords of the Admiralty for ordering the only surveying vessel on the Australian station, H.M.S. *Herald*, to keep to the north of Port Jackson; but there can be no question that the coast of the northern portion of Queensland, where she is now employed, is uninhabited and comparatively unfrequented by shipping, and as the passages through the Barrier Reef to Tornes Straits have been made, by the voyages of Captains King, Blackwood, and Stanley, as well known as any part of the world, I would fain hope that their lordships will soon be in a position to direct Captain Denham to repair hither, where his assistance is so urgently needed.

I have, &c.

(Signed)

HENRY BARKLY.

His Grace the Duke of Newcastle, &c., &c.,

ENCLOSURE A TO No. 12.

Department of Trade and Customs, Melbourne, 8th March, 1860.

Memorandum for His Excellency the Governor.

Various representations have been made to the present and previous ministries of the great losses accruing to the shipping interests from the want of recent and accurate charts of the coast line of Victoria.

In a report furnished to my predecessor by the Chief Harbor Master, a statement is given Vide No. 6, para- as regards the charts of this Colony now in use by navigators. I enclose for your Excellency's graphs 5 to 12 information the extract in question; from which it would appear that the most reliable charts are those amended upon the survey of Captain Stokes, R.N., in 1843. These, however, as shown by the Chief Harbor Master, are in some cases deficient, and in others, from changes and various

causes, give incorrect information.

The Government of Victoria have been conducting a minute survey of Port Phillip, entirely at the expense of the Colony; but as a correct survey of our coast line is a question more immediately affecting the interests of persons in other countries, and especially in the United Kingdom, where the greatest proportion of the shipping is owned, irrespective of the valuable

cargoes which the vessels contain, it is the opinion of the Government that the work should be undertaken by the Imperial authorities. 11.1 The same with

I am aware that a vessel, H.M.S. Herald, has been for some time, and is still, employed in surveying the coast of New South Wales, under Captain Denham; of which, I would submit, in surveying the coast of New South Wales, under Captain Denham; of which, I would submit, accurate charts are not so much required as of the southern coast of Australia, the sea off which vessels trading from India, the China seas, and other parts, frequent in large numbers; and I may instance the wreck of one vessel, the Admella, which recently occurred under very melancholy circumstances, as an illustration of this. It was the opinion of a Commission, appointed by His Excellency Sir R. G. Macdonnell, to inquire into this case, that "much uncertainty appeared to exist as to the nature and velocity of the currents off the coast between Cape Jaffa and Cape Northumberland," and they "earnestly recommend that His Excellency might be pleased to cause a survey of that portion of the coast to be made, in order to ascertain the precise direction and velocity of the currents, and, at the same time, by simultaneous observations, to determine to what extent the compasses afloat or on shore are affected by local terrestrial determine to what extent the compasses afloat or on shore are affected by local terrestrial magnetic influences."

A communication was addressed, on the 20th December, 1859, by this Government to that of New South Wales, inquiring whether H.M.S. Herald could be spared to survey the coast of Victoria; and a copy of the letter in question having been forwarded by the Colonial Secretary at Sydney to Captain Denham, that officer has sent a reply to the Chief Secretary of Dated 11th Januthis Colony, in which he states that the Herald's duties "call her to the northward of Port" ary, 1860.

Jackson until otherwise disposed of by the Admiralty.

Under these circumstances, I would suggest the desirability of a despatch being addressed to the Secretary of State, requesting that the Lords Commissioners of the Admiralty may be moved to instruct the *Herald*, or some other suitable vessel, to perform the service of surveying the coast line of Victoria; and that, as the matter is one of urgent importance, the work may be commenced at the earliest possible period.

(Signed) VINCENT PYKE. Commissioner of Trade and Customs.

6 | 60.

Executive Council Chambers,

Sir,

Melbourne, 19th April, 1860.

I have the honor to enclose, for your Excellency's perusal, a copy of a letter which I have received from the Hydrographer of the Admiralty, relative to a survey of the coast of Victoria, in reply to one which your Excellency is aware I addressed to that officer in the latter part of last your proposition birs to form the latter and the latter of last your proposition birs to form the latter of last your proposition birs to form the latter of last your proposition birs. part of last year, requesting him to favor me with his views upon the best mode of accomplishing so desirable a work.

I was induced to make this communication to the Hydrographer, from the anxiety which has been shown for some years past, by succeeding Governments, and by the merchants and ship owners, to obtain a correct chart of our coast line; and having been employed in my profession for many years under the Hydrographical Department of the Admiralty, I knew by experience that the most likely mode of effecting the object in view was, in the first instance, to obtain the official support of the Hydrographer; without which the Lords Commissioners of the Admiralty (from the press of more important business) would most likely be unable to entertain

a proposal on the subject.

Your Excellency will readily perceive that, if a maritime survey of our Colony, from the mouth of the Glenelg to Cape Howe, is ever to be made, the present time is favorable for its accomplishment; and I believe I am correct in stating that, however skilfully a survey might be conducted by officers under the direction of the Local Government, their charts would not be adopted by the Admiralty; and that, unless the survey was carried out by officers under the control of the Hydrographer, the charts would not be published with their official sanction. The general utility of the charts would therefore be greatly destroyed by the absence of this official sanction, and it would certainly prevent their obtaining that general confidence from the shipping interest at large which the survey might otherwise merit.

I trust that your Excellency's Government will not find it incompatible with other interests to accept the offer of the Hydrographer, and that before many months have elapsed we may have the satisfaction of knowing that this desirable work is in a fair way of being

thoroughly accomplished.

I have the honor to be,

Your Excellency's obedient servant,

(Signed)

J. H. KAY, Commander R.N.

His Excellency Sir Henry Barkly, K.C.B.

[COPY.]

K. 6 | 60.

London, Admiralty, 18th February, 1860.

I have to acknowledge the receipt of your letter of the 17th December, in which you express the desire of the Colony for a survey of the coast of Victoria, and ask if any aid will be afforded by the Home Government.

In reply, I have to state that I am quite sure I do but express the intentions of the Lords Commissioners of the Admiralty when I say that they will be quite ready to meet the

Colony more than half way in the cost of such a survey.

From a good deal of experience in surveying, I am satisfied that the most economical mode of conducting such a survey would be to send out a small party of qualified officers, who, with boats or a small sailing vessel, or occasionally by hiring a small steamer, would be enabled to survey all the harbors, and the coast line out to low water mark, and probably out into ten fathoms depth, at a very slight expense. When this was done, and beacons set up in all the most prominent positions, a suitable steamer would, in the course of one or two seasons at most, complete the off-shore soundings, and you would have your survey finished.

I think that five years should accomplish all you require.

The first step, then, will be, that the Government of Victoria should apply to the Admiralty, through the Colonial Office, for such a Nautical Survey, and state their willingness to bear half the expense.

As soon as this is done, I will take care to have officers prepared; most likely a master in the Navy, with one or two assistants, and they shall leave Liverpool in the next clipper ship

for Melbourne.

I consider that the expense of the boat survey can hardly exceed, even in Australia, £4000 a year,—it may be much less,—it would be about £2,500 in England. The Admiralty would provide chronometers, instruments of all kinds, competent officers, and pay them their salaries and allowances. The Colony would find the means of locomotion, boats crews, &c., which would be about one half the cost.

When the ship became necessary, the expense would increase to, from £8000 to £10,000 a year; and I have little doubt but that the Admiralty would continue to bear half the expense. I am supposing a steamer of about 700 tons, sent from England for the purpose; but it is

probable the Colony would find a more economical mode of effecting this work.

Flinders, Stokes, Owen Stanley, Ross, and others, have already done much towards the work, and possibly the Colony has organized a land survey, and has triangulated a part of the country; if so, and the secondary triangles are extended to the coast, much of our labor, and consequently cost, would be spared. If no such survey has been set on foot, but that one is contemplated, it might be so arranged that the parties should mutually aid each other.

I have only to add the offer of my cordial co-operation in every way in carrying out so desirable a work, and my conviction that the Colony would never regret having undertaken it

at once.

I am, Sir,

Your obedient servant,

JOHN WASHINGTON,

Hydrographer.

Commander Kay, R.N., F.R.S.

REGISTER

 \mathbf{OF}

WRECKS AND CASUALTIES TO SHIPPING

FOR THE YEAR ENDING 31st DECEMBER,

OG OB

1859.

14
REGISTER of WRECKS and CASUALTIES to

			,		REGI	ISTER (or wre	cks	and Cas	UALTIE	s to
Date.	Name of Vessel.	Rig.		Men.	, From.	Cargo.	Wind		Weather.	Hour and Time of	ates passed
Daw.	Where Belonging.	Rig.	Tons.	men.	Bound to:		Direction.	Force		Tide.	Master or Mates passed Examination.
1st Feb.	Ruby, Melbourne	Brig	143	9	Newcastle to Melbourne	Coal	s.w.	10	Squally	3 p.m.	•••
24th Feb.	E. Norris, Boston, U.S.	Ship	1200	30	Boston	Lumber and flour	S.E.	9	Clear	4 a.m.	•••
19th May	Leopold, Gefle, Sweden	Bque.	400	16	Mauritius	Ballast	N.W.	2	Dark	8 p.m.	•••
8th June	George Marshall, London	Ship	1200	35	London to Melbourne	General	w.	10	Fierce squalls, with rain	8 p.m.	•••
14th Oct.	St. George, P. and O. coal- hulk	Hulk	700			Coal	***	•••	Calm	3 a.m.	.
16th Nov.	Herald of the Morning	Ship	1227		Liverpool	General	w.	4	Clear	0.15 a.m.	
13th Dec.	Wave, Melbourne	Sch.	105	6	Refuge Cove to Port Albert	Stone	w.s.w.	. 10	Squally		
14th Dec.	Margaret Nichol, Melbourne	Sch.	118	5	Newcastle to Melbourne	Coals	s.s.w.	10	Squally	5.20 p.m.	
23rd Dec.	Thistle, Melbourne	Stmr.	175	•••	Melbourne to Port Albert	General	E.	4	Fine	5.40 p.m. (low water)	•••
31st Dec.	Marilla .	Bque.	700	16	New York	Lumber				2 a.m.	

SHIPPING for the Year ending 31st December, 1859.

Vessel's	,	Vessel.		Cargo.	.ost.			
how classed at Lloyd's.	Esti- mated Loss on.	Insured for and where.	Esti- mated Loss on.	Insured for and where.	No. of Lives Lost.	Site of Casualty.	Remarks.	Authority.
•••	£ 750	Newcastle	£ 300	Newcastle	•••	100 miles S.W. of Cape Howe	The crew, with the master's wife and two children, were rescued by the Tayfield, schooner, John Wilson, master. The vessel sank about twenty minutes after the last person was got out of her.	÷
	10,000	···			•••	Hobson's Bay	This vessel took fire at her anchors, was towed out of the harbor, scuttled, and sunk; burnt to the water's edge. Magisterial inquiry held at Williamstown; but no evidence as to cause of fire was adduced.	
•••	3,000	Gefle	•••			Hobson's Bay	This vessel took fire at her anchors, was towed out of the harbor, scuttled, and sunk; burnt to the water's edge. Coroner's inquiry held at Melbourne; but no evidence as to cause of fire adduced.	
4 years, A1 12 years	•••		•••		•••	Reef to the southward of Gellibrand's Point	Went ashore while in charge of a pilot; the weather thick and rainy; was lightened, and got afloat without receiving any damage.	
•••		•••	•••	•••	•••	Hobson's Bay	This coal hulk overladen, and the pumps not attended to, filled with water, and sunk at her anchors; was afterwards pumped out and got afloat.	
••••	12,000	Liverpool	14,000	•••		Hobson's Bay	This ship took fire at her anchors, was scuttled in several places, and afterwards towed on the beach.	
•••		•••		•••		Port Albert Bar	Drove on shore from her anchors, and became a total wreck.	
•••				•••		12 miles to south of Gabo Island	Lost rudder and sprung a leak at sea; sought shelter under Gabo Island, where leak increased, and vessel sank in ten fathoms. Crew supplied with shelter and provi- sions by lighthouse keepers, Gabo Island.	-
•••)*** -	•••			Port Albert Bar	Struck on Port Albert bar at nearly low water and became a total wreck. Inquiry into cause of wreck held by the Steam Navigation Board.	
•••			•••			Hobson's Bay	Took fire at her anchors, was scuttled, towed on St. Kilda shoal, and burnt to the water's edge.	

BY AUTHORITY:

JOHN FERRES, GOVERNMENT PRINTER,
MELBOURNE.

VICTORIA.

CROWN LANDS.

RETURN TO AN ORDER OF THE LEGISLATIVE COUNCIL. THE HONORABLE G. S. COPPIN.—14TH MARCH, 1860.

LAID UPON THE COUNCIL TABLE BY THE HONORABLE T. H. FELLOWS 19TH APRIL, 1860, AND ORDERED BY THE COUNCIL TO BE PRINTED 26TH APRIL, 1860.

CROWN LANDS.

RETURNS showing the Total Number of Acres of Land contained in the Colony of Victoria, Total Areas Surveyed, Sold, Leased, and open to Purchase by Selection, and Average Price per Acre.

1. Total Number of Victoria	of Acres	contained in	the 	Colony }	55,644,160	0	0
2. Number of Acre	s Surveyed	to December	31st,	1859	5,691,481	1	2

3. Number of Acres Sold, and Average Price per Acre—

		Area.	Average Price per Acre.		
Town	•••	10,281	0	25	£196 3 8
Suburban	•••	194,796	1	14	6 6 11
Country	•••	3,296,518	2	6	1 11 9

4. Number of Acres Leased and Average Rent per Acre-

28,675,829 acres Average Rent per Acre. $\frac{25}{28}$ ths of a farthing.

5. Number of Acres open to Selection on March 24th, 1860, and Average Price-Average Price per Acre. 259,630 1 27

JAMES SERVICE, Commissioner of Lands and Survey.

Department of Lands and Survey, Melbourne, 3rd April, 1860.

VICTORIA.

COUNTRY LOTS.

RETURN TO AN ORDER OF THE LEGISLATIVE COUNCIL. THE HONORABLE W. H. F. MITCHELL.—22ND MARCH, 1860.

RETURN showing the Number of Acres sold as Country Lots during the Years 1857, 1858, 1859, and up to the present time, at £1 per acre, and the Number sold in each of these Years at a price over £1 per acre, with the Amount realized for the same.

LAID UPON THE COUNCIL TABLE BY THE HONORABLE T. H. FELLOWS, 19TH APRIL, 1860, AND ORDERED BY THE COUNCIL TO BE PRINTED, 26TH APRIL, 1860.

RETURN showing the Number of Acres of Country Lands sold at the upset price of £1 per acre, and over £1 per acre, during the Years 1857, 1858, and 1859, and to the 31st March, 1860, with the Amount realized for that over £1 per acre.

		•			*****		Over £1 P	er A	CRE.			
	AT £1 PER ACRE.			Extent.			AMOUNT.					
·			,	А.	R.	Р.	A.	R.	Ρ.	£	s.	d.
1857	٠	•••	•••	261,851	1	22	221,559	1	2	510,752	15	11
1858	•••	•••	•••	126,867	2	10	122,280	3	31	276,225	3	2
1859	•••	•••	•••	312,784	0	25	138,830	3	24	306,987	5	10
From 1st Ja	nuary	to 31st March	, 1860*	53,080	3	13	18,644	0	35	35,862	. 2	11
		TOTAL	•••	754,583	3	30	501,315	1	12	£1,129,827	7	10

^{*} The items in this line are only approximate, as many of the final returns of Lands purchased at auction in March are not yet due.

JAMES SERVICE, Commissioner of Lands and Survey.

Crown Lands Selection Office, Melbourne, 13th April, 1860. .

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1859-60.

VICTORIA.

WRECKS AND CASUALTIES.

LAID UPON THE COUNCIL TABLE BY THE HONORABLE H. MILLER, 22ND FEBRUARY, 1859, AND ORDERED BY THE COUNCIL TO BE PRINTED, 16th MAY, 1860.

By Authority:

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DEPARTMENT OF PORTS AND HARBORS, VICTORIA.

REGISTER OF WRECKS

ANI

SERIOUS CASUALTIES TO SHIPPING WITHIN THE PORTS AND UPON THE COASTS OF VICTORIA AND KING'S ISLAND

FROM

1835 to 1858.

21st February, 1859.

REGISTER of Wrecks and serious Casualties

					REGIS	TER of V	VRECKS	and	serious	CASUALT	ries	
Date.	Name of Vessel. —— Where Belonging.	Rig.	Tons.	Men.	From. Bound to.	Cargo.	Direction.	Force.	Weather.	Hour and Time of Tide.	Master or Mates passed Examination.	
		!									<u> </u>	1
									PORT	r PHIL	LIP	
1840. Nov. 1	William Salt- house, Liverpool	Brig	250	•••	Liverpool to Melbourne	General	S.E.	4	Clear	Noon	•••	
Feb. 14	Hero, Aberdeen	Brque.	276		Geelong to London	Wool	•••	••• .				
1850, Sept. 1	Clarence, Hobart Town	Schr.	64		Melbourne to Hobart Town	Ballast	S.E.	5	Clear	4 a.m.	•••	
Apr. 28	J. T. Foord, Liverpool	Ship	600		Liverpool to Melbourne	Emigrants		···	•••		•••	
1852. Feb. 18	Thames, Melbourne	Stmr.	80		Melbourne to Geelong	Passengers	s.w.	8	•••	3 p.m.	•••	
Aug. 2	Abberton, London	Brque.	451		Melbourne to London	Wool and gold	S.	4	Clear	Night	•••	
Aug. 2	Faugh a Ballaugh Sydney	Brque.	300		Sydney to Melbourne	Coals	Е.	10	Thick		•••	
Aug. 6	Barbara, Melbourne	Schr.	35	4	White Cliffs to Melbourne	Lime	N.	10	•••	•••	•••	
Oct. 16	Ottillia, London	Ship	930		Liverpool			•••	•••		•••	
					·							
Dec. 6	Cossipore, London	Ship	707		Geelong to India	Ballast	S.	6	Clear	Noon (H.W.)		
1853. Mar. 1	South Sea, London	Ship	953			•••	S.E.	10	Clear	7 a.m.		
May 13	Courier, Sydney	Brig	220		Sydney to Melbourne	General	N.	10	Clear	Night (low water)		
May 21	Resolute, New York	Ship	1000		New York to Melbourne	Flour	w.	6	Clear	Noon (half flood)		
Sept. 13	Julia, Boston, U.S.	Brque.	300	•••	Melbourne to Callao	Ballast	N.	8	Clear			
Sept. 14	Anthracite, Hull	Brque.	300	•••	London to Melbourne	General	N.	2	Hazy	Night (low water)		
Sept. 16	Protector, Bristol	Ship	400			Timber	N.	8	Fine	3 a.m.		
Sept	Nut Brown Maid Melbourne	Schr.	35	4	Melbourne	•••	•••		•••			
Sept	Mary, Melbourne	Cutter	45	4	Melbourne		N.	10	Clear			
Sept	' Petrel, Melbourne	Cutter	16	3	For Melbourne	Timber	N.	10	Clear			

Vessel's		Vessel.		Vessel. Cargo.		ves Lost.			
	Age and how classed at Lloyd's	Estimated Loss on.	Insured for and where.	Estimated Loss on.	Insured for and where.	Number of Lives Lost	Site of Casualty.	Remarks.	Authority.
- 1	BAY.								,
•		£		•••	***		Pope's Eye Shoal	Struck on Point Nepean reef; drifted on the Pope's Eye shoal, sank, and became a total wreck	Records, Harbor De- partment.
	•••	:	•••	•••	•••	•••	Point Henry	Took fire, scuttled, and sunk; afterwards repaired	"
		500		•••	. ***	•••	Sands between West Channel and shore of Indented Head	Parted from her anchor and drove on the west sand. Became a total wreck	, 27
	•••	•••	•••	•••	•••		Symonds's Channel	Attempting to get through the channel without a pilot, grounded, and, after discharging passengers and part of cargo, got off without damage	39
	,	3000	•••	•••	•••	•••	Near Point Cook	Struck on a reef off Point Cook; ran ashore to save the lives of the passengers. Became a total wreck	33 , 364,
	, 	•••	· · • • •	····	•••		Near Indented Head.	Ran ashore on Prince George's bank; passengers and gold landed by Government schooner, <i>Empire</i> , which vessel assisted to heave her off	
	••• i	800	~**	•••			West bank of West Channel	Anchored in the west channel with too short a scope of cable; drove on the west bank, and became a total wreck	"
			•••		•••		White Cliffs	Dragged ashore. Became a total wreck	,,
	•••			•••	•••	•••	Off Point Gel- librand	Struck by lightning whilst sailing up Port Phillip Bay; main royal mast shivered to pieces; passed down mainmast, destroyed one of the pumps, burst open a number of the passengers boxes, one of which contained a quantity of gunpowder, which exploded; three of the crew injured slightly	22
		•••			•••		Prince George's Bank	Ran ashore on her passage to the Heads; <i>Empire</i> employed four days in rendering assistance	11
	•••		•••		•••		Anchorage, Hobson's Bay	Drove foul of ship Clara Symes, carried away her bowsprit, foremast, and mizenmast; afterwards drifted athwart the ship Mangerton, cut away mizenmast, South Sea losing her rudder, and sustaining other damages.	
		•••	•••	***			Point Gelli- brand's Reef	Ran on the reef while beating up the Bay; the Government schooner, <i>Empire</i> , went alongside, lightened her, and assisted in getting her off. Had she remained on the reef she would have gone to pieces, as a heavy gale set in immediately afterwards	
							South Channel, near Point King	from S.W. This vessel was run ashore whilst navigating the south channel; part of her crew deserted; assistance rendered by the Government schooner, <i>Empire</i> , and got afloat.	
	•••	•••					Near Short- land's Bluff	Caught fire at her anchors off Shortland's Bluff; slipped chain and ran her ashore at Quarantine ground and souttled her; afterwards got her afloat and repaired her.	
			•••				Gellibrand's Point Reef	This vessel grounded on Gellibrand's Point reef during the night; the Government schooner, <i>Empire</i> , went to her assistance, ran out the anchor and 75 fathoms of chain, and got her off the following tide without	
	6 yrs.,	2000		<i>,</i>			Hobson's Bay	mjury. Took fire at anchor; was towed on the beach near Sandridge and broken up.	
	Å 1 4 years		•••			4		Proceeded down Port Phillip Bay and never heard of.	
		-				•••	White Cliffs	Parted from her anchors. Became a total wreck.	
							Sullivan's Point	Parted from her anchors. Became a total wreck	"

					REGIS	TER of V	VRECKS	and	serious	Casualt	TES
Date.	Name of Vessel. —— Where Belonging.	Rig.	Tons.	Men.	From. Bound to.	Cargo	Direction.	Force.	Weather.	Hour and Time of Tide.	Master or mates passed. Examination.
			·		************************************				PORT	r PHIL	LIP
1853. Oct. 8	Will-o'-the-Wisp	Schr.	150		Auckland to Melbourne	Timber	n.w.	2	Clear	11 a.m.	
1854. Jan. 26	Marco Polo, Liverpool	Ship	1660		Liverpool to Melbourne	General, and passengers	w.	6	Clear	10 a.m. (ebb)	
Feb. 27	West Wind, Melbourne	Stmr.	500		•••	Ballast	w.	6	Clear	•••	
Mar. 27	Staadt Amster- dam, Amsterdam	Ship	800		London to Melbourne	General	S.S.E.	2	Clear	Noon (flood)	
Apr. 26	Columbia, Boston, U.S.	Brque.	500		From Boston	Timber	s.	6	Clear	•••	
July 11	Matilda Watten- bach, London	Ship	•••		Melbourne to India	Ballast	s.	4	Clear	Day time	
July 20	United, Shields	Brig	200		London to Melbourne	General	s. W	8	Clear	Noon (flood)	
Nov. 17	Camperdown, London	Ship	1100		Plymouth to London [Query—to Mel- bourne]	Troops	N.	6	Clear	8 a.m. (flood)	
1855. —	Statesman, London	Ship	874		London to Geelong	Wool	•••		Clear		
1856. June 6	Arthur the Great, London	Ship	1800		London to Geelong	Govern- ment Emi- grants	•••			•••	
July 25	Eliza Anne,	Brque.	350		Melbourne to China	Ballast	w.s.w.	4	Clear	10 a.m. (ebb)	
Aug. 17	Lawrence Frost, London	Ship	1600		London to Melbourne	General	N.	9	Clear	10 a.m. (flood)	
Sept. 24	Mountain Maid, Melbourne	Brig	160		Manilla to Melbourne	Sugar and rope			Clear	••.	
1857. July 3	Protectress, London	Brque	200		London to Geelong	General	N.	7	Clear	Noon (flood)	•••
July 9	Johanna, Melbourne	Schr.	40		Port Phillip Heads to Melbourne	Lime	N.	6	Clear		
Oct. 9	Notion, Melbourne	Schr.	150	•••	Newcastle, N.S.W., to Melbourne	Coals				•••	
					•				POI	RT PHI	LLIP
1848. June 8	Thetis	Schr.	120		Sydney to Melbourne	General	s.w.	10	Thick	3 a.m.	
June 8	Sophia	Schr	. 58		Hobart Town to Melbourn		s.	10	Thick	Mid- night (flood)	

1			1			1 1	•	
Vessel's Age and	Ves	ssel.	Cn	go.	ives Lost.			·
how classed at Lloyd's.	Estimated 'Loss on.	Insured for and where.	Estimated Loss on.	Insured for and where,	Number of Lives Lost.	Site of Casualty.	Remarks.	Authority.
BAY—c	ontinu	red.	ı					
•••	£ 800					East bank of West Channel	Missed stays while beating up the West Channel, drove on the east bank. Became a total wreck	Records, Harbor De-
•••	•••	•••	:	***	•••	Near Short- land's Bluff	This vessel grounded while getting under weigh, was lightened by steamers and lighters, and assisted by the crew of the Government schooner, Empire	partment.
	•••	•••				Hobson's Bay	Took fire at anchor; was towed on the beech near Sandridge. Total wreck	"
•••		•••				Near Pinnace Channel	This vessel missed stays, and drifted on the bank. <i>Empire</i> was employed four days in rendering assistance and getting the ship afloat	,,,
•••	•••			, 		Hobson's Bay	Took fire at anchor, was towed on the beach near Sandridge; sunk, and became a total wreck	"
•••	•••	••• ·	•••			Hobson's Bay	Missed stays, and came in contact with the <i>Perthshire</i> , which vessel had her yards carried away. <i>Matilda Wattenbach</i> lost her rudder.	
	•••	•••		•••			This vessel was run ashore by the master, who would not await the services of a pilot at the Heads. The Government schooner, <i>Empire</i> , was employed four days in lightening and heaving the vessel off, the master	
•••	•••	•••	•••	•••		Near Swan Point	having left the day after the vessel grounded. Grounded in the West Channel while attempting to stay; was got afloat without damage, assisted by the Government schooner, <i>Empire</i> .	
•••	•••	•••	•••		•••	Near Point Henry	Took fire, spontaneous combustion, scut- tled and sunk, was afterwards got affoat and repaired	,,
•••	***	•••		***	;	Near Point Wilson	This vessel was run aground while working up Geelong Bay in the night time; was assisted by H.M. ships <i>Vicioria</i> and <i>Empire</i> ; had to discharge nearly all her cargo, and part of her ballast, before she could be got affoat	"
•••	•••	•••	•••	•••	•••	Between Short- land's Bluff and Point Lons- dale	Stood too far in shore; grounded on the rocks. The Government schooner, Empire, went to her assistance, and ran out an anchor with 75 fathoms of chain; hove her afloat. Had not timely assistance been rendered the vessel would have been seriously damaged	33
•••	•••	•••	•••		#	Near Observa- tory Point	This vessel was run ashore in consequence of the anchor being let go by accident. Got afloat and proceeded to Hobson's Bay, and discharged cargo. (Subsequently on her passage to Sydney for repairs was totally lost)	"
•••					•••	West Channel	Came into collision with the Queen, steamer, and sunk. Became a total wreck	"
•••		•••			•••	Swan Point	Ran inside the Heads without a pilot and grounded; was got affoat by the crew of the <i>Empire</i> , assisted by a steam tug	**
•••						West bank of West Channel	Drove from her anchors on the west bank. Became a total wreck	"
•••	•••		•••	•••	2	Near Swan Spit	Ran aground; two men drowned while attempting to run out an anchor in the boat. Got off	"
HEADS	5.	'	· , ·		•	· ·		•
	•••			•••		Point Lonsdale reef	Ran on Point Lonsdale reef entering the Heads. Total wreck	Records, Harbor De-
3 years	•••				1	Point Nepean	Struck on rock two miles east of Point Nepean, was drifted within the Heads with flood tide, and grounded on Mud Island; afterwards got afloat and repaired	partment.

					REGIS	TER of	WRECKS	and	serious	CASUAL	TIES	3
Date.	Name of Vessel.	Rig.	Tons.	Men	From.	Cargo.	Wind.		Weather.	Hour and Time of	ates passed	
	Where Belonging.	125,			Bound to.	- Ciargo:	Direction.	Force.	Wolther.	Tide.	Master or Mates Examination.	
					·			•	POR'	r PHIL	LIF)
1849. A pr. 24	Princess Royal, China	Brque.	462		China to Melbourne	Tea			Clear	Night (ebb)		
1850. A pr. 16	David, Hobart Town	Schr.	80		Hobart Town to Melbourne	Timber	s.w.	4	Clear	Night (flood)		
1852. Apr. 21	Isabella Watson, London	Ship	434		London to Melbourne	General	S.E.	2	Clear	Day (strng. ebb)		
Sept. 15	Portland, Hobart Town	Schr.	70		Tasmania to Melbourne	Timber	s.	3	Clear	Night (flood)		
Sept. 15	Conside, Shields	Stmr.	250		Sydney to Melbourne	General	s.	3	Clear	Night (flood)		
Dec. 28	St. George, London	Ship	600		London to Melbourne	General	S.S.E.	3	Clear	Day (strng. ebb)		
1853. Apr. 20	Winchester, Bristol	Ship	450		Hobson's Bay to India	Ballast	S.E.	2	Clear			
Apr. 24	Sacremento	Ship	450		London to Melbourne	Emigrants	w.	2	Fine	Night (ebb)	•••	
May 28	Frisk, Liverpool	Brig	220		Liverpool to Melbourne	General	s.w.	10	Clear	Night		
June 30	Sea, Liverpool	Ship	800		Hobson's Bay to South America	Ballast	S.S.E.	7	Clear	Night (ebb)	•••	-
June 30	Columbine, Yarmouth	Brig	237		Yarmouth to Melbourne	General		3	Clear	Night		
Aug. 14	West Wind	Stmr.	500		Adelaide to Melbourne	General	•••	•••	•••	4 a.m.	•••	
Oct. 7	Marchioness, Melbourne	Schr.	208	•••	London to Melbourne	General	•••	•••	Clear	— a.m.		
Nov. 15	Ontario, Glasgow	Ship	600		Glasgow to Melbourne	General	s.w.	2	Clear	Day (ebb)		
Nov. 15	<i>Marie</i> , Bordeaux	Ship	400	•••	Bordeaux to Melbourne	Wine	s.w.	2	Clear	Day (ebb)		
1854. Apr	Lady Harvey, Glasgow	Brig	300	•••	London to Melbourne	General		3	Clear	Day (ebb)	•••	
Apr	Antoinette Cezard Bordeaux	Ship	780	h.	London to Melbourne	General	s.w.	5	Clear	Day (ebb)	•••	
	Antares	Schr.	150		•••	•••	•••		•••		•••	
Dec. 29	Prince of the Seas, Glasgow	Ship	1400	•••	Glasgow to Melbourne	General	w.	10	Thick	6 p.m. (flood)	•••	
1855. Feb. 28	J anet	Brig _,	230	•••	Newcastle, N.S.W., to Melbourne	Coals	E.	4	Hazy	2 p.m., last qurtr. (ebb)	•••	

Vessel's Age and	Ve	ssel.	Cas	rgo.	ives Lost.			
how classed at Lloyd's.	Estimated Loss on.	Insured for and where,	Estimated Loss on.	Insured for and where.	Number of Li	Site of Casualty.	Remarks.	Authority.

HEADS—continued.

8 years,	to have ame unded to tally ,,
A 1 12 years	to have ame unded totally ,,
reef 12 years, 9 Point Nepean Reads, and became a total wreck cargo saved Point Nepean reef Entering the Heads, supposed struck on the Corsair rock, became a total wreck cargo saved	to have ame unded to tally ,,
A 1 reef struck on the Corsair rock, beer manageable, and was totally wreck	ame unded ", totally ,,
	through
reef lost	through
5 years, 4000 8 Point Lonsdale reef following the lights of the Portland, the reef, and became a total wreck	
Point Nepean Struck on the Corsair rock ente Heads; ran aground in Swan Ba afterwards got afloat and repaired.	
16 years, Port Phillip Burnt while lying at anchor of land's Bluff. Became a total wrec	
3 years, A 1 12 years Total	
18 years, 2000 5 Point Nepean Drove on the beach east of Point with both anchors down, in a sou gale. Total wreck.	
10 years 6 years 6000 17 Point Nepean Missed stays while attempting to out through the Heads; struck on in Nepean reef, and became a total	nside of wreck.
The master took his ship to sea continue advice of the pilot.	
15 years, 3000 8 Between Point Lonsday Roint Flinders, while in charge of Became a total wreck.	a pilot.
Near the Barwon Heads West Wind ran into the pilot sa Anonyma, and did considerable day The schooner was lying-to to put a poard.	amage.
Point Nepean This yessel struck on Point Nepean while entering the Heads; was after boarded by a pilot and run ashore in Bay; was taken up to Melbourne a paired.	rwards n Swan
7 years, 5000 Nepean reef Struck on the Corsair rock on eithe Heads, and was run aground in Bay. Afterwards got affoat and rep	n Swan
Corsair rock Struck on the Corsair rock on enter Heads, and was run aground in Swan Was afterwards got affoat and repair	n Bay.
14 years, Point Lonsdale Struck on Point Lonsdale reef on er the Heads; was towed inside by a ste sank near the lighthouse, and become total wreck.	eamer;
Corsair rock Struck on the Corsair rock while er the Heads. Was run aground in Swa	ntering n Bay.
Point Nepean Ran on Point Nepean. Went to pi	"
Corsair rock Struck on the Corsair rock while er the Heads; was run ashore at Poin to save the ship from sinking; was wards got afloat and repaired	t King "
Point Nepean Struck on end of Point Nepean reet assisted off by pilot and crew of sch	f; was

	·				TEGIS.						
Date.	Name of Vessel.	Rig.	Tons.	Men.	From,	Cargo.	Wind.		Weather.	Hour and	ates passed
	Where Belonging.		,		Bound to.		Direction.	Force.	V d	Tide.	Master or Mates passed Examination.
									POR	r PHIL	LIP
1856. Dec. 26	Anne and Eliza- beth, Launceston	Schr.	54		Launceston to Melbourne	Timber	s.	5	Thick.	Night	
1857. Mar. 1	Amicus, Adelaide	Schr.	140		Adelaide to Melbourne	General	•••	4	Clear	Night	
Oct. 13	Nonpareil	Brque.	180	•••	Adelaide to Melbourne	Flour, wool, &c.	•••		•••	Mdnght. (flood)	
1858. Sept. 1	Formose	Ship	900	•••	Melbourne to China	Wool	n.w.	6	Clear	7 p.m.	
			l	}	, · · ·					20.00	1
						,				COAST	OF
1838. Apr	Isabella, Launceston	Brque.	380		Launceston to —	Live stock	S.E.	•••	•••	•••	
Aug	Minerva, Launceston	Schr.	110		Portland to Launceston	Oil	s.s.w.	10	•••		
Dec	Children, Launceston	Brque.	280		Launceston to Adelaide	•••	w.	10	Clear	11 p.m.	
1842.	Paul Pry, Launceston	Schr.	50		Launceston to Melbourne	•••	s.w.	9	Thick		
1848.	Elizabeth, Melbourne	Brig	200		Melbourne to Launceston	Ballast	S.E.	4	Clear	6 p.m.	
1850. Oct	Captain Cook, Adelaide	Schr.	74		River Mersey to Adelaide	Timber	S.	10	Clear	6 p.m.	
1851. Aug	Marie, Bremen	Brque	450		Adelaide to Sydney	General	s.	10	Thick, rainy	Night	
1852. Aug	Elizabeth, Adelaide	Schr.	80		Melbourne to Adelaide	Ballast	S.	8	Thick	Night	
1853. Mar	<i>Merope</i> , Swan River	Brque	311		Portland to Swan River	Ballast			Clear		
May	Monumental City, Boston	Stmr.	300		Melbourne to Sydney	General and pas- sengers			Clear	•••	
June 24	Earl of Charle- mont, Liverpool	Ship	839		Liverpool to Melbourne	Emigrants		4	Clear	Daylight	
1854.	Jemmy, Bristol	Brig	214		Bristol to Melbourne	General			Clear		
1855. Dec. 29	Schomberg, Liverpool	Ship	2500		Liverpool to Melbourne	General	S.E.	2	Clear	•••	
1856. Nov. 10	Flying Arrow	Ship	1100		Melbourne	Ballast	s.w.	10	Thick		
1857. Aug. 24	Champion, Melbourne	Stmr.	300		Melbourne to Port Fairy	General			Clear	Night	
_	River Chief,	Brig	145		Melbourne to Western Port		S.E.	10	Thick		
1858. Feb. 13	Eli Lafond	Ship			China to Melbourne	Tea	·	6		1.30 a.m.	

to SHII	TING I	rom 18	999 10	1000	· .			
Vessel's Age and how		ssel.	Car	go.	ives Lost.	Site of Casualty.		
classed a Lloyd's.	Estimated Loss on.	Insured for and where.	Estimated Loss on.	Insured for and where.	Number of Lives Lost.	Site of Casuarty.	Remarks.	Authority.
	-		 '		<u> </u>			
HEAD	S—con	tinued.						
	£ 500	•••,	£	•••	•••	Nepean reef	Lost on Nepean rock on entering the Heads. Total wreck	Records, Harbor De- partment.
1	900	••• t		•••	1	Corsair rock	Struck at the back of the Nepean reef entering the Heads. Became a total wreck.	partment.
		•••	•••	•••	4	Point Lonsdale	Master and three men drowned. Part of the cargo saved by the pilots and crew of the <i>Empire</i> .	
	•••		•••	•••	•••	Near the West Channel	Royal Shepherd came into collision with Formose, carried away her cutwater, and did other damage.	r v i F
VICTO	RIA.		'		•			,
	•••		•••	•••		Cape Nelson	Ran on shore, with studding sails set, during the night, through an error in the reckoning and a bad look out.	
				•••		Six miles to the north of Port- land	Parted from her anchors; drove on shore. Was afterwards got off and repaired.	
	•••		•••	•••	14	Bold Projection	Ran ashore through an error in the reckoning and a bad look out. Became a total wreck.	
	•••		•••		 3	Cape Schank	Capsized in a heavy squall, filled and sank.	
2 year	s		•••			Cape Schank	Drifted on shore in a light breeze and a heavy swell. Became a total wreck.	
4 year	s 700	•••	•••	•••	•••	Cape Grant	Driven on shore, having lost her sails through deficient running gear; became a total wreck.	
			•••		All lost		Ran on shore in the night. Became a total wreck.	-
	600			•••	•••	Near Cape Otway	Ran ashore in the night through an error in judgment and a bad look out. Total wreck.	
	•••	•••		•••		15 miles to the east of Portland	Ran on the beach with all sail set, through a bad look out. Became a total wreck.	
	7000		•••	•••	33	Gabo Island Barwon Heads	Ran on shore in the night in fine weather, while on her passage to Sydney. Became a total wreck. Ran on shore through the day by a gross	·
4 years A 1 4 years		****	•••	•••	•••	Darwon Heads	error in judgment, and became a total wreck	"
9 year A 1 8 year				•••		10 miles west of Cape Otway	Drifted ashore in a calm, and became a total wreck	"
First voyage	50,000	•••	80,000	•••	•••	Curdiss Inlet, 35 miles to the west of Cape Otway	Stood too close in to the beach, grounded while attempting to wear ship, and became a total wreck	"
•••				•••	•••	Near King's Island	Dismasted at sea; 13th, anchored off King's Island, was rescued and towed into Hobson's Bay by the steamer Marion, chartered by the Government of Victoria for that purpose, and assisted by a boat's crew from H.M. brig Fantome	7)
	•••	• • • •		•••	32	i	Collision with <i>Lady Bird</i> , steamer. Sank in a few minutes	**
•••	600			•••	···	Near Black Head	This vessel parted her chains, drove on shore, and became a total wreck.	4
	3000				ee.	Reef off Black Head, Western Port	Struck on a reef of rocks and became a total wreck; cargo partly saved, also sails, spars, &c.	

			Maring	-	ILLICIO.	1.1210 0.0	VIRECES	anu	scrious	CASUAL	1169
Date.	Name of Vessel.	Rig.	Tons.	Men.	From.	Cargo.	Wind.		Weather.	Hour and	ates passed 1.
	Where Belonging,				Bound to.	oungo:	Direction.	Force.	weather.	Time of Tide.	Master or Mates passed Examination.
									(COAST	OF
1858.	John Scott	Brig	150		Adelaide to Melbourne	${f Flour}$	S.E.	4	Foggy	1.30 a.m.	
Apr	Sophia, Melbourne	Schr.	58		Melbourne to Wilson's	Stores	S.			•••	
Aug. 7	John Nussey, Melbourne	Brgtn.	170		Promontory Mersey River to Melbourne	Timber	w.	10	Thick	•••	
Aug. 9	Gertrude	Brig	185		Auckland —	Potatoes	S.	10	•••	•••	
Aug. 19	<i>Bristol</i> , Sydney	Brgtn.	•••	•••	New Zealand to Melbourne	Potatoes	s.w.	10	Squally		
				1						,	
*										APO	LLO
1850. Oct	Margaret, Geelong	Schr.	50		Geelong to Apollo Bay	Ballast	S.E.	10	Clear	•••	
Oct	William, Geelong	Cutter	36		Geelong to Apollo Bay	Ballast	S.E.	10	Clear		
1856. Nov	Christian, Geelong	Brig	140		Geelong to Apollo Bay	Ballast	S.E.	10	•••	•••	•••
Nov	Elionora	Brig	156	1	Melbourne to Apollo Bay	Ballast	S.E.	10	•••		
1857. Nov	Anne	_	103		Melbourne to Apollo Bay	Ballast	S.E.	10	Hazy	6 a.m.	
Nov	Highlander	_	94		Melbourne to Apollo Bay	Ballast	S.E.	10			•••
1859. Mar. 24	Grange	Brque.	300		Melbourne to Singapore	Ballast	S.E.	4	Hazy	6 a.m.	
	1		1	∀		•	1	l	ι,	KII	NG'S
1835. —	Neva, London	Ship			Cork to Hobarton	Female convicts	N.E.	8.		4 a.m.	
18 43. —	Rebecca, Singapore	Brque.	400		Sydney to the westward		N.W.	6	Clear	Night	
1845. Aug. 4	Catarique, Liverpool	Ship	900		Liverpool to Melbourne	Emigrant	s S.W.		Thick	4 a.m.	
Sept	Isabella, Calcutta	Brque.			Calcutta to Melbourne	General cargo	N.E.	5	Clear	Daytime	
1853. Aug	City of Mel- bourne	Stmr.	180		Melbourne to Launceston	Passenger	s E.	10	Thick	Day	
1854. May 21	Brahmin	Ship	650		— bound to Sydney	General		4	Clear	11 p.m.	
			1	1		1		J	1	[1 1

			TOIL I	000 10	1000				
	Vessel's Age and how	Ves	ssel.	Car	go.`	ives Lost.	City of Committee		
:	classed at Lloyd's.	Estimated Loss on.	Insured for and where.	Estimated Loss on.	Insured for and where.	Number of Lives Lost.	Site of Casualty.	Remarks.	Authority.
7	VICTOI	RIA—	contin	ued.					
	•••	£ 900	···	•••	, . •••		Near the Bold Projection.	This vessel drifted on shore and became a total wreck.	
		300	•••	•••	•••	•••	Wilson's Pro- montory	This vessel was landing stores for Wilson's Promontory, drifted on shore, and became a total wreck.	. •
		1200			•••	5	Near entrance to Western Port	This vessel was driven on shore by stress of weather, and in a short time became a total wreck.	
	•••	1000	•••		•••	•••	Near Cape Wellington.		
		•••	•••	•••	•••	•••	Near Cape Schank	Lost jibboom, fore and mainmast, drove to Wilson's Promontory, anchored off Cape Wellington in 28 fathoms of water, was abandoned by crew and master; afterwards	
							\$.	towed into Port Albert by the steamer Storm Bird.	
3	BAY.		'			. '			
		300					Beach	Rollers set in and drove her ashore. Was	
		300			74		Beach	afterwards got affoat and repaired. Rollers set in and drove her ashore. Was	
	•••		•••	•••	•••	•••		afterwards got off and repaired.	
	•••	600	•••	•••	•••		Beach	Drove ashore. Became a total wreck.	
	•••	800	•••	•••	•••		Beach	Rollers set in; slipped chains and ran ashore. Lies on the beach now a wreck.	
	•••	•••	•••		•••		Beach	Rollers set in; slipped chains and ran her ashore. Afterwards got afloat and repaired.	
	•••	•••	•••	. 	•••		Beach	Rollers set in; slipped chains and ran her ashore. Afterwards got aftoat and repaired.	
	•••	2000	•••	•••		•••	Beach	Mistook a light in Apollo Bay for Cape Otway, ran ashore, and became a total wreck.	
-	FOT A 300	`	: '		i		. :	•	
ز	ISLANI) ,		ı	I	ı	ſ I	ſ	
		•••	•••	•••	•••	Above 300 fe- males	Navarino rocks	Ran on the Navarino rocks; broke up in a few hours. Only 50 females saved; master and part of the crew drowned.	v.
	•••	•••	•••	•••	•••	1	Bight between Cape Wickham and New Year's Island,	Run on shore near New Year's Island. Was afterwards got off and repaired.	
	***	•••			•••	414	Near Fitz- maurice Bay	Run on shore near Fitzmaurice Bay during a heavy gale; night-time; broke up in a few hours. Passengers, master, and	
	2 years	•••		•••			Near Fitz- maurice Bay	crew all drowned. Run on shore in S.W. Bay, having struck upon a rock whilst sounding for an anchorage. Total wreck.	
	2 years	•••		•••	•••		•••	Run ashore in a gale, being unable to weather the island; was afterwards got off with but little damage.	
	10 yrs., A 1 12 yrs.	6000		•••	***	•••	Six miles south of New Year's Island	Run on shore steering a due course for Sydney, about 11 p.m., weather moderate. Supposed to have been caused by an error in the reckoning.	

-					REGIS	TER of	WRECKS	and_	serious	CASUAL	TIES	
Date,	Name of Vessel, Where Belonging.	Rig.	Tons.	Men.	From. Bound to.	Cargo.	Direction.		Weather.	Hour and Time of Tide.	Master or Mates passed Examination.	
					<u> </u>		ğ	Force.			Mas	
	•			•				'		KIN	ıG's	
1854.	l	·	[1	1	l .	l	1			1 1	
Oct	Water Witch, Sydney	Schr.	140		Melbourne to Singapore	General and specie	N.W.	10	Thick	***	•••	
1855. June 25	Maypo, Melbour n e	Brig	168	•••	Melbourne to Newcastle, N.S.W.	Ballasţ	N.W.	10	Thick	•••		
June 25	Whistler, Boston	Ship	1500		Melbourne to India	Ballast	N.W.	10	Thick	•••		•
								•			MEL	
1850. Nov	M aitland	Stmr.	120		Trading and towing in river and bay			•••		Mid- night		
. —	Grecian Queen				liver and bay							
1855. Nov. 28	Maitland	Stmr.	120		Towing	•••		•••	***	Mid- night		
1857. A ug. 5	Harlequin	Schr.	60		Heads to Melbourne	Lime		•••		Daytime		
	ļ	j	1	ļ		1	1			١.		
1844.	1 ,	1	i	ı	1	, I	1	1		. P	ORT	
Nov	Elizabeth, Adelaide	Schr.	58		Melbourne to Adelaide	Ballast	S.E.	10	•••	•••		
Nov	Sally Anne, Launceston	Schr.	52	•••	Melbourne to Portland	Ballast	S.E.	11	, •••	•••	•••	
1846. Nov	Elizabeth, Liverpool	Brig	230		Portland to	Oil and wool	S.E.	10		•••	•••	
Nov	Will Watch, Sydney	Schr.	63	•••	•••	Ballast	S.E.	10	•••	***		
1852. May	Brothers, Launceston	Schr.	63		Melbourne to Portland	Ballast	S.E.	10	•••	•••	 .	
May	Mary Jane	Schr.	81		Sydney to Portland	Ballast	S.E.	11	• •••	•••		
July	Margaret and Agnes, Melbourne	Schr.	103		Portland to Melbourne	Flour	E.	11	•••	•••		
Sept	Henry, Launceston	Schr.	48		Portland to sea	Whaling	S.E.	11	•••	•••		
Dec	New Zealander, Liverpool	Ship	1309	•••	To Portland	Coals		11		•••		
1854. Oct	Nestor, London	Brque.	458		London to Portland	Partly loaded		4	•••			
1855.	i	1	!	ì	D 12 11	Wrest	9.70	/				
Mar	Australasia	Brque	485		Portland to London	Wool	S.E.		•••	•••		

[1			1		1	
Vessel's Age and how	Vess	sel.	Car	go.	lives Lost.	Site of Casualty.	7	A-0 ··
classed at Lloyd's.	Estimated Loss on.	Insured for and where.	Estimated Loss on.	Insured for and where.	Number of Lives Lost.		Remarks.	Authority.
					Ä			
ISLANI		tinued	•			_		
	£	•••	•••	•••	•••	•••	Driven on shore, not being able to carry canvass. Became a total wreck.	
	800		•• •	•••	3	•••	Drove on shore and became a total wreck.	
	10,000	•••	•••	•••		•••	Driven on shore. Became a total wreck,	
BOURN	E.		Y					
•••			•••			Near Cole's dock	This vessel filled and sank alongside the wharf; afterwards got afloat and repaired	Records, Harbor Department.
,-	•••	•••	•••	•••		In Cole's dock	Took fire, was hauled on the south side of the river and sunk; afterwards removed	"
· •••	200		•••	••• .		New dock	Took fire, was towed up to the Falls, scuttled and sunk; afterwards got affoat and repaired	97
LAND.	· ·		•			4		
		•••	•••			Portland	Parted from her anchors, drove on shore, and became a total wreck.	Records, Harbor De
	500	•••	•••			"	Parted from her anchors, drove on the beach, and became a total wreck.	partment.
•••	•••	•••	•••			"	Parted from her anchors in a gale, drove on the beach, and became a total wreck.	
	500	•••				,,	Parted from her anchors in a gale, drove on the beach, stern first; was afterwards got afloat.	
		•••				79	Parted one chain and slipped the other in a gale; ran on the beach; was afterwards got afloat with slight damage.	
						,,	Parted from her anchors in a gale, drove on the beach, and became a total wreck.	
3 years	1200	•••				,,	Parted from her anchors in a gale and foundered. Became a total wreck.	
						,,	Parted from her anchors. Total wreck.	٠
		••• •				29	Burnt to the water's edge, cut her cables, and towed her to the beach. Fire supposed to have been occasioned by spontaneous combustion.	٠.
						"	Ran on the beach, having sprung a leak. Total wreck.	
						"	Parted from her anchors. Became a total wreck.	
						,,	Parted from her anchors; drove on the beach. Became a total wreck.	

						TER of \	TUECKS	anu	serious	CASUAL	TIES
Date.	Name of Vessel.	Rig.	Tons.	Men.	From.	Cargo.	Wind		Weather.	Hour and Time of	Master or Mates passed Examination.
	Where Belonging.				Bound to.	1	Direction.	Force,		Tide.	Master or Examination
										P(ORI
1840. —	Clonmel, Sydney	Stmr.	500		Melbourne to Sydney	General	•••		Clear		
1852. Aug. 3	Australasian Packet, Mel- bourne	Brque.	190		Melbourne to Adelaide	General		9	•••	•••	
Aug. 9	Miranda, Hobart Town	Brque.	127		Port Albert to Hobart Town	General	N.E.	10	•••	•••	•••
1853. June 8	Mary and Ellen	Brgtn.	154		Sydney to Melbourne	General	. •••	6	Clear	•••	
1856. May 23	Meg Merriles, Port Albert	Brgtn.	79		Douglas River to Port Albert	Coals	s.w.	2	Clear	Day, strong flood	•••
1857. Feb. 20	Coila, Melbourne	Schr.	149		Sydney to Melbourne	[General	E.	8	Clear	•••	
,			•		•	,				W.A	ARR
1847. Nov	Clarence, Hobart Town	Schr.	64		Sydney to Warrnam- bool	Ballast	s.	10	Thick	···	
1850. Sept	Enterprise, Melbourne	Schr.	58		Melbourne to Warrnam- bool	•••	S.S.E.	10	•••		•••
1852. Dec. 29	Lilias, Melbourne	Schr.	89		Melbourne to Portland	General	s.w.	6	Clear	•••	•••
1853. July 11	Freedom, Jersey	Schr.	165		Warrnam- bool to Sydney	Wheat and barley	S.E.	10	Clear	•••	•••
Nov. 1	Archer, Sunderland	Brque.	237		Sydney to Warrnam- bool	General	S.S.E.	6	Clear	•••	•••
1856. Sept. 25	Helen, Melbourne	Schr.	69	6	Melbourne to Port Fairy	General	S.S.E.	8	Un- settled	•••	
	'		,				' '			P	' ORI
1836. June 14	Sarah Anne, Launceston	Cutter	46		Launceston to Port Fairy	Ballast	S.E.	10			
1837. Dec. 21	Thistle, Launceston	Schr.	64		—— to Launceston	Ballast	S.E.		Thick	Night	•••
1840. Sept 1841.	Mary, London	Brque.	330		Port Fairy to London	Oil and whalebone	S.E.	3	Clear	Day	•••
Nov. 25	Dusty Miller, Launceston	Schr.	81		Launceston to Adelaide	Flour	w.s.w.	10	Thick	Night	•••
Aug	Socrates	Brque.	152		Launceston to Port Fairy	Timber	S.	4	•••	10 p.m.	•••
1844.	i 1	1	1								

'		PING .	IIOIII 1	1000 11) 1000	٥.				
	Vessel's Age and	Ve	essel.	Ca	rgo.	ives Lost.				
	how classed at Lloyd's.			Estimated Loss on.	Insured for and where.	Number of Lives	Site of Casualty.	Remarks.	Authority.	
, ,	ALBEF	RT.		•						
	•••	£					Near Port Albert	Ran ashore on the beach near Port		
	•••	•••	•••					Driven into Port Albert leaky; condemned and sold.		
	•••	1200					Rabbit Island	Parted from her anchors at Rabbit Island; was run ashore, condemned, and burnt.		
	•••	•••	•••	•••			Port Albert	Ran on a sand spit in Port Albert, steering a wrong course. The pilot boat and six men were lost in rendering her assistance. Was afterwards got afloat.	·	
	•••	600		· 	•••		North-east sand spit, Corner Inlet	Drifted on shore near to Corner Inlet and became a total wreck.		
	12 yrs., A 1 12 yrs.	•••	•••	•••		•••	East sand spit off Port Albert	Ran ashore steering a wrong course, and a bad look out kept; was afterwards got afloat and repaired.		
N	NAMB(OOL.		•	,					
	••• ·	•••	· 	••••	•••		Warrnambool	Parted from one anchor, dragged the other, and drove ashore in a heavy gale; was afterwards got afloat and repaired	Records, Harbor Department.	
	. •••	400	•••	•••	•••		"	Parted from her anchors in a heavy gale, drove on shore, and became a total wreck	"	
	•••	600	•••	•••	•••	•••	, ,,	Driven on the beach near to Warrnam- bool with both anchors down, with a heavy swell and light wind	"	
	16 yrs.	•••	•••	•••	•••	•••	27	Parted from her anchors and drove on the beach. Afterwards hove afloat and parted from a hawser in the night, dragged her anchor, drove on the beach again, and became a total wreck	, , , , , , , , , , , , , , , , , , ,	
	23 yrs.	2000		•••	•••		,,	Parted from her anchors in a fresh breeze, was run ashore, and became a total wreck	"	
	•••	, ,,,	···	•••	•••	•••	"	Parted from her anchors in a heavy squall, drove on shore; was afterwards got affoat slightly damaged		
F	AIRY.		·		,		,	· · · · · · · · · · · · · · · · · · ·		
					•••		Port Fairy	Parted from her anchors in a gale, drove on the beach, and became a total wreck	Records, Harbor De-	
	•••				• •		"	Parted from her anchors in a gale, drove on the beach, and became a total wreck	partment.	
	•••	•••		•••	•••	•••	"	Driven on shore by a heavy swell in a light breeze, while attempting to work out of harbor, and became a total wreck	"	
	•••	800	•••		•••		South of Grif- fith's Island, one mile	Struck on a rock while lying-to with the helm lashed and no look-out kept. Became a total wreck	"	
		•••	•••	•••	•••	•••	Port Fairy	Parted from her anchor in a heavy swell after a southerly gale; drove on shore. Became a total wreck	37	
	•••	•••	***		•••		22	Anchored in a bad position and parted from single anchor; let go the other, and the chain not being clinched, ran out of the hawse, drove on shore, and became a total wreck	"	

	Name of Vessel,	Di-	Tong	Men.	From.	Corre	Wind.		TV and how	Hour and	ites passed	
Late.	Where Belonging.	Rig.	Tons.	Men.	Bound to.	Cargo.	Direction.	Force.	Weather.	Time of Tide.	Master or Mates passed Examination	
·				1	•		·	,		,	(
.*										P	ORT	
1845. Aug	Thomas, Launceston	Cutter	20		Melbourne to Port Fairy	General	S.E.	6	Squally, with rain	10 p.m.		
1846. May 21	Squatter, Sydney	Schr.	70		Melbourne to Portland	Ballast	s.w.	8	Squally	2 a.m. (ebb)		
1847. Feb. 2	<i>Lydia</i> , Liverpool	Brque.	277		Sydney to Port Fairy	Ballast	S.E.	6	Clear	Day		
1849. July 6	Sarah Louisa, Liverpool	Brig	216		Port Fairy to Sydney	Produce, General	S.S.E.	10	Thick	11 a.m.		
Aug. 31	Lady Mary Pel- ham, Portland	Brig	207		Port Fairy to Sydney	Produce, General	S.S.E.	10	***	9.30 a.m.		
1850. Oct	Wave, Melbourne	Schr.	63		Melbourne to Port Fairy	•••	S.E.	10		Night		
1852. May 2	Margaret and Agnes, Melbourne	Schr.	106		Warrnam- bool to Melbourne	Flour	E.S.E.	10	. *.** ;	Night		
May 3	$oldsymbol{E} ssing to n$	Brig	123		Sydney to Port Fairy	General	E.S.E.	10	Clear	Night (low water)	,	
May 22	Sir John Byng, Sydney	Brig	187		Sydney to Port Fairy	Coals	S.S.E.	10		Half ebb		
June 23	Pearl, Launceston	Schr.	151		Sydney to Port Fairy	Produce, General	S.E.	10	·	3 a.m.		
1853. Mar. 8	Triton, Melbourne	Brig	120		Sydney to Port Fairy	Coals	E.S.E.	6	Clear			
1854. Feb. 27	Juellan, Greenock	Brque.	287		Portland to Port Fairy	General	S.S.E.	11		Daylight		
Feb. 27	Dundee, Dundee	Brque.	346		Portland to London	Wool	S.S.E.	11		9 a.m.		
1854. Mar. 22	Alert, Launceston	Schr.	83		Hobart Town to Port Fairy	Timber	S.E.	10				
Mar. 22	Pearl, Launceston	Schr.	151		Port Fairy to Melbourne	General	S.E.	10				•
1855. June 19	Swift, Launceston	Schr.	129		Launceston to Port Fairy	Timber	N.N.E.	4	Clear	Night		
												:

to Shipping from 1835 to 1858.

	to SHIF	PPING 1	rom 1	.835 to	1858				*
	Vessel's Age and	Ve	essel.	Ca	urgo.	of Lives Lost.			
	how classed at Lloyd's.	Estimated Loss on.	Insured for and where.	Estimated Loss on.	Insured for and where.	Number of L	Site of Casualty.	Remarks.	Authority.
		-		-			-		ļ- <u>.</u>
	FAIRY	-cont	inued.				,		
	•••	£				•••	Port Fairy	Parted from her anchor; was afterwards got off. Parted her anchor again a few days after; drove on the beach, and became a total wreck. (No one was on board at the time)	Records, Harbor De- partment.
	•••						Two and a half miles west of Port Fairy	Run on a reef of rocks in the night, and became a total wreck through carelessness	"
							Port Fairy	Came to an anchor in three fathoms water; veered astern, struck abaff, and unshipped her rudder, slipped her cable and ran ashore. Total wreck	"
						3	"	Riding in a gale at single anchor, parted, let go the other, and struck among the breakers, sunk, and became a total wreck	"
	•••			•••	•••		"	Parted from her anchors, was run ashore, and became a total wreck	,,
	1 1.				•••		,,,	Parted from her anchors, was run ashore; afterwards got afloat with little damage	25
!	3 years	1000					"	Parted from her anchors, was run ashore. Got afloat with little damage	27
	3 years	1000	·	•••			27	Brought up in three fathoms' water; struck at low water in a gale; sprung a leak; was hauled on shore, and became a	"
	em em	•	•••		•••		,,	total wreck Parted from her anchors, was run ashore. Became a total wreck	77
	. 	•••	***	· · · · ·			77	Parted from her anchor, was run ashore, and afterwards got affoat and repaired	"
	•••	•••	***				27	Lying at single anchor, dragged and drifted among the breakers; struck abaft. Was run ashore, and afterwards got afloat. Slightly damaged	"
	•••						»,	Parted from her anchors in a terrific gale; drifted among the breakers, and became a total wreck	"
	14 yrs., Æ17yrs. in red		•••	·•••	•••		27	Parted from the Government moorings in a terrific gale; was run ashore, and became a total wreck	77
			•••	.	•••	;;	22	Parted from her anchor in a gale; was run ashore; afterwards got afloat. Slightly damaged	27
	••• !	•••	•••		•••	•••	"	Parted from her anchors; was run ashore; afterwards got aftoat. Slightly damaged	"
		1200	•••	•••	•••	***	Reef to the east of Saddle Hill on Griffith's Island	Run on shore on a reef of rocks in the night, and became a total wreck	"
						10			

ABSTRACT of WRECKS and serious CASUALTIES to VESSELS upon the COASTS and within the Harbors of Victoria, from the year 1835 to the 31st December, 1858.

Site of Casualty	y.	Ran on Shore under Sail. Total Wreck.	Ran on Shore under Sail. Got affoat da- maged.	Under Sail. Damaged.	Destroyed by Fire.	On Fire, but after- wards saved.	Driven on Shore from their Anchors. Wreck.	Driven on Shore from their Anchors. Da- maged.	In Collision totally lost.	In Collision damaged.	
River Yarra Port Phillip Heads Port Phillip Bay Apollo Bay Warnambool Belfast Portland Bay Port Albert Coast of Victoria King's Island Totals		 15 34 1 4 1 2 17 8	 8 13 2 1 1 25	2 1 1 2 	2 1 3 1 7	3 :: :: :: :: :: :: :: :: :: :: :: :: ::	 6 2 4 12 8 1 1 	 2 4 2 6 2 	 1 1 	 2 2 	3 100 718

TABLE showing the Number of Wrecks and serious Casualties occurring in each Month from 1835 to 1858.

	Year.	,	Jan.	Feb.	March.	April.	May.	June.	July.	August.	Sept.	Oct.	Nov.	Dec.	Total.
														ļ	ļ
1835	•••	•••		•••	1 1	•••			•••		•••				1
1836	•••	•••		•••		•••		1	•••		•••	•••		 	1
1837	•••	•••	•••	•••		•••					•••	•••	l	1	î
1838	•••	•••		•••		1					•••	•••		l	ī
1839	•••	•••		•••						1	•••	•••	 .	1	2
1840	•••	•••		•••	l	1				l	1	•••	1		3
1841	•••			•••			1		•••			•••	1		2
1842	•••	•••		•••		1 .		l	1			•••			2
1843				•••	1					1	1	•••	•••	ı	4
1844	•••		1	•••	l l							1	1		3
1845	• • •				l			•••	•••	2	1	•••	•••		3
1846				1			1		•••			•••	1	•••	3
1847			l									•••	î	•••	i
1848			·	•••	1 1	1		2	•••		•••	•••		,,,	4
1849	•••		· l	1		1	•••		1	1		•••	•••		4
1850						ī	1			l î l	2	3	ï		9
1851	•••	•••				ī	•••			î			 .	•••	2
1852	•••			1		ĩ	3	1	•••	7	2	1		3	19
				ī	3	2	4	4	1		7	$\hat{2}$	3	1	28
1854			1	3	3	3	i	î	$\hat{2}$			2	2	î	19
1855	•••			1	2		ī	3					ĩ	i	9
1856	•••					i		2	1	1	ï		3	î	10
1857	•••	•••		1	1				$\hat{2}$	3		2	2	_	111
1858	•••			2		1		•••	•••	3	1			•••	7
Γ	LATO!	.s	2	11	12	15	12	14	8	21	16	11	17	10	149

CHARLES FERGUSON,

Chief Harbor Master.

VICTORIA.

CORRESPONDENCE RELATIVE TO THE DETENTION OF THE S. S. "VICTORIA" IN NEW ZEALAND.

LAID UPON THE COUNCIL TABLE BY THE HONORABLE T. H. FELLOWS, 19TH JUNE, 1860, AND ORDERED BY THE COUNCIL TO BE PRINTED, 18TH SEPTEMBER, 1860.

COPY.

Government House, Auckland, 26th May, 1860.

SIR,

I have the honor to acknowledge the receipt of your Excellency's despatch of the 17th April, informing me of the steps you have been good enough to take consequent on the receipt

of my report of the native disturbances in this colony.

In reply, I beg your Excellency to accept my own thanks, and those of the Government of New Zealand, for the promptitude with which you have attended to my request; and I beg your Excellency also to be good enough to convey to the members of your Government our especial thanks for the forethought and liberality which has induced them to place the valuable services of H.M.C.S. Victoria temporarily at our disposal.

I have, &c.,

(Signed)

J. GORE BROWNE.

His Hxcellency Sir Henry Barkly, K.C.B., Governor-in-Chief, &c., &c., &c., Victoria.

[COPY.]

Commodore Loring to His Excellency the Governor of New Zealand.

Iris, at Auckland, 26th May, 1860.

SIR,

I have the honor to forward a copy of a letter which I have received from His Excellency Sir Henry Barkly, relative to the armed steamer *Victoria*.

For immediate convenience, I have ordered her to be supplied by the Commissariat in the same manner as one of Her Majesty's ships; but her lengthened detention will infer a considerable expense, which is not anticipated or provided for by the Imperial Government, and which I shall not be justified in incurring except at the urgent requisition of your Excellency.

Under these circumstances, I have to request that you will inform me whether you consider that she should be detained, and that this expense should be incurred.

I have the honor to be,

Sir,

Your most obedient Servant,

(Signed)

WILLIAM LORING, Commodore and Senior Officer.

His Excellency Colonel Gore Browne, C.B., Governor of New Zealand.

His Excellency the Governor of New Zealand to Commodore Loring.

Government House, Auckland, 31st May, 1860.

SIR,

I have the honor to acknowledge the receipt of your letter of the 26th instant, forwarding a copy of a letter received by you from His Excellency the Governor of Victoria, relative to the armed steamer *Victoria*.

In reply to your enquiry, I have to state that, in the present state of the affairs of New Zealand, the services of the steam ship *Victoria* are of great importance, and that it is very desirable that she should be retained on these coasts.

I have, &c.,

(Signed)

J. GORE BROWNE,

Governor.

Commodore Loring, C.B., H.M.S. *Iris*.

[COPY.]

Iris, at Auckland, 1st June, 1860.

SIR.

In reply to your letter of April 18th, 1860, permitting the steam vessel Victoria to

remain under my orders on the coast of New Zealand,

I have the honor to forward a copy of a letter which I have addressed to His Excellency the Governor, and his reply, and to inform you that, in accordance with his wish, I shall detain the *Victoria* during such time as her services are required.

I have, &c.,

(Signed)

WILLIAM LORING,

Commodore and Senior Naval Officer.

His Excellency Sir Henry Barkly, K.C.B., Governor of Victoria. 1859.

VICTORIA.

LEGISLATIVE COUNCIL.

FIRST REPORT

OF THE

PRINTING COMMITTEE.

LAID UPON THE COUNCIL TABLE BY THE HONORABLE M. HERVEY AND ORDERED BY THE COUNCIL TO BE PRINTED 8TH DECEMBER, 1859.

By Authority:

REPORT.

In pursuance of the Order of your Honorable House, your Committee have had referred to them the several Papers mentioned in the following Table, upon which your Committee beg to report as appears by such Table:—

					4
Subject.		moved for, by whom.	When laid on Council Table.	By Command.	Report and Remarks of Committee.
Trade and Customs — Accounts of—1858		•••	18th Oct., 1859	By Command	No order made.
Immigration—Report on—1858	•••	•••	, "	,,	,,
Report of Royal Commission— Removing Sludge from Gold Fields	• •••	••• ,	"	"	22
Gold Fields Act—Orders in Council—Mining Districts of Maryborough and Ararat altered—4th April, 1859. Divisions of Mining Districts of Maryborough and Ararat altered—4th April, 1859. Ararat Mining Board—Places of Meeting—30th May, 1859. Polling Places—Sandhurst Mining District—30th May, 1859			"	"	
Defences of the Colony—Progress Report of Commissioners—14th July, 1859	•••	, •••	"	"	"
Criminal Statistics—1st January, 1842, to 26th July, 1859	•••	•••	"	"	"
Rule of Board of National Educa- tion—Classification of Teachers 7th September, 1859	•••	•••	,,	"	"
University of Melbourne—Report of Council—1st May, 1858, to 30th April, 1859	•••	***	29	"	,,
Plants collected by Mr. Babbage, South Australia—Report by Ferdinand Mueller, Ph. D., M.D., Government Botanist	•••	•••	33	"	,,
Statistics of the Colony of Victoria, 1858	•••	•••	"	22	
Health Officer — Report — Six months ending 31st December, 1858	•••	•••	33	"	>>
Central Board of Health—Fourth Annual Report			**	"	**
Chief Medical Officer—Diseases— Return of, by, 1858		1. 4 • •	"	"	>>
Yarra Bend Lunatic Asylum— Report—1858	•••	•••	"	"	, ,,
Public Accounts—General Regulations respecting—1st May, 1859—(22 Victoria, No. 86)			19th Oct., 1859	,,	"
Electric Telegraph—Half-yearly Report to 30th June, 1859		•••	26th Oct., 1859	"	"

Subject.	When moved for, and by whom.	When laid on Council Table.	By Command.	Report and Remarks of Committee.
Experimental Farm—First Annual Report	;	26th Oct., 1859	By Command	No order made.
Chinese Passengers and Gold shipped by Chinese—Return shewing the number of Chinese Passengers and the Gold shipped by Chinese to 30th September, 1859, in continua- tion of a Return laid on the Table of the House 23rd Feb., 1858	The Hon. J. Henty, 26th Oct., 1859	29th Nov., 1859		Recommended to be printed.
Tobacco imported—Return of the quantity of Tobacco, on which no duty has been paid, cleared from the Customs' warehouse and direct from import ships, at the Ports of Melbourne, Geelong, and the outports of the Colony respectively, for the year ending 30th September, 1858; such Return not including Tobacco cleared under bond for exportation. A similar Return for the year ending 30th September, 1859	The Hon. J. Henty, 26th Oct., 1859	"		,,
Pilot Board, Victoria—Accounts for year ending 31st August, 1858		"		No order made.
Gold Fields Act—Orders in Council—Mining District of Sandhurst altered—24th October, 1859. Divisions of the Mining District of Sandhurst—24th October, 1859		30th Nov., 1859		
Board of Agriculture—Minutes of, and Bye-laws		"		27
Friendly Societies—Registered in 1858—Return of	•••	. ,,	•••	,,
Electors, Parliamentary—Registration of, Payments made for		"		Recommended to be printed.

MATTHEW HERVEY, Chairman.

Committee Room, 8th December, 1859. 1859.

VICTORIA.

REPORT

OF THE

SELECT COMMITTEE OF THE LEGISLATIVE COUNCIL

ON THE

LAW OF DIVORCE,

TOGETHER WITH THE

PROCEEDINGS OF THE COMMITTEE.

ORDERED BY THE COUNCIL TO BE PRINTED, 15TH DECEMBER, 1859.

By Authority:

EXTRACTED FROM THE MINUTES.

WEDNESDAY, 19TH OCTOBER, 1859.

DIVORCE, LAW OF.—The Honorable J. P. Fawkner, in accordance with notice, moved, That a Select Committee be appointed to take into consideration the question of Divorce, and assimilating the law of this Province to the British Divorce Bill, with power to take evidence and call for persons and papers; such Committee to consist of the Honorables T. H. Fellows, J. B. Bennett, T. T. a'Beckett, G. S. Coppin, W. Roope, T. H. Power, and the Mover.

Question-put and passed.

THURSDAY, 15TH DECEMBER, 1859.

DIVORCE, LAW OF.—REPORT OF SELECT COMMITTEE.—The Honorable T. T. a'Beckett brought up the Report of the Select Committee appointed on the 19th October, 1859, to take into consideration the question of Divorce, and assimilating the Law of this Province to the British Divorce Bill, with power to take evidence and call for persons and papers, and moved that the same be received and printed.

Question-put and passed.

REPORT.

THE COMMITTEE on the Law of Divorce have the honor to submit to this Honorable House the following report:—

Your Committee have taken into consideration the question of Divorce, and have prepared a Bill which will assimilate the Law of this Province to the British Divorce Bill, and which Bill they have annexed to this Report.

THOMAS T. A'BECKETT,

Chairman.

December 15th, 1859.

An Act to amend the Law relating to Divorce and Matrimonial Causes in Victoria.

HEREAS 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 5 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

I. In the construction of this Act the words "Court" and Interpretationclause. 10 "Supreme Court" shall unless repugnant to or inconsistent with the context mean the Supreme Court of the Colony of Victoria in its ecclesiastical jurisdiction.

II. This Act shall come into operation one month after the Commencement of

passing hereof.

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III. The Supreme Court shall have jurisdiction in respect of Jurisdiction judicial separation suits of nullity of marriage suits of restitution of conjugal rights or jactitation of marriage and in all causes suits and matters matrimonial except in respect of marriage licences.

IV. No decree shall hereafter be made for a divorce à mensa No decree for divorce 20 et thoro but in all cases in which a decree for a divorce à mensá 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 mensá et thoro.

V. A decree for a judicial separation (which shall have the Decree for a judicial effect of a divorce à mensa et thoro under the law heretofore existing and such other legal effect as herein mentioned) may be obtained either by the husband or wife on the ground of adultery habitual drunkenness cruelty or desertion without cause.

causes matrimo-nial to be exercised by the Court.

à mensâ et thoro to be made hereafter but a judicial sepa-

separation may be obtained by husband or wife for adultery &c.

VI.

Divorce and Matrimonial Causes.

Application for restitution of conjudicial separation may be made by husband or wife by petition to court

Wife deserted by her husband may apply to the court police magistrate or justices in petty sessions for protection.

VI. Application for restitution of conjugal rights or for judicial gal rights or ju- 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.

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 10 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 15 herself by her own industry or property may make and give to the wife 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 20 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 General 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 25 discharge thereof Provided also that if the husband or any creditor of 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 appli- 30 cation 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 35 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 40 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 50 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 55 of any debts contracts or acts of the wife incurred entered into or done between

Divorce and Matrimonial Causes.

between the times of the sentence of separation and of the reversal thereof.

X. In all cases in which the court shall make any decree or court may direct a slimony it may direct the same to be paid either to the wife mony to wife or to 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 trusted if for any reason it shall appear to the court expedient so to do.

her trustee.

XI. In every case of judicial separation the wife shall from the In case of judicial 10 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 15 same would have gone if her hushand 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.

separation the wife to be considered a feme sole with respect to property she may acquire

XII. In every case of a judicial separation the wife shall whilst Also for purposes of 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 25 by her or for any cost 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 30 time during such separation in the exercise of any joint power given to herself and her husband.

contract and suing.

XIII. It shall be lawful for any husband to present a petition on adultery of wife, 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 beastiality or of adultery coupled with such cruelty as without adultery 40 would have entitled her to a divorce à mensa et thoro or of adultery coupled with desertion without reasonable excuse 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 purposes of this Act incestuous adultery shall be As to incestuous adul-45 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

or incest &c. husband petition for dissolution of marriage may be presented.

dominions of Her Majesty or elsewhere. XIV. Upon any such petition presented by a husband the peti- Adulterer to be a cotioner 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 55 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

married to any other person during the life of the former husband or 50 wife whether the second marriage shall have taken place within the

respondent.

Divorce and Matrimonial Causes.

by a jury.

Court to be satisfied of absence of col-

Dismissal of petition.

Power to Court to pronounce decree for dissolving mar-

Alimony.

Husband may claim damages adulterers.

with whom the husband is alleged to have committed adultery be made Cause may be tried 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.

> 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.

XVI. In case the court on the evidence in relation to any such 10 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 15 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.

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 20 petitioner has been in any manner 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 the 25 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 30 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.

XVIII. The court may if it shall think fit on any such decree 35 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 40 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 45 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.

XIX. Any husband may either in a petition for dissolution of marriage or for judicial separation or in a petition limited to such 50 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 55 and tried on the same principles in the same manner and subject to the

same

Divorce and Matrimonial Causes.

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 5 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 10 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 15 of any such petitioner.

XX. Whenever in any petition presented by a husband the Power to court to 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.

pay costs.

XXI. In any suit or other proceeding for obtaining a judicial Power to court to 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 25 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.

make orders as to custodyofchildren.

XXII. In questions of fact arising in proceedings under this Questions of fact may 30 Act it shall be lawful for but except as hereinbefore provided not court. obligatory upon the court to direct the truth thereof to be determined by the verdict of a jury.

XXIII. When any such question shall be so ordered to be tried Such question to be such question shall be decided by means of a writ of summons in the 35 manner provided by an Act passed in the fourteenth year of the reign 14 Vic. No. 9 sec. 9. of Her present Majesty intituled "An Act to amend the Law concerning Games and Wagers."

XXIV. Every person seeking a decree of nullity of marriage or Affidavit in support a decree of judicial separation or a dissolution of marriage or decree in 40 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.

of a petition.

XXV. Every such petition shall be served on the party to be service of petition. 45 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 50 with such service altogether in case it shall seem necessary or expedient so to do.

XXVI. The court may if it shall think fit order the attendance Examination of peof 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 55 but no such petitioner shall be bound to answer any question tending to show that he or she has been guilty of adultery.

D 2.-c.

XXVII.

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Divorce and Matrimonial Causes.

Adjournment.

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.

Court may order settlementof property for benefit of innocent party and children of marand riage.

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 10 them.

Mode of taking evidence.

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 15 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 20. may be re-examined orally in open court as aforesaid on his or her own behalf.

Commissions or orders for examination of witnesses.

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 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.

 ${f XXXar{I}II.}$ 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 40 the fees payable upon all proceedings under this Act but the said court may nevertheless admit persons to sue in the said court in formá 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 45 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 50 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 55 action shall be maintainable in Victoria for criminal conversation.

XXXVII.

Divorce and Matrimonial Causes.

XXXVII. All rules and regulations concerning practice or Rules &c. to be laid 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 5 then sitting within one month after the commencement of the then next session of Parliament.

No.

PROCEEDINGS OF COMMITTEE.

WEDNESDAY, 26TH OCTOBER, 1859.

Members present:

The Honorable J. P. Fawkner, in the chair. The Honorables G. S. Coppin, W. Roope.

Committee deliberated and adjourned sine die.

TUESDAY, 1st NOVEMBER, 1859.

Members present:

The Honorables J. P. Fawkner, G. S. Coppin. There not being a quorum, no business was transacted.

FRIDAY, 4TH NOVEMBER, 1859.

Members present:

The Honorable J. P. Fawkner, in the chair. The Honorables W. Roope, G. S. Coppin.

Committee deliberated.

Adjourned till Friday next, at two o'clock.

FRIDAY, 11TH NOVEMBER, 1859.

Members present:

The Honorable J. P. Fawkner, in the chair. The Honorables G. S. Coppin, T. H. Power.

Committee deliberated and adjourned sine die.

WEDNESDAY, 30TH NOVEMBER, 1859.
No members attended.

THURSDAY, 15TH DECEMBER, 1859.

Members present:

The Honorable T. T. a'Beckett, in the chair. The Honorables T. H. Power, J. B. Bennett, T. H. Fellows.

Draft Bill considered and agreed to. Report, with Bill annexed, adopted. Chairman ordered to report to the House. 1859.

VICTORIA.

REPORT

OF THE

SELECT JOINT COMMITTEE

OF THE

LEGISLATIVE COUNCIL AND LEGISLATIVE ASSEMBLY

ON THE

REFRESHMENT ROOMS,

TOGETHER WITH THE

PROCEEDINGS OF THE COMMITTEE.

ORDERED BY THE COUNCIL TO BE PRINTED 15TH DECEMBER, 1859.

By Authority:

EXTRACTED FROM THE MINUTES.

WEDNESDAY, 19TH OCTOBER, 1859.

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

Question-put and passed.

THURSDAY, 15TH DECEMBER, 1859.

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

Question-put and passed.

REPORT.

THE SELECT COMMITTEE appointed by both Houses of Parliament to manage the Refreshment Rooms and Stables have the honor to submit the following Report:—

- 1. The Comptroller of the Refreshment Rooms having submitted a statement showing an unexpended balance of £50 9s. 10d. under the head of "Contingencies" of the vote for the year 1859, and requested the Committee to authorise its expenditure on plate, glass, &c., required in consequence of the addition to the Members of the Legislative Assembly, the Committee decided upon authorising such expenditure.
- 2. In consequence of there being only a sum of £46 placed upon the Estimates for the year 1860 for the Refreshment Rooms and Stables (£24 of which sum will be required to defray the expense of washing the table linen of the Refreshment Rooms alone), your Committee recommend that application be made to the Government to place a further sum of £50 on the Supplementary Estimates, to enable the Comptroller to supply extra plate, glass, &c., to meet the requirements of the increased number of the Legislative Assembly.
- 3. The attention of the Committee having been directed to the circumstance of a Report of the Refreshment Rooms and Stables Committee of the last Session of Parliament not having been laid before the House, owing to the abrupt termination of the Session, it was resolved to confirm and adopt the same, viz.:—

That Mr. Richard Taylor be recommended as the successor of Mr. Gibson, who had resigned the appointment of Keeper of the Parliament Stables.

That the original Tariff of charges at the Parliament Stables be restored in lieu of the present one, and that the fee for stabling horses (without feed) be done away with in the case of Members having their own grooms to attend to their horses.

WILLIAM HIGHETT,

Chairman.

PROCEEDINGS OF THE COMMITTEE.

THURSDAY, 8TH DECEMBER, 1859.

Members present:

The Honorable W. Highett, in the chair.

The Honorables J. Hodgson, G. W. Cole, Mr. Carr.

The Comptroller of the Refreshment Rooms handed in a statement of the balance, £50 9s. 10d., left under the head of "Contingencies" of the Vote for the year 1859, and requested the Committee to authorise the expenditure of such sum on plate, glass, &c., required for the rooms in consequence of the addition to the Members of the Legislative Assembly.

Resolved—That this expenditure be authorised—(Hon. W. Highett).

THURSDAY, 15TH DECEMBER, 1859.

Members present:

The Honorable W. Highett, in the chair. The Honorables G. W. Cole, J. Hodgson.

The Committee deliberated.

Resolved—That in consequence of there being only the sum of £46 placed upon the Estimates for the year 1860, as contingencies for the Refreshment Rooms and Stables, (£24 of which will be required to defray the expense of washing the table linen of the Refreshment Rooms alone) an application be made to the Government for a further sum of £50 to be placed on the Supplementary Estimates to enable the Comptroller to lay out that sum in purchasing extra plate, glass, &c., to meet the requirements of the increased number of Members of the Legislative Assembly—(Hon. G. W. Cole).

The Chairman called the attention of the Committee to the fact, that the Report of the Refreshment Rooms and Stables Committee of the last Session of Parliament had not been laid before the Houses, owing to the abrupt termination of the Session.

It was ordered that the Minutes upon which such Report was based be now adopted and embodied in a Report to be submitted to the House, such Minutes being dated 16th February, 1859, and to the following effect:—

"The Comptroller of the Refreshment Rooms and Stables having laid before the Committee a letter which he had transmitted to the Honorable the Chief Secretary, announcing the contemplated resignation of Mr. Gibson, as Keeper of the Parliament Stables, and recommending Mr. Richard Taylor to supply the vacancy; and further, a Minute of the Chief Secretary, intimating that the vacancy should be filled on the recommendation of the Joint Committee—

"It was resolved to recommend that Mr. Richard Taylor be appointed to the vacancy occasioned by the resignation of Mr. Gibson."

It was also ordered, "That the original Tariff of Charges at the Parliament Stables be restored in lieu of the present one, and that the fee for stabling horses (without feed) be done away with in the event of Members having their own grooms to attend to their horses."

Chairman ordered to Report to the House.

1859-60.

VICTORIA.

LEGISLATIVE COUNCIL.

SECOND REPORT

OF THE

PRINTING COMMITTEE.

LAID UPON THE COUNCIL TABLE BY THE HONORABLE M. HERVEY AND ORDERED BY THE COUNCIL TO BE PRINTED 9TH FEBRUARY, 1860.

By Authority:

REPORT.

In pursuance of the Order of your Honorable House, your Committee have had referred to them the several Papers mentioned in the following Table, upon which your Committee beg to report as appears by such Table:—

Subject.	When moved for, and by whom.	When laid on Council Table. By Command		Report and Remarks of Committee.
Health Officer—Report for the half-year ending 30th June, 1859		8th Dec., 1859		No order made.
National Education—Sixth Report of Commissioners, 1858	•••	, , , , , , , , , , , , , , , , , , ,) Y	1
Crown Lands alienated—1st Jan., 1859, to 30th June, 1859		"		: 27
Criminal Statistics—Prisoners arrested during the half-year ending 31st December, 1858		"	š	"
National Bank of Australasia Act —Correspondence respecting		"	·	39
Penal Department—Report of Inspector-General, 26th October,		"		29
1859 Civil Service Commissioners— Report of, 6th December, 1859	* · · · · · · · · · · · · · · · · · · ·	"		"
Mail Service from Great Britain to Australia, viâ Panama—Cor- respondence relative to, 7th September, 1859		29	•••	>>
Mail Steamers calling at Nepean Bay on outward voyage, 17th September, 1859		37	•••	27
Additional Postage on Newspapers viâ Suez—Correspondence respecting		3)	•••	33
Telegraph Communication between Great Britain and Australia, viâ Singapore and Java—(De- spatch 2nd May, 1859)	·	15th Dec., 1859	By Command	"
Statement of Expenditure under Schedule D, 18 and 19 Victoria, cap. 55, during the year 1858 on account of 1857—Statement of the same for and during the		32 22	***	"
year 1858—Statement of Pensions granted under the 50th section of the Constitution Act	ومهلأ بعدد داد	guarde services careta	. منحی	
Order in Council—County Courts General Rule under 21 Victoria No. 29, sec. 69, (5th December, 1859)	 1° / 101	2)	•••	27
Orders in Council—Under 21 Vic. No. 29, creating County Courts at Tarradale (28th November, 1859), and at Indigo (5th Dec., 1859)		"		
Interest guaranteed to Share- holders of Melbourne and Geelong Railway Company— Return of	Hon. G. W. Cole, 27th Oct., 1859	"	•••	Recommended to be printed.

			 	
Subject.	When moved for, and by whom.	When laid on Council Table.	By Command	Report and Remarks of Committee.
Gold Fields Act—Order in Council —Mining District of Castle- maine altered—12th December, 1859. Polling places for Mining District of Castlemaine—12th December, 1859		18th Jan., 1860	•••	No order made.
Police Department—Report of Chief Commissioner, 1859	***	3 7	•••	"
Defences of the Colony—Report of Captain F. B. Seymour, R.N., of H. M. S. <i>Pelorus</i> ; together with a Report on the efficiency of H. M. C. S. S. <i>Victoria</i> .	+	"		,
Defences of the Country—Return to Address—Of the corres- pondence that has taken place between the Imperial Govern- ment and the Government of this Colony, relative to the Defences of the Country	Hon. G. Urquhart, 8th Dec., 1859	22		Recommended to be printed.
Geodetic System of Survey— Return to Order—Showing the nature and cost of the opera- tions carried on under the Geodetic System of Survey in the Colony up to date of order—8th December, 1859.	> >	"	•••	,
Gold Fields Act—Orders in Council—Divisions of Mining District of Beechworth altered—9th Jan., 1860. Divisions of Maryborough Mining District altered—9th Jan., 1860. Divisions of Mining District of Castlemaine altered—9th January, 1860. Mining operations authorised on a portion of Camp Reserve, at Heathcote—9th January, 1860. Mining operations authorised on a portion of the Police Reserve at Amherst—9th Jan., 1860.		25th Jan., 1860		No order made.
National Education—Board of, Rule—27th January, 1860.	•••	1st Feb., 1860	•••	· »
Sanitary Station—Report of Chief Medical Officer on, for 1859		"		"
Botanist, Government — Annual Report—12th January, 1860		, ,,		"
Police Clothing Account—Report of Investigation—29th October, 1859		8th Feb., 1860		"

MATTHEW HERVEY, Chairman.

Committee Room, 9th February, 1860. 1859-60.

VICTORIA.

LEGISLATIVE COUNCIL.

THIRD REPORT

OF THE

PRINTING COMMITTEE.

LAID UPON THE COUNCIL TABLE BY THE HONORABLE M. HERVEY AND ORDERED BY THE COUNCIL TO BE PRINTED 26TH APRIL, 1860.

By Authority:

REPORT.

In pursuance of the Order of your Honorable House, your Committee have had referred to them the several Papers mentioned in the following Table, upon which your Committee beg to report as appears by such Table:—

	1		1	
Subject.	When moved for, and by whom.	When laid on Council Table.	By Command.	Report and Remarks of Committee.
Accounts of Sewerage and Water Commission.—Return to Order of Council of the 18th ultimo, showing the Yearly Accounts of the Sewerage and Water Commission, Correspondence relating thereto, and Cost of the	Hon. G. W. Cole, 18th Jan., 1860	15th Feb., 1860		Recommended to be printed.
Yan Yean Tramway Debentures under the 18th Victoria, No. 40.—Return to Order of Council of the 18th ultimo		23rd Feb., 1860		No order made.
Emigration to Victoria, 1859.— Summary Report on. Colonial Land and Emigration Commissioners (11th January, 1860)	,	14th March, 1860		19
Friendly Societies.—Return of, registered in 1859		"	•••	"
Denominational School Board.— Report of, 1858, and part of 1859		21st March, 1860		"
Gold Fields Act. — Orders in Council. Polling Places. — Mining District of Maryborough (6th February, 1860). Mining Leases, Auriferous Land, Castlemaine District (6th February, 1860). Mining Leases, Auriferous Land, Sandhurst District (6th February, 1860)	•••			29
Mails (Conveyance of) between Suez and Sydney.—Correspon- dence relative to		22		27
Experimental Farm. — Progress Report of Director, to January, 1860		28th March, 1860		"
Tolls taken at Studley Toll-bar.— Return to an Order of the Council of the 22nd March	Hon. J. P. Fawkner, 22nd March, 1860	"	•••	Recommended to be printed.
Survey of the whole Coast of the Colony and Bass's Straits.— Return to an Order of the Council of the 18th January	Hon. G. W. Cole, 18th Jan., 1860	29th March, 1860	**** **** *	"
National Education Rules (15th February, 22nd February, 1860)	·	18th April, 1860	By Command	No order made.

Subject.	When moved for, and by whom.		When laid on Council Table. By Command.		Report and Remarks of Committee.	
Lands Sold, Surveyed, Leased, &c.—Return to Order of Council of 14th March last	Hon. G. S. C 14th March,		19th April, 1860	···· •	••	Recommended to be printed.
Country Lots.—Return to Order of Council of 22nd March last	Hon.W.H.F.M 22nd March		"		••	"
Crown Lands Alienated, 1st July to 31st December, 1859	•••		"	By Comm	and	No order made.
Health Officer.—Report for the Half-year ending 31st Decem- ber, 1859		•••	25th April, 1860	"		"
Board of National Education Rules — pursuant to Act of Council, 15 Victoria, No. 7	•••		39	,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,		"

MATTHEW HERVEY,

Committee Room, 26th April, 1860. Chairman

1859-60.

VICTORIA.

REPORT

FROM THE

SELECT JOINT COMMITTEE

OF THE

LEGISLATIVE COUNCIL AND LEGISLATIVE ASSEMBLY,

UPON THE

LIBRARY.

ORDERED BY THE COUNCIL TO BE PRINTED, 23RD MAY, 1860.

By Authority:

EXTRACTED FROM THE MINUTES.

WEDNESDAY, 19TH OCTOBER, 1859.

LIBRARY COMMITTEE (JOINT).—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 Members of the Joint Committee of both Houses of Parliament to manage the Library.

Question—put and passed.

WEDNESDAY, 23RD MAY, 1860.

LIBRARY COMMITTEE—PROGRESS REPORT.—The Honorable J. Hodgson, on behalf of the Chairman of the Library Committee, brought up the Progress Report of the Committee, and moved, That the same be received and read.

Question—put and passed.

The Report was read at the Table by the Clerk.

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

Debate ensued.

Amendment moved by the Honorable J. P. Fawkner, That the Report be printed and that its adoption be made an Order of the Day for Wednesday next.

Original question, by leave, withdrawn.

Question—That the Report be printed, and that its adoption be made an Order of the Day for Wednesday next—put and passed.

PROGRESS REPORT.

The Joint Committee of the Two Houses of Parliament, appointed to superintend and regulate the affairs of the Library of the Parliament, having had under consideration the supply and disposal of the Printed Papers of Parliament, beg to submit for the approval of both Houses the following Resolutions, to which they have agreed:—

1. That the subjoined list of departments, establishments, and persons be supplied in regular course with one copy of all the current printed Parliamentary papers as published.

2. That proofs of the "Votes" be supplied to such departments and persons as have been in the habit of receiving them.

3. That the sanction of the Library Committee be obtained to any addition to be made to the subjoined list for proofs or papers.

- 4. That the proprietors of all colonial newspapers be supplied with one copy of the printed Parliamentary papers (if required) in exchange for one copy of the regular issue of such paper, upon the approval of the Library Committee, to be signified by the signature of the Chairman of the Committee.
- 5. That no papers of the past Sessions (except such as may be specially ordered by either House of Parliament) be supplied to any department, establishment, or person, except on special application to and permission of the Library Committee.

6. That the Parliamentary papers be supplied to the public at the rate of thirty shillings per Session; or one penny per sheet, or for any less quantity than one sheet.

7. That every Member of the Legislature be supplied with one copy of the papers of the Parliament as published, and with a collated copy of all such papers and accompanying maps, half-bound in the usual way, at the end of every Session of the Parliament.

8. That any of the printed papers of the Session of the Parliament be furnished, in addition, to any member of the Legislative Council and Legislative Assembly upon the order of the President and Speaker respectively.

9. That the Government Printer be instructed to print 1000 copies of all Parliamentary papers laid upon the Table by command, or ordered

to be printed, and 750 copies of the "Votes and Proceedings."

- 10. That the Government Printer be instructed to take the custody of the several printed papers, and to supply the same on the order of the President and Speaker, respectively, or on sale when required; and that he do further furnish the Clerk of the Legislative Council with fifty copies, and the Clerk of the Legislative Assembly with 100 copies, respectively, in regular course, and at the end of every Session, that he do furnish the Librarian with fifty copies, and that any surplus papers be returned from time to time to the Government Printer.
- 11. That the Librarian be requested to address a circular letter to the heads of all the Government departments, establishments, and persons to whom the "Votes" and printed papers of the Parliament are at present supplied, stating that such papers are supplied officially, and that a second copy of any papers that may be lost or destroyed will not be supplied except on the special authority of the Committee.
- 12. That the Chairman be requested to open a communication with the Lord Mayors of London and Dublin, and the Lord Provost of Edinburgh, to state that the Library Committee of the Parliament of Victoria are prepared to place at their disposal five or more copies of the Parliamentary papers, for distribution to such different public libraries and public institutions, the members of which would be likely to feel an interest in their proceedings.

That the foregoing resolutions be embodied in a report to be immemediately presented to both Houses of Parliament, with a recommendation they take effect from the commencement of the ensuing session.

J. F. PALMER,

Chairman.

List of the Departments, Establishments, and Persons, to be supplied with the current Printed Parliamentary Papers, as published.

The Private Secretary. Mr. Justice Barry. Clerk to the Executive Council. Molesworth. Chief Secretary. Pohlman. Under Secretary. The Registrar of Supreme Court. Treasurer. Law Library of Supreme Court. Under Treasurer. Mr. President. Attorney General. Speaker. Solicitor General. The Clerk of the Legislative Council. " Master in Equity. Assistant Clerk of Council. Crown Solicitor. Clerk of the Legislative Assembly. Commissioner of Survey. Clerk Assistant of the Legislative Surveyor General. Assembly. Deputy Surveyor General. Librarian of Parliament. Engineer-in-Chief. Assistant Librarian. Secretary to the Railway Board. Shorthand Writer. Chief Commissioner of Public Works. Chairman of National Education. Inspector General of Public Works. Inspector of Denominational Board. Chief Commissioner of Trade and Lord Bishop of Melbourne. Customs. Right Reverend Dr. Goold. Judge of the County Court of Bourke. Postmaster General. Captain Seymour, Pelorus. Secretary. Commissioner of Audit. The Consul of France. Immigration Agent. Prussia. " Sheriff. Netherlands. Inspector General of Penal Estab-Portugal. lishments. Belgium. Chief Commissioner of Crown Lands. Major-General Commanding. Clerk of the Occupation Branch. Comptroller of Savings' Bank. Registrar General. Registrar of Melbourne University. Chief Harbor Master. Town Clerk of Melbourne. Chief Commissioner of Roads. Geelong Mechanics' Institute, Melbourne. Superintendent of Police. Chief Medical Officer. Chamber of Commerce, Melbourne. " Government Storekeeper. Public Library. Law Institute. Chief Justice.

The Adjacent Colonies.

Sydney '' '' '' '' '' '' '' '' ''	•••	The President of the Legislative Council. " Speaker of the Legislative Assembly. " Colonial Secretary. " Attorney General. " Auditor General. " Treasurer.
Tasmania	•••	The President of the Legislative Council. ,, Speaker of the Legislative Assembly. ,, Colonial Secretary.
Adelaide	•••	The President of the Legislative Council. , Speaker of the Legislative Assembly. , Colonial Secretary. , Librarian of the Parliaments.
Brisbane	•••	The President of the Legislative Council. , Speaker of the Legislative Assembly. , Colonial Secretary.
Auckland, N.Z.		The Speaker of the Legislative Assembly.
Wellington, "	•••	The Speaker of the Legislative Assembly.

J. F. P.

•

1859-60.

VICTORIA.

REVISED REPORT

FROM THE

SELECT JOINT COMMITTEE

OF THE

LEGISLATIVE COUNCIL AND LEGISLATIVE ASSEMBLY

UPON THE

LIBRARY.

ORDERED BY THE COUNCIL TO BE PRINTED, 17TH JULY, 1860.

39 Authority: John Ferres, Government Printer, Melbourne.

EXTRACTED FROM THE MINUTES.

THURSDAY, 7TH JUNE, 1860.

LIBRARY (JOINT) COMMITTEE—REPORT OF.—The Order of the Day for the adoption of the Report of the Library (Joint) Committee being read, the Honorable J. Hodgson moved, That the Report be now adopted.

Debate ensued.

The Honorable M. Hervey moved—That the debate be adjourned until Tuesday next.

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

TUESDAY, 12TH JUNE, 1860.

LIBRARY (JOINT) COMMITTEE—The Order of the Day for the resumption of the adjourned debate on the motion for the adoption of the Report of the Library Committee being read, the debate was resumed.

The Honorable G. Rolfe moved, That there be added to the schedule of names attached to the Report the following names:—The Rev. R. Fletcher, President of the Congregational Union; Rev. J. Taylor, Baptist; Rev. D. J. Draper, Wesleyan; the Moderator of the Presbyterian Church; the Jewish Rabbi; as representatives of their respective denominations.

The Honorable J. P. Fawkner moved as an amendment, That the Report be referred back to the Library Committee for re-consideration and re-arrangement of the names in the Schedule, and for the expunging of the eighth clause.

The Honorable G. Rolfe, with leave of the Council, withdrew his proposition.

Question—That the Report be referred back to the Library Committee for re-consideration and re-arrangement of the names in the Schedule, and for the expunging of the eighth clause—put and passed.

The Honorable J. P. Fawkner moved, That a message be carried to the Legislative Assembly to acquaint them that the Council have referred back the Report to the Library Committee for re-consideration and re-arrangement of the names in the Schedule, and for the expunging of the eighth clause.

Question—put and passed.

TUESDAY, 17TH JULY, 1860.

LIBRARY (JOINT) COMMITTEE.—The Honorable J. Hodgson brought up a Report from the Joint Library Committee on the Progress Report referred back to the Committee, and moved that the same be printed, and taken into consideration on Tuesday next.

Question-put and passed.

REVISED REPORT.

The Joint Library Committee of the two Houses of Parliament having re-considered the Progress Report of your Committee referred back to them by resolutions of both Houses of the Parliament on the 11th day of June and the 27th day of June, 1860, respectively, beg to report as follows:—

Your Committee have amended the Schedule to their former Report by inserting therein—

- "The Representative of each Religious Denomination in Melbourne who may apply to the Library Committee for the same."
- "To the Judge of each County Court in Victoria."
- "To the Representative of every Foreign State who may apply to the Library Committee for the same."

Your Committee have also re-considered the eighth clause of their former Report, but they find no cause to alter their former opinion on the subject.

1859-60.

VICTORIA.

PROGRESS REPORT

OF THE

SELECT COMMITTEE OF THE LEGISLATIVE COUNCIL

ON THE

SCOTCH PROCURATORS BILL,

TOGETHER WITH THE

PROCEEDINGS OF THE COMMITTEE AND MINUTES OF EVIDENCE.

ORDERED BY THE COUNCIL TO BE PRINTED, 29TH AUGUST, 1860.

By Authority:

EXTRACTED FROM THE MINUTES.

FRIDAY, 18TH MAY, 1860.

Scotch Procurators Bill.—Select Committee on.—The Honorable R. Thomson, in accordance with amended notice, moved, That the Scotch Procurators Bill be referred to a Select Committee, to consist of the Honorables T. H. Fellows, J. Hodgson, G. S. Coppin, G. Rolfe, J. B. Bennett, W. H. F. Mitchell and the Mover.

Question-put and passed.

WEDNESDAY, 23RD MAY, 1860.

Scotch Procurators Bill—Powers of Select Committee extended.—The Honorable R. Thomson, with leave of the Council, moved, without notice, That the Select Committee appointed on the Scotch Procurators Bill have power to take evidence and call for persons and papers.

Question-put and passed.

TUESDAY, 12TH JUNE, 1860.

Petition.—The Honorable J. P. Fawkner presented to the Council a Petition signed by James Scott, praying that he may be allowed to appear and suggest questions to be put to witnesses examined before the Select Committee on the Scotch Procurators Bill, and that he may address the Committee on the evidence adduced.

Petition received.

THURSDAY, 14TH JUNE, 1860.

James Scott-Petition of.—The Honorable J. P. Fawkner, in accordance with notice, moved, That the Petition presented by him on the 12th instant, from James Scott, be referred to the Select Committee on the Scotch Procurators Bill.

Question-put and passed.

WEDNESDAY, 29TH AUGUST, 1860.

Scotch Procurators Bill.—The Honorable R. Thomson brought up a Progress Report from the Select Committee to which the Scotch Procurators Bill was referred, and moved that the same be printed, and that its adoption be made an Order of the Day for Tuesday next.

Question—put and passed.

PROGRESS REPORT.

THE SELECT COMMITTEE, appointed on the 18th May to consider the Scotch Procurators Bill, have the honor to submit the following Progress Report:—

Your Committee have been attended by the petitioners on the Bill and have taken the evidence of several witnesses. It has been deemed advisable to obtain the opinion of some of the Judges of the Supreme Court on the subject, they being considered peculiarly able to advise your Committee on the admission of Practitioners to their Court. Your Committee have not as yet been able to obtain such evidence, and fear that, from the present sitting of the Supreme Court, they will not be able to obtain it in time to present a final Report before the closing of the present Session.

Committee Room, 9th August, 1860. J. B. BENNETT, Chairman.

PROCEEDINGS OF COMMITTEE.

THURSDAY, 31st MAY, 1860.

Members present:

The Honorables R. Thomson, G. Rolfe, J. Hodgson, J. B. Bennett.

The Honorable R. Thomson was voted to the chair. Resolved—That the Committee should take evidence:

1st. As to the course of legal education and the qualification requisite to enable persons to practise before the Sheriff Courts of Scotland.

2nd. How they are admitted to practise before these Courts.

3rd. The jurisdiction and practise of the Sheriff Courts of Scotland generally.

4th. Whether qualified legal practitioners before the Scotch Sheriff Courts are admissible to practise before the Supreme Court of this Colony.

Petition from Mr. D. Prophet read. Mr. D. Prophet called in and examined.

Committee adjourned till Tuesday, at two o'clock.

TUESDAY, 5TH JUNE, 1860.

Members present:

The Honorable R. Thomson, in the chair. The Honorables G. Rolfe, J. B. Bennett, J. Hodgson.

Mr. D. Prophet called in and further examined. Mr. James Scott called in and examined.

The Committee adjourned.

THURSDAY, 7TH JUNE, 1860.

Members present:

The Honorable R. Thomson, in the chair.
The Honorables W. H. F. Mitchell, J. B. Bennett, G. Rolfe.

Mr. David Ogilvie called in and examined.

The Meeting adjourned until two o'clock on Tuesday.

[N.B.—The Committee not having been summoned by the Chairman on this occasion,
Mr. Ogilvie was recalled on a subsequent day.—Vide "Proceedings" 7th August.]

TUESDAY, 12TH JUNE, 1860.

Members present:

The Honorable R. Thomson, in the chair. The Honorables J. B. Bennett, J. Hodgson, G. Rolfe, W. H. F. Mitchell.

Mr. Robertson called in and examined.

Mr. James H. Ross called in and examined.

Mr. James Marshall called in and examined.

The additions and corrections made by Mr. Prophet in his evidence were submitted and disallowed by the Committee. The Committee adjourned.

TUESDAY, 19TH JUNE, 1860.

Members present:

The Honorable R. Thomson, in the chair.

The Honorable N. Homson, in the char.

The Honorables J. Hodgson, G. Rolfe.

Petition of James Scott, referred by the Council to Committee, was submitted, and the consideration postponed for a fuller meeting,

Corrected evidence of Mr. D. Prophet submitted and referred to Shorthand Writer, to say whether the alterations be allowed; and if, in his opinion, they ought to be, the evidence, as corrected, to be reinted to be printed.

Mr. James Scott called in and further examined.

The Committee adjourned.

TUESDAY, 7TH AUGUST, 1860.

Members present:

The Honorable J. B. Bennett, in the chair. The Honorables W. H. F. Mitchell, G. Rolfe.

Mr. D. Ogilvie was called in and asked by the Chairman if he adopted as his evidence the replies given by him to certain Members of the Committee on the 7th June. He adopted them. Draft Report submitted and read. Committee deliberated and adjourned until a quarter to four o'clock on Thursday.

THURSDAY 9TH AUGUST, 1860.

Members present:

The Honorable J. B. Bennett, in the chair; The Honorables G. S. Coppin, G. Rolfe, W. H. F. Mitchell.

Draft Report considered and adopted. Chairman directed to report same to the House.

OF EVIDENCE. MINUTES

THURSDAY, 31st MAY, 1860.

Members present:

The Honorable R. Thomson, in the chair;

The Honorable J. B. Bennett

The Honorable G. Rolfe.

J. Hodgson

Mr. David Prophet examined.

1. By the Chairman.—You were connected with the legal profession in Scotland?—Mr. D. Prophet, Slet May, 1860.

Yes: I was a procurator of the sheriff courts for nineteen years.

2. Where were you educated?—I commenced my studies in the profession in Forfarshire, where I was upwards of five years, in the offices of provincial solicitors.

3. As an articled clerk ?—Yes, during the first part of my service.

4. Where did you go next?—I then went to Edinburgh, where I was afterwards for

upwards of five years.

- 5. Did you serve under articles there ?—Yes, for five years. I may mention, also, that those services qualified me to be admitted, not only in the Supreme Court, but also in the
- 6. By Mr. Bennett.—With what class of practitioners did you serve in Edinburgh?—A solicitor of the Supreme Court.

7. Did you serve him under articles ?—Yes.

8. In Edinburgh?—Yes.

9. By the Chairman.—Do solicitors of the Supreme Court of Scotland practise out here?—Yes.

10. Are they admitted out here?—Yes.

11. Do you know any instance of that?—Yes, Mr. Marshall is one. Formerly an advocate's clerk had the right to practise in the Supreme Court. In order to arrange with the advocates that they should not give certificates to their clerks to practise in the court, it was agreed not to appoint any more; and the result was, that thirty or forty of them, under those circumstances, became members of the Society of Solicitors of the Supreme Court; but Mr. Marshall previously joined the society.

12. Is he admitted to practise here, as having been a solicitor of the Supreme Court of

Scotland ?-

13. By Mr. Bennett.—Did he practise before the Supreme Court of Scotland?—He did.

14. By the Chairman.—As a solicitor, not as a writer to the signet?—Yes, only as a solicitor.

15. What body of practitioners were you admitted in first?—I was admitted by the sheriff in the principal court of Invernessshire, to act as a solicitor or procurator. The sheriff is the only judge entitled to admit practitioners in the provincial courts, the Supreme Court never having exercised that privilege. In no instance, that I am aware of, has the Supreme Court admitted solicitors for the Sheriff Courts.

16. What is the rule in regard to the Sheriff Courts as to serving apprenticeship, or articles of indenture?—In consequence of the powers given by Act of Parliament, they passed an Act of Sederunt, which entitled certain parties to become procurators of the

Sheriff Courts.

17. By Mr. Bennett.—The Supreme Court passed that?—Yes; they were empowered by Act of Parliament to do so. The writers to the signet, solicitors of the Supreme Court, and procurators from any other Sheriff Courts were entitled to be admitted on production of their certificates of admission; also those who had served under articles for at least three years were entitled to be admitted if found qualified by examination, and if of twenty-one years of age; but in practice, I am not aware of anyone having been admitted after having served for only three years. They generally have gone afterwards for some years to Edinburgh.

18. By Mr. Rolfe.—Was that admission confined only to one particular county?—Yes: but after having been admitted into one county, if the procurators wished to transfer themselves to any other county, they had only to go to that county and present their certificates of admission, and they were admitted as a matter of course on paying just the sheriff's clerk's fee, which is a guinea; there was no fee to the Government to be paid for a second admission.

19. By the Chairman.—If a person practising before one of the Sheriff Courts were going to Glasgow, would he be admitted there ?-By the Act of Sederunt, the chartered bodies of Scotland are excepted. They are three in number. The faculty of procurators of the Sheriff Court at Glasgow is one of those chartered bodies; the solicitors of the Sheriff Court of Edinburgh is another; and the practitioners of the Sheriff Court of Aberdeen is the third; and they are excepted by the Act of Sederunt. Those parties who are admissible by this Sederunt cannot get admitted into those chartered bodies without complying with the regulations of those bodies.

SCOTCH PRACTITIONERS.—a.

Mr. D. Prophet, continued, 31st May, 1860.

- 20. By Mr. Rolfe.—Then under your first articles you are not entitled to be admitted in Glasgow and those other places which you name?—Certainly not, unless by complying with the requirements of the respective charters of corporation.
 - 21. Not even by payment of the fee of a guinea, which you have already mentioned ?-No.
- 22. By the Chairman.—What is the course of education for practitioners before the Sheriff Court in Lanarkshire, particularly in Glasgow? do you know the course of study that is requisite to qualify young men to be admitted members of faculty there?—I believe it is the same course of study as in all other counties. In every county they must be examined in all branches of Scotch law; not only common law, but also statute law.
- 23. You are not aware that it is necessary to serve for six years to obtain admission in Glasgow?—Yes, I believe it is by a regulation of the procurators under their charter of incorporation. I may explain, with regard to the mode of admission, that the sheriff is entitled to be present at the examination of parties applying to be admitted procurators. The examination is conducted by the procurators themselves in open court, and the sheriff presides, and decides whether the examination is proper or not; after it is completed, the procurators, if they are satisfied, grant a certificate that the party is properly qualified, and the applicant is then admitted as a matter of course.

24. What is the fee which is paid on admission?—I paid fifty-five pounds, which is the Government duty impressed on the extract of my admission.

25. Do you know what the fee is in Glasgow and the other places where the faculties are incorporated?—The fee to the Government is the same, but there are extra fees to the society of solicitors in Glasgow, which go to support their widows' fund.

26. By Mr. Bennett.—That is in Glasgow, in Aberdeen, and in Edinburgh?—Yes, in

all three; but Glasgow is the highest, I believe.

27. By the Chairman.—Then the sheriff admits the parties to practise?—Yes.

28. Does that enable them to act as solicitors, and conveyancers, and procurators?—It enables them to act with regard to every kind of business (except as a notary public) which can be transacted in their part of Scotland, equally and as thoroughly as any solicitor admitted by the Supreme Court in Edinburgh.

29. Before apprentices are bound, must they produce certificates that they have studied the Latin language for four or five years?—That is required in some cases; but it is not imperative, if they can pass their examinations satisfactorily when applying for admission as practitioners. They generally go to Edinburgh for some years after serving their articles, in order to attend the law classes in Edinburgh.

30. Are you aware that, in Glasgow, before an apprentice can be articled, he must produce a certificate that he has been four or five years in the Latin classes?—I believe that is the practice; but I do not know it myself, not having been professionally engaged in Glasgow.

31. Must they attend lectures before they are admitted in the Sheriff Courts?—It is not imperative; but it is the practice to do so: in fact, they require generally to do it, in order to gain the knowledge necessary to enable them to undergo the examination.

32. Where do they attend lectures?—Generally in Edinburgh.

33. Are you aware that attendance upon lectures is indispensably necessary, in the case of admission into the incorporated faculties?—I am not aware.

34. Is it the Edinburgh and Glasgow Universities that they attend?—Yes, principally

in Edinburgh, but the Glasgow clerks find it more convenient to attend in Glasgow.

35. Do they generally attend a course of lectures upon conveyancing also?—When they go to Edinburgh, they generally do so: they attend, not only the lectures on the Scotch law, but also those on conveyancing. There are two different professors for these lectures, besides a third for civil law.

36. Have you any other information you could give the Committee upon these two heads: first, the course of legal education and the qualification requisite to enable to practise before the Sheriff Courts of Scotland; and secondly, how they are admitted to practise before those courts?—No; I think that you have brought out the whole. I would add, that the admission as procurators, which takes place before the Sheriff Courts, gives us the privilege, after taking out the provincial government certificate annually, to practise as conveyancers over any part of Scotland, with the exception of the metropolis—the city and county of Edinburgh.

Scotland, with the exception of the metropolis—the city and county of Edinburgh.

37. Have you any of your licences to practise with you?—I have. (The witness produced the same.) For the first three years I paid £4 annually, afterwards £8, and during the two last years of my practice it was reduced by Parliament to £6. The title on my certificate is, "Certificate for a Writer to the Signet, Solicitor, Agent, Attorney, Procurator, or Notary Public, admitted or enrolled three years or upwards, and not resident, or carrying on

business within the City or Shire of Edinburgh."

38. How many years have you taken out your annual certificate?—Nineteen years. My character in the body of the certificate is, "Solicitor and Notary Public." I may mention that, if a writer to the signet was carrying on business outside the limits of Edinburgh, he would only have to pay the same licence fee as myself; the licence is only higher when in Edinburgh. I may also explain that, after having been some years in practise as a solicitor and procurator in Invernessshire, I applied to be admitted as a notary, and was admitted by the Supreme Court. I have with me my admission as a notary public, dated in May, 1842, and for which I paid £20 to the Government. In it, I am designated a "solicitor." (The witness produced the same.)

39. That enables you to practise as a conveyancer all over Scotland?—Yes; on taking out annually the appropriate Government certificate, we are entitled to practise as conveyancers

all over Scotland in virtue of a notary public admission, but an admission as a solicitor or Mr. D. Prophet, procurator gives the right as conveyancers only beyond Edinburgh. I should also mention that slst May, 1860. the admission by the sheriff gives me the right to practise before the Supreme Court when on circuit sitting in the county.

40. Is that when they are reviewing the decisions of the sheriff?—When the Supreme judges hold their circuit courts, which are held twice a year in Inverness. In regard to civil business, it is only appeals from other courts; but in regard to criminal business, it is not only appeals from other courts, but cases brought before them in the first instance.

41. By Mr. Bennett.—You act before the judges of the Supreme Court, when on circuit,

by virtue of what ?—By virtue of being a procurator of the Sheriff Courts.

- 42. You practise before the judges of the Supreme Court in going the circuit, by virtue of the Sheriff Court admission, but only in cases of appeal from that particular Sheriff Court in which you are admitted?—No.
 - 43. Can you follow the circuit all over Scotland?—No; only within the particular circuit.
- 44. Is there, in any county, more than one Sheriff Court?—There are several Sheriff Courts.

45. In one county?—Yes.

46. Could you go from one to the other, and practise in all the Sheriff Courts within that county ?-Yes, in regard to all Sheriff Court business. My admission in the principal Sheriff Court of Invernessshire entitled me to practise in all the Sheriff Courts in Invernessshire, in which there are four fixed Sheriff Courts, besides the sheriff circuit courts.

47. Does it follow that all admissions into one Sheriff Court in a county comprehend the whole of the Sheriff Courts in that county?—Yes: the admission takes place at the principal court, which is held at the head town of the county; and that admission carries the right to

practise in every court held within the county.

48. Then you can now practise in all the Sheriff Courts in Invernessshire by virtue of your admission into one?—Yes.

49. And then you can follow the circuit court through Invernessshire into all the Sheriff

Courts ?-Quite so.

50. Then can you go out of Invernessshire and follow the circuit court into the next county by virtue of your admission in Invernessshire?—When the circuit court is held in Inverness it includes many counties, and we have been allowed without objection to practise as solicitors before that court in business applicable to all the other counties within that circuit. I have done it myself, frequently.

51. But not beyond that circuit?—No.

52. Is that an exceptional case with regard to the Inverness circuit, or are there other circuits which do not include so many counties as the Inverness circuit, but in which the same law exists ?-I believe the same rule applies to all the circuits, because several counties are

embraced in every circuit.

53. By the Chairman.—Can you state what is the jurisdiction of the Sheriff Courts?— The jurisdiction of the Sheriff Courts is a very extensive one. In almost every branch of the Scotch law, the sheriffs have the same jurisdiction as the Supreme Court. In regard to debts, the sheriffs have the same jurisdiction, to any amount, as the Supreme Court, and there is the same form of procedure for executing their warrants and the recovery of debts. In regard to questions arising with reference to real estate, they have also a right equally with the Court

of Sessions to regulate the possession of such property.

54. By Mr. Bennett.—Do they try all actions in relation to real property?—No.

55. What do you mean by "regulate the possession"?—Where a question of possession is in dispute, the sheriff has the power to decide questions with reference to the right of possession of parties during the previous seven years. If the possession extends beyond seven years under a title, then they must go into the Supreme Court to try the question of the right of property.

56. Then they have a limited jurisdiction with regard to real property?—Yes; and with

that exception, the Sheriff Courts have about the same jurisdiction as the Court of Session.

57. What do you call the Court of Session?—The Supreme Civil Court. In Scotland there are three Supreme Courts, which, combined, are called the College of Justice. The one is the Supreme Civil Court, which is the Court of Session, presided over by all the supreme judges. The second is the Criminal Court, which is the High Court of Justiciary, which is presided over by only a certain number of the Supreme judges. And the third is the Court of Exchequer, which is presided over by a lesser number of the judges. The practitioners in those courts consist of the writers to the signet, and the solicitors of the Supreme Court. In the Court of Exchequer they are limited, and have the privilege conferred upon them by Government of practising there. In my time there were only two solicitors practising for the public in the Exchequer Court. The others are equal in the Civil Court and the Criminal Courts In regard to insolvency and sequestration business, which apply to insolvent and bankrupt estates, the sheriffs have the power now which the Court of Session had, for sequestrating and winding up those estates and bringing them to a close—in certain events there is still an appeal in some matters to the Supreme Court, but only in a very few exceptional cases. The Sheriff Courts have also the right within their territory which formerly belonged to the High Court of Admiralty, and which, on the abolition of that court, had been transferred to the Supreme Court and the Sheriff Courts, who now adjudicate upon all matters in maritime and shipping business, even as against foreigners, when the ships are within the territory of the judge. In regard to real estate, they also decide by inquest upon the succession of parties to the properties of deceased individuals, and who shall be the heirs to those parties.

Mr. D. Prophet.

58. What is the criminal jurisdiction of the Sheriff Court?—Formerly the sheriffs were continued.
31st May, 1860. equally extensive in jurisdiction with the Supreme Court. They were entitled formerly to try even the four pleas of the crown, which were the four highest cases, viz:—murder, robbery, fire-raising, and rape. The right to try those was afterwards transferred from the sheriff to the High Court of Justiciary; but with regard to every kind of criminal business, the sheriffs are still competent to adjudicate, except in cases where the life of the accused is in question. Robbery and fire-raising (which is known in this colony and in England as arson) not being now capital offences, the sheriffs have still jurisdiction in regard to these crimes.

59. Then they cannot try for capital offences?—No: and they can banish a man

out of the county, but not out of the kingdom.

60. They cannot exercise the power of transportation beyond the seas, which the Supreme Court of Scotland can?—Quite so.

61. By the Chairman.—The sheriff acts ministerially in certain cases, does he not?—

Yes, in all questions of breves issued from chancery.

62. By Mr. Bennett.—In all cases there is an appeal to the Supreme Court when it comes round in circuit, is there not?-No, some appeals go to the Supreme Court sitting in Edinburgh—only certain judgments are entitled to be appealed to the circuit court.

63. All cases are appealable to Edinburgh?—Some cases are not appealable at all. In a great deal of the bankruptcy business there is no appeal. It is in many cases provided by

statute that there shall be no appeal.

64. Where there is no statute interdicting it, there is an appeal to the Supreme Court in

Edinburgh?—Yes.

65. When a man is arrested for a crime, does the Sheriff Court take down all the evidence, and hear what the prosecutor has to say against the prisoner; and then, acting ministerially, commit the prisoner for trial?—Yes. All this is afterwards sent up to the lord advocate, who decides whether there shall be a case tried at all, and then he decides whether it shall go before the Supreme Court of Justiciary, or before the Sheriff Court.

66. The sheriff in those cases acts in the same way as the magistrates do?—Yes, in all criminal cases. All criminal business is prepared before the sheriff before it is brought into

the Supreme Court.

- 67. Is it the case that the sheriff has only a summary jurisdiction in minor criminal cases ?-Yes; but in practice many important cases are sent back by the lord advocate to the sheriff to try the case, which he then does, with or without juries, according to the magnitude of the crime.
- 68. By Mr. Rolfe.—Does practising in the Sheriff Court, which you have been describing, give you the privilege of practising in the Supreme Court ?-When on circuit; not at any other time. I may state, also, that, by Act of Parliament, all procurators of the Sheriff Courts, equally with the writers to the signet and the solicitors of the Supreme Court, are qualified to be resident sheriffs of any county.
- 69. By the Chairman.—Is the Sheriff Court a court of superior record for the registration of deeds?—It is. In Edinburgh there are records which are suitable for any part of Scotland, called the "general records," and there are corresponding records in every county applicable to that county only. The records in each county are quite independent of the records

70. By Mr. Rolfe.—If you register in Edinburgh, is it necessary to register in the

county?-No.

71. By the Chairman.—Do you consider those particular registers or county records, records of a court of superior record?—Yes.

72. Who keeps those records?—A particular officer appointed by Government.

73. If those deeds and obligations gave power to do diligence at once under them without going into the court, such as consenting that diligence shall proceed upon those deeds that are recorded, how is that effected?—If they are bonds or protests of bills, there is a certain warrant issued in the sheriff's name, after the bond or protest is recorded, which contains a warrant to recover the debt to any extent; and if the amount of any of those below £25 is afterwards disputed, the debt must first be inquired into and disposed of by the sheriff, whether the original warrant was issued by the sheriff or by the Supreme Court.

74. By Mr. Bennett.—The Sheriff Court is what you call a Court of Superior Record?

—Quite so.

75. By that you mean that in that court are recorded the deeds relating to the transfer of property and the registration of bonds and obligations?—The deeds applicable to real estate are not registered in the Sheriff Court records. There is a separate record for that purpose under the superintendence of the sheriff in every county for titles to real estate, known in Scotland as the "Seisin" record, in which are registered absolute titles and real securities, and mortgages, and their discharges and releases; but with regard to registering deeds for security not applicable to real estate, they are registered in the Sheriff Court records.

76. Then it is not a Court of Superior Record in reference to the registration of deeds relating to real estate?—It is: but though the sheriff has control over that record, it is not a

77. Then it is in reference to bonds and obligations and warrants of attorney, and so on, that it is what you call a Court of Superior Record ?-Yes; deeds applicable to real estate must be registered in the appropriate county register, which is not a Sheriff Court register at all.

78. In what respect is the Sheriff Court a Court of Record?—It is a Court of Record in registering obligations, bonds, deeds, and protests of bills, and the Sheriff Court judgments for debts.

79. That does not make it a Supreme Court?—No; I call it a Superior Court.

79. That does not make it a Supreme Court?—No; I call it a Superior Court.

Mr. D. Prophet,
80. You said the jurisdiction in respect to real estate in the Sheriff Court was limited continued,
31st May, 1860. to where there was a disputed possession within seven years?—That was one point. I would rather state the exception, which is, that in the Supreme Court they have only an exclusive right to try a question where the right of possession under a disputed title extends beyond seven years. But there are many other questions which arise, such as making up titles to heirs, or suing the heirs of deceased parties, with the view to attaching real estate for debt: that may be done before the sheriff equally as before the Supreme Court.

81. Presuming that the right accrued within seven years?—That restriction is only

applicable to competitions for the absolute right of property and the relative possession.

82. You, as a procurator, could not go up to Edinburgh, and practise in the Supreme

Court there?—No. 83. By the Chairman.—Nor could a solicitor of the Supreme Court practise in the

Sheriff Court?—Not without being admitted.

84. By Mr. Bennett.—But he would be admitted as a matter of course?—Yes, in the same way as a procurator from any other county.

85. Whereas, a procurator could not be admitted to practise in the Supreme Court?—No,

unless he had some years' extra service in the office of a Supreme Court practitioner.

86. Supposing a man brought an action in the Sheriff Court against another for £50 for goods sold and delivered, and a verdict was given against the defendant, is that judgment recorded at length, or is it merely given viva voce and the substance recorded in a book?—The sheriff gives his decision at once shortly, and afterwards writes out his judgment with his findings and reasons at length, after which the judgment is engrossed in the court record.

87. By the Chairman.—Did you apply for admission as a solicitor here?—Yes; after seeing the rules here, and seeing that they applied only to solicitors of "superior courts," I thought the Sheriff Courts of Scotland were within those rules, and I presented an application to the court in April, 1859, maintaining that the Sheriff Courts in Scotland were "superior courts of record." My case came on for discussion, but it was opposed by the law institute, and after hearing counsel on both sides, the court decided that the Sheriff Courts of Scotland were not superior courts, within the meaning of their rules. A report of that judgment appears in the Herald and Age newspapers of the 5th April, 1859.

88. By Mr. Rolfe.—Did you practise in the supreme court of Scotland?—Only when

on circuit.

89. By the Chairman.—Your application here was refused ?—Yes.

90. Did the judges give their reasons at the time for refusing it?—They did, through the chief justice.

91. By Mr. Bennett.—Did they give a decision which was put upon record, do you

know?—I believe not.

92. By the Chairman.—Are there any other statements which you would wish to make to the committee?—There are many statements which are in my petition to the Legislative Council which I would press upon the attention of the committee.

The witness withdrew.

TUESDAY, 5TH JUNE, 1860.

Members present:

The Honorable R. Thomson, in the chair;

The Honorable G. Rolfe J. B. Bennett The Honorable J. Hodgson.

Mr. David Prophet further examined.

93. By the Chairman.—Have you any further statement to make to the committee?—Mr. D. Prophet, I may mention that the sheriffs are also judges in the Commissary Court. There are commissary courts in every county in Scotland: these courts have the same jurisdiction in testate as well as intestate estates within their territories as the Supreme Court has in Victoria. Commissary Court in Scotland is identical in name with the Consistorial Court in England.

94. The sheriffs only have jurisdiction in their own county?—Quite so. The Supreme Court has not original jurisdiction in those matters, the sheriff of Edinburgh having jurisdiction over all estates in Scotland left by foreigners. The Court of Session is the Supreme Court, to which, in disputed questions, appeal may be taken. I might also mention what I do not think I did expressly before—that, in regard to every question of debt, as well as with regard to every question affecting personal estate which may arise, the Sheriff Courts have the same jurisdiction as the Supreme Court. Questions of divorce are entirely confined to the Supreme I should mention that, in conducting business in the counties of Scotland, the provincial solicitors conduct the whole business which arises within their counties, whether applicable to the recovery of debts, mercantile or bankruptcy business, disputed questions of

property, or in reference to conveyancing.

95. By Mr. Bennett.—That is subject to the conditions which you mentioned in your evidence the other day, when you mentioned certain restrictions?—Yes, of course. I should also mention that the licence or certificate which the provincial solicitors of Scotland take out

Scotch Practitioners.—b.

Nr. D. Prophet, is in the same form as that which is taken out by the solicitors in the provinces of England continued, and Ireland, though admitted by the Supreme Court, and the same annual fee is paid for practising in the provinces of Scotland as is paid in England or Ireland when practising in the provinces of those countries.

96. Are you aware that there is no such thing as a provincial attorney in England? There is but one class of attorney in England who has the privilege of practising in all the courts in England?—I am quite aware of that; but the licence fee applies to where they practise. In London, Dublin, and Edinburgh, the same amount of fee is payable; but, beyond the metropolitan districts, whether in England, Ireland, or Scotland, wherever they were

admitted they pay the same fee.

97. Are you aware that all attorneys in England, wherever admitted, pay the same fee, and practise where they please?—They do not. By Act of Parliament there is a certain annual fee payable, which is called the licence fee. For conducting business as a solicitor or attorney within the city of London, or the metropolis of England; or within the city of Dublin, or metropolis of Ireland; or within the city and county of Edinburgh, the metropolis of Scotland, one and the same fee is payable; but for the provinces beyond those metropolitan districts, whether in England, Ireland, or Scotland, one and the same fee is also payable, which is a lesser fee. Until within the last seven years the fee was £12 a year for London, Dublin, and Edinburgh: it was reduced about that time to £9; but for the provinces of those three countries the fee was formerly £8, and by the same Act of Parliament which reduced the fee of the metropolitan solicitors, it was reduced to £6, in consequence of the whole profession in England, Scotland, and Ireland combining in petitions to Parliament. During the first three years of practice in the profession only one half the fee is payable. I should have mentioned formerly that there are many actions in regard to the use and possession of real estate which can only be heard before the Sheriff Courts, and not in the Supreme Court at all.

98. What class of law in England is the use and possession that you speak of in Scotland equivalent to?—I do not know that there is any special law in England to correspond with it, except the English injunction, which corresponds with the Scotch interdict. Every action which may arise regarding the use and possession of real estate in Scotland is competent to be brought before the sheriff, and some only before the sheriff. Some are not pleadable in the Supreme Court, but some are. In answer to a previous question, I have to mention that, in

1855, there were throughout Scotland 1515 licensed practising solicitors.

99. By Mr. Hodgson.—Did that embrace all the profession in the Sheriff Courts and

the Supreme Court?—The whole.

100. What proportion were connected with the Supreme Court, and what the Sheriff Courts?—There are no conveyancers separately licensed. The admission as notary, or as solicitor, or procurator, gives a right to act as conveyancer. The number during that year applicable to the Supreme Court was 405; of that number there were 249 writers or clerks to the signet (the latter being their proper name), and 156 solicitors of the Supreme Court. In these, numbering 405, I do not include some solicitors practising in Edinburgh, who were solicitors of the Sheriff Court of Edinburgh. I class those not belonging to the Supreme Court with the provincial solicitors. The number practising in the counties and for the provincial courts was in all 1110 during that year.

101. That is in the Sheriff Courts?—Yes, and as conveyancers.

102. Will you inform the committee what number are now in Melbourne, or its vicinity, say in the Colony of Victoria, who wish to have this relief now applied for, who have been practising in the Sheriff Courts of Scotland, and now wish to be admitted as solicitors in this colony?—When I applied to the court myself in April 1859, I was not aware of more than four or five besides myself who had been admitted at home; since then I have heard of three more, whose names have been ascertained in consequence of some advertisements put in by Mr. Scott; and besides those, I believe there may be from fifteen to twenty clerks here who have served under articles or otherwise as clerks to Sheriff Court solicitors in Scotland.

They would be brought under the second branch of the Bill in the event of its being passed. The Bill provides that those who have been admitted at home should at once be entitled to practise here the same as solicitors from the Supreme Courts at home. I would make it a condition of the Bill, if required, that they should have been in practice for some years at home, so as to make it certain that they had been five years at least in the profession at home; although I am not aware of any having been admitted after having been only three years in the profession at home; and with reference to those who were not admitted at home, but only qualified to be admitted by the Sheriff Courts, I would make a provision in the Bill that, should it happen that they have only served under articles for three years at home, they should serve an additional period here, so as to make up the five years, which would make it certain that they had served five years under articles either at home or here.

104. By the Chairman.—You would make those applicants subject to an examination?

—Those who have not been admitted at home; but those who were admitted at home having already paid a fee of £55 to Government, besides their annual practising fee, we consider that we should be admitted here without paying the high fee again. The high fee here (£42) is applicable to those who have not been examined, and the low fee, being £5 5s., is applicable to

those who have been admitted at home.

105. Is the legal business in the provinces of Scotland, both as regards conveyancing and the recovery of debts, all in the hands, or generally speaking so, in the hands of the provincial procurators and conveyancers?—It is practically so, unless when the Edinburgh profession are

employed by a provincial solicitor to conduct cases requiring to be raised before the Supreme Mr. D. Prophet, Court in Edinburgh. 5th June, 1860.

106. Is the business in Scotland generally executed in the provinces?—It is so, with the exception of questions as to disputed titles to the property in real estate, status, and

107. By Mr. Bennett.—How would you compel specific performance of an agreement?

-The usual way is to sue for damages.

108. How do you compel specific performance?—You cannot compel a man to per-You may get a judgment against him to implement his agreement; and if he does not do so, you can get a warrant against him to put him in prison as for performance of a fact within his power.

109. Where is that done?—Before the sheriff; and if the defendant does not comply, you may afterwards apply to the sheriff for damages for breach of contract, or you may apply

for such judgment in the action for specific performance.

110. Have you had an opportunity of making yourself acquainted with the law as it is in England since you have been in the colony?—To a certain extent I have. I cannot say I have so perfect a knowledge as some of those members of the profession who studied in England, but I had a general knowledge of the profession as practised in England when I was in Scotland; and, with what I have acquired since I came out here, I should be able to conduct a case in court without any difficulty, with the forms to guide me.

111. Have you studied the conveyancing as administered by the law in England ?—The

completion of titles to real estate is quite different in England from what it is in Scotland.

112. The law of real property is quite different in England and Scotland ?—Yes. 113. From your own knowledge of the English law, can you say that the law of England

and Scotland is the same, not as regards real property, but other matters?—In many other

respects it is the same.

The British Parliament now, by Acts of 114. In all is it the same?—No, it is not. Parliament, is assimilating the law in the two countries as much as possible; in fact they are adopting a good deal of the Scotch law for England, and the English law for Scotland. shipping law is the same, and commercial law, in regard to the negociation of bills, is also the same.

115. By the Chairman.—Have you any further observations to offer to the committee?

-No, I do not think that I have, at present.

The witness withdrew.

Mr. James Scott examined.

116. By the Chairman.—Are you acquainted with the law of Scotland?—Yes.

Mr. James Scott, 5th June, 1860.

117. Were you bred as a lawyer in Scotland?—Yes.

118. Where?—I served my apprenticeship in Melrose, Roxburghshire.

119. Where were you afterwards?—In the city of Glasgow. I was nearly six years with one of the most respectable firms in Glasgow—McGrigor and Stevenson.

120. By Mr. Bennett.—Were they solicitors of the Supreme Court?—No; procurators

before the Sheriff Court in Glasgow.

121. By the Chairman. Did your service with them entitle you to be entered as a procurator before the Sheriff Court in Glasgow?—My service for four years in Melrose entitled

me to be admitted to the Sheriff Court in Roxburghshire.

122. By Mr. Bennett.—How long does it require to serve to qualify for admission in the Sheriff Courts in Scotland?—Three years, with the exception of the chartered bodies. regard to Glasgow, one year's service, coupled with my four in Melrose, made me eligible as a procurator in Glasgow—it requires five years under articles there. There are two separate sets there which I will explain: in Glasgow a person, to be eligible for admission as a procurator, requires to serve five years under articles with a member of the faculty, and pass an examination; and then, in addition to that, a party who has served three years with a procurator in any of the counties, or with a Supreme Court practitioner, coupled with one year as a clerk in Glasgow, or business as a writer elsewhere for one year, is eligible for admission, on paying an extra fee. 123. By the Chairman.—Do they take them from the provinces, having served a lesser period than if they had served in Glasgow?—Yes.

124. Did you practise when you were at home?—I was admitted as a notary public and conveyancer in 1850, and practised in Glasgow, and paid my yearly licences.

125. But you did not qualify to practise before any of the courts?—No, I did not enter.

126. But you were qualified to enter?—Yes.

127. Would you have required to undergo an examination before being admitted?—Yes. 128. Have you applied to be admitted here?—Yes.

129. Had you served any period out here before you applied for admission?—Yes; I submitted my documents to Mr. Fellows, and his advice was to article for one year to complete the term of five years required by the rules here, as I had served four years in Scotland. I did that and made an application for admission, and I was refused upon this ground—that the judges said they could not take a portion of qualification in one country and add it to another here, to construct a qualification in this Colony: but the judges are in the practice of doing that; for instance, a party who serves a portion of his time in England and completes it here, is allowed to be admitted.

Mr. James Scott.

130. By Mr. Bennett.—But that is the same qualification, this was a portion of two 5th June, 1860. qualifications?—Yes, that requires me to explain something with regard to the Scotch procurators. A gentleman who has served three years with a procurator in Scotland can supplement that by a service of three years with a writer to the signet or solicitor, and make himself eligible for admission as a solicitor of the Supreme Court in Scotland; so that three years with a procurator is tantamount to three years with a solicitor, in Scotland.

131. You have served twelve months here?—Yes, under articles.

132. You are aware that we have a Court of Equity here for compelling specific performance of an agreement. You have no Courts of Equity in Scotland, have you, as separate from a Court of Law?—No, no separate court.

133. No separate jurisdiction, as we have here ?—No.

134. Is the equity business transacted by the same judges and carried on by the same rules of practice ?-Yes; even the sheriff is entitled to judge in equity, in some things.

135. The conveyancing law of Scotland and the conveyancing law of England are somewhat different, are they not?—Yes, they are different certainly; they are very different indeed.

136. Is the Scotch law founded upon any of the old Norman principles, or any of the old French laws of real estate?—I do not know the French law at all. The Scotch conveyancing law is very different altogether from the English law; in a conveyance of property they require actually to have two instruments, and in some cases three. That is what we call a disposition, which is followed up by an instrument of seizin taking possession of the property. We have what we call "superiors of property," from whom the feud has been originally taken, and if the fee is not full, we require a charter of confirmation.

137. Is seizin still an object of conveyancing in Scotland?—Yes; there was some talk some time ago of abolishing it. They did abolish it to some extent, because originally they went to the ground and took possession by earth and stone, which is now abolished.

138. In Scotland, how do they raise trusts upon the seizin?—Trusts very seldom occur, excepting in the like of settlements. That is taken up either by adjudications or by a seizin upon the settlement.

139. Then, you have no law relating to the statute of uses?—No; we have no such

thing as that at all.

140. By the Chairman.—What experience have you had of the English law?—I have

been in offices here for five years. I have been only one year under articles.

141. Can you mention to the committee some of the principal instances in which the law differs in England and Scotland as to personal property?—It is much the same in regard to Supposing a person dies intestate, proceedings are taken before the sheriff as commissary in the same way as they are taken here before the Supreme Court.

142. Are debts recovered in a similar way here to what they are in Scotland?—No, they are different. In Scotland the Sheriff Court has jurisdiction to an unlimited extent. The courts here, with the exception of the Supreme Court, have not that. The Sheriff Courts have jurisdiction for the recovery of debts to an unlimited extent, as far as the amount is concerned.

143. What is the curriculum, or course of education, required for a practitioner before the Sheriff Court of Glasgow?—He requires to attend two sessions at the law class; and, since 1854, he requires to attend three gown classes in the University, and produce evidence that he has passed the written examinations in those classes. Under the rules of the faculty of procurators in Glasgow, before a person is taken as an apprentice or articled, the master must produce certificates of the age of the intended apprentice, and of his having had a liberal education, and particularly of his having studied the Latin language in a public school or university, or with a private teacher, for at least four years, it being understood, however, that attendance during a session at college shall be equivalent to a year's attendance at school.

144. Then how long must be serve?—If he serves with a member of the Charter, he must serve five years; and if not, then he must serve three years with either a solicitor of the Supreme Court or with a procurator in another county, supplemented by service for one year in

Glasgow, or practise for one year as a writer elsewhere.

145. By Mr. Bennett.—Is that for admission to the Sheriff Court in Glasgow?—Yes.

146. But the same necessities do not exist as regards admission to any of the other Sheriff Courts, not speaking of the special bodies or faculties, but of the general bodies—that is not necessary?—No; with the exception of the chartered bodies.

147. It is not so high a curriculum as in Glasgow?—No.

148. By Mr. Rolfe.—Does this qualification for admission in the Sheriff Court qualify for admission to the Supreme Court?—No, not without serving a further time.

149. Can you state what is the qualification for admission in the Supreme Court?—A writer to the signet in Scotland requires to serve six years, and to pass an examination which is identically the same examination as a Scotch procurator passes, that is, in the whole law of A Supreme Court solicitor requires to serve five years, and attend two sessions at the law class and pass an examination.

150. By the Chairman.—Do the procurators plead in court before the Supreme Court?

No, in appeal cases on circuit the procurators act in exactly the same way as an attorney does -they get up the cases and instruct the advocate, who is analagous to the barrister here.

In criminal cases, which are tried by the sheriff, the procurator pleads himself. 151. By Mr. Bennett.—Is the intervention of an advocate allowed in the Sheriff Court?

-No, I have never seen an advocate in the Sheriff Court.

152. By the Chairman.—In important cases, are advocates employed to draw up the papers?-Yes.

153. And then the procurator signs them when he lodges them before the court ?—Quite Mr. James Scott,

so; but generally speaking the procurator draws his own pleadings.

154. By Mr. Hodgson.—Are you aware of the probable number of persons in the colony of Victoria who have passed their examination and are qualified to act in the Sheriff Courts in Scotland, or who are qualified to pass an examination for that purpose?—I have got the names now of between twenty and thirty, and there are several who no doubt are in other avocations, and do not like to come out. I have no doubt there are a good number in the colony.

155. If a practitioner from England or Ireland, duly admitted to the courts in England or Ireland, were to apply in Scotland for admission either to the Sheriff Court or the Supreme Court, what ordeal would he have to go through ?—He would require to go through precisely

the same ordeal as a party there.

156. To serve his whole time again ?-Yes; England, Ireland, and Scotland are quite distinct in that way—a practitioner in England cannot be admitted in Ireland, or vice versa;

and it is the same in Scotland; they are quite distinct.

157. By Mr. Rolfe.—Supposing you had served three years in Scotland and then applied to the English court to be admitted there, how would that service avail you?-So far as I am aware of the practice in England, you require to serve the whole five years there. Supposing a person had served three years with a writer to the signet, and then gone to England, that three years would not count at all; but it is different in this colony under the rules here.

158. By the Chairman.—If a person served three years with a writer to the signet or a

solicitor of the Supreme Court, is that time recognised out here ?-Yes.

159. But it must be supplemented by an additional term here, and they must pay a

160. But the time served with a procurator before the Sheriff Court in Scotland is not recognised out here at all ?-No.

161. By Mr. Bennett.—Serving your articles with a solicitor of the Supreme Court of

Scotland will not avail you here ?—As I understand the rules, it will.

162. The rule says, "shall have been articled to an attorney or solicitor of any one of the Queen's superior courts of record in Great Britain or Ireland, or to a writer to the signet in Scotland?"—The judges have gone further than that, and have admitted a solicitor of the Supreme Court of Scotland to practise here, and the deduction naturally is, that they would admit a clerk articled to a solicitor of the Supreme Court of Scotland.

163. By the Chairman.—Have you anything further to state to the committee?—Not

that I am aware of.

The witness withdrew.

TUESDAY, 12TH JUNE, 1860.

Members present:

The Honorable R. Thomson, in the chair;

The Honorable J. B. Bennett J. Hodgson

The Honorable W. H. F. Mitchell

G. Rolfe.

Alexander Robertson, Esq., examined.

164. By the Chairman.—Were you educated to the legal profession in Scotland?—I was. A. Robertson, Esq. 12th June, 1860. 165. Where?—In Perth and Edinburgh.

166. Did you serve an apprenticeship?—Yes. 167. Of how many years?—Four.

168. Where ?—In Perth.

169. How long were you in Edinburgh?—About eight years.

170. In a solicitor's office ?—I was in three offices, all writers to the signet.

171. You were admitted to practise in the counties of Scotland ?-I was admitted in the county Perth.

172. Did you practise there?—Yes.

173. Some years ?-Yes.

174. By Mr. Bennett.—How long have you been with a writer to the signet?—Eight years.

175. Under articles?—No.

176. By the Chairman.—Have you made application to be admitted to practise here? -No.

177. Were you a notary public?—No.

178. Did you act as a conveyancer in Scotland, in the county you practised in ?—I did.

179. And paid the usual licence to the Government?—Yes.

180. Did you practise before the Sheriff Court, and the other courts in the county ?—I did.

181. What is the course of education to entitle a person to practise before a Sheriff Court in Scotland?—There are different rules in different counties. In Perthshire you require to serve an apprenticeship four years, and to attend university either in Glasgow, Edinburgh, or

182. Law classes?—Law classes: Scotch law and conveyancing.

183. Did you attend those classes?—I did, and various other classes.

SCOTCH PRACTITIONERS.—c.

A.Robertson, Esq. continue12th June, 1860.

184. Did you pay the admission fee when you were admitted?—Yes.

185. How much was it ?—Fifty-five pounds.

186. What is the course of training in the other counties?—I have known a good many I cannot speak of my own knowledge as to the course of training; but, so far as I have heard myself, none have passed under five or six years.

187. Service?—Service.

188. That may be, partly as a clerk, and partly under articles?—Yes, partly as a clerk,

and partly under articles.

189. By Mr. Bennett.—It does not require five under articles?—No, but I know that the rule of the Supreme Court is—they had a rule upon the subject—that three years apprenticeship is sufficient, but each Sheriff Court may make their own rules. I believe the general rule is four years under articles, and one or two years afterwards as a clerk.

190. By the Chairman.—In Glasgow, do you know as to the incorporated faculties?—

I do not, but I know that the period is longer. I believe that in Glasgow it is five years.

191. Can you state shortly the jurisdiction of the Provincial Court?—The jurisdiction of the Provincial Court is almost equal to that of the Supreme Court in Scotland, except in the question of title to land, and in cases of marriage, and divorce, and in declarators of abstract rights, and also on the question of tithes; and in the Justiciary Court, there are certain questions that come before the Supreme Court, what are called the four pleas of the Crown-murder, rape, robbery, and fire raising or arson.

192. They are confined to the Justiciary Court?—Yes.

193. But in practice the Justiciary Court tries nearly all crimes?—O yes.

194. Though the sheriff has jurisdiction?—The sheriff has jurisdiction in all other cases but those four I have mentioned, but they are also competent to the Justiciary Court.

195. And usually tried there?—Yes; I may mention that the Sheriff Court practitioners

are entitled to practise before the Justiciary Court.
196. When on circuit?—When on circuit.

197. You acted as a conveyancer?—Yes.

198. By Mr. Bennett.—Did I understand you to say that the Sheriff Court practitioners have the same privilege before the Justiciary Court as the Supreme Court practitioners have?—

199. By Mr. Rolfe.—A practitioner in the Sheriff Court is privileged then to practise in the Supreme Court?—In the Justiciary Court in circuit.

200. By Mr. Bennett.—Is that so?—Yes.

201. They employ barristers?—Yes. To illustrate that, I may say, that I have often heard the Lords of Justiciary find fault with the Sheriff Court practitioners for not attending to the cases properly—for not being there in time. I have heard them find great fault, and I have also known them appoint Sheriff Court practitioners to act for prisoners.

202. As a solicitor?—Yes. No solicitor can speak before the Supreme Court; he must

be a barrister in all cases.

203. By the Chairman.—They get up the cases and prepare them for the barristers?— Yes; they are entitled to practise and to charge fees for practising.

204. Have you any other statement to make to the committee?—I do not know that I

have.

205. If this Bill passes, you will apply to be admitted?—I should think it likely, but I do not know that I should. I did not mean to do so when I came here. I do not know that I will. The witness withdrew.

James Hunter Ross, Esq., examined.

J. H. Ross, Esq., 12th June, 1860.

206. By the Chairman.—You are a writer to the signet?—Yes; I was admitted in the

year 1820, forty years ago this month.

207. Did you practise before the Sheriff Court?—I went to the country and resided there some years before coming to this Colony, and in virtue of having been a writer to the signet I was admitted to practise there, and did so; but I practised in both courts.

208. In Edinburgh and in the county?—Yes, both in Wigtownshire and Edinburgh.

209. Of course you could practise as a conveyancer anywhere in Scotland?—The business of a writer to the signet was originally considered exclusively conveyancing. All the land titles of Scotland are prepared by writers to the signet.

210. They make out the Crown charters?—All Crown charters must be signed by a

writer to the signet.

211. You came out here to practise?—I did.

212. Were you admitted out here?—Yes, in 1841, upon production of my commission as writer to the signet.

213. And your admission?—And my admission under hand of the principal keeper of

the signet.

214. Are solicitors before the Supreme Court admissible here?—All solicitors before the Supreme Court are admissible to practise in this colony, and all those solicitors who are incorporated by Royal Charter, and those who were originally solicitors before the Admiralty Court, and are now transferred to the Supreme Court by an Act.

215. Are admissible here?—Yes, I believe so.

216. By Mr. Bennett.—That was a court of superior jurisdiction?—Yes, now merged into the Court of Sessions.

217. And those practitioners were admitted to practise in the court into which it merged? J. H. Ross, Esq., continued, 12th June, 1860. -Yes, by Statute.

218. By the Chairman.—You are acquainted with the jurisdiction of the sheriffs?

Perfectly.

219. What is their jurisdiction, compared with the Supreme Court ?—The jurisdiction of the sheriff, both civil and criminal, was originally nearly as extensive as that of the Supreme Court, within his own district; but now the criminal jurisdiction of the sheriff is much limited. He cannot condemn to death, but to any other extent he can punish. Under various Statutes and Acts he can punish to a very great extent. His civil jurisdiction is to any amount.—(See Erskine's Institutes, b. i, title iv, pp. 75, &c.)

220. By Mr. Bennett.—For recovery of debts?—Yes; and so is the power of the magistrates of the royal boroughs. There is no limit. I sued a man once for £10,000 before

the inferior court.

221.*The magistrates of the royal boroughs have generally an assessor appointed to

assist them?—They have assessors; they are practitioners of the law generally.

222. Generally an advocate?—Not always. He is very frequently a writer to the signet, or any practitioner of the Supreme Court. All the judgments of the inferior courts are subject to appeal to the Supreme Court.

223. You are aware that they did get exclusive jurisdiction, since you left Scotland, in

insolvency proceedings?—They have power to sequestrate estates within their district.

224. Generally speaking, there is an appeal from the decisions before the Sheriff Court to the Supreme Court?—It is always understood; and you may go from that to the House of Lords.

225. By the Chairman.—The sheriff cannot try disputed titles?—No.

226. That is disputes concerning the title to real property?—No.
227. That is confined entirely to the Supreme Court?—Yes.
228. But they can try disputed possessions?—Yes, possessory actions, as they are called, and actions of removing from land.

229. By Mr. Bennett.—Can they try an action for libel?—Yes.

230. Can you institute a suit anything like our Equity suit here for the specific performance of an agreement?—There is nothing exactly analogous to it; because in Scotland, in all the courts, equity is merged into the jurisdiction of the Court at the same time as the law. If a person did not perform an agreement, the damages (it would result into that) would have to be sued for. I do not think there would be any difference.

231. But in our law you need not go for damages, but you may compel him actually to do it, if it is within human power to do it, or put him in prison: I do not think that is known in Scotland, is it?-I think there are some cases analogous, but I do not know any that I could

mention that would make it clear.

232. Practically, in Scotland, it resolves itself principally into damages?—Generally.

233. I understand you have no action of trover in Scotland?—No.

234. How do you recover personal property from a man,—a horse, for instance?—That,

again, is one of the cases for a summary application that is analogous to it.

235. How would you get back your horse?—Present an application to the judge ordinary (the sheriff) of the county, and state that the man had taken the horse and kept it: that petition would be served upon him, and a summons to appear and answer on a certain day.

236. Then he would show why he did not deliver the horse?—Yes.

237. That would result in an action?—Yes.
238. It would be for damages?—If he did not deliver the horse, in some cases, he would

be imprisoned.

239. By the Chairman.—Can you state the difference in the curriculum of education between a procurator, and a writer to the signet, and a solicitor before the Supreme Court?—It is very different.

240. By Mr. Rolfe.—The remarks you have just made have reference to the Sheriff

Court ?—Yes.

241. By Mr. Bennett.—Who would you apply to to get your horse?—To the sheriff in

his summary jurisdiction.

242. By Mr. Rolfe.—In case a person is found to have illegal possession, is the action continued in the Sheriff Court?—It is: the mode of procedure would be the service of a copy of the petition upon the man by an officer of court, who would return an execution of his having served it, and the prayer of the petition would necessarily be for service upon the man that he might answer the same within a certain number of days, and the petition being served upon the man, he would attempt to show cause why he did not deliver the horse.

243. You referred to the circumstance, that the man might be imprisoned. Is it in the

power of the Sheriff Court to impose that punishment?—If it was in the power of the man to deliver the horse and he did not do so, he could enforce the warrant ad factum præstandum.

244. By Mr. Bennett.—You mentioned that the curriculum of the procurators was very different from that for the other two branches of the profession ?—I am not aware that there is any curriculum.

245. By the Chairman.—Do they not serve an apprenticeship?—Yes; the procurators

before the inferior courts do. There—[producing book]—is a list of the messengers at arms, and many of them are also procurators before the inferior courts.

246. By Mr. Bennett.—They are bailiffs?—Bailiffs. I will give you an instance which I picked out before I came here, and got hold of this book as being the best evidence. You J. H. Ross, Esq., will find that the messengers at arms—if you will refer to that, a number of them have the

continued, 12th June, 1860. letter A against them—they are procurators before the courts in the different counties.

247. Do they act as both?—Yes. I will give a definition of a messenger at arms.

All writs that are issued in the name of the Queen, and all writs that issue under the signet must be served by the messengers at arms, who hold a commission from the lyon king at arms, and are responsible for dereliction of office. The officers serving under the lyon king at arms are heralds, pursuivants, and messengers, who are all admitted by himself to their respective offices, and are employed in executing all summonses and letters of diligence both in civil and criminal matters. Almost all the practitioners before the inferior courts are entitled to act as messengers, if they choose.

248. By the Chairman.—But in practice there are many of them act in both capacities?

-They do in Glasgow, Paisley, and Edinburgh.

249. They are the exceptions?—Not at all.

250. Is there not a large body of practitioners before the Supreme Court, who, if they were called messengers, would consider themselves insulted?-No; they are men of high standing. I mention the fact to show that some of the procurators before the inferior courts are messengers, and they may be all so, if they choose. I never knew of a practitioner before the Supreme Court being a messenger.

251. But they can be procurators without being messengers?—Certainly.

252. Though there is an immense number who are not?—Yes; and an immense number of messengers who are not procurators.

253. Are there not men of the highest standing who are procurators?—Yes, men who

are an ornament to the profession.

254. Conversant with the law, both civil and conveyancing?—Perfectly so: men educated for the higher branches of the profession, and there are many of them practising in Glasgow, who served their time to writers to the signet. From their superior education they hold a very high station.

255. By Mr. Bennett.—It comes to this, that many men who go in for a higher curri-

culum, when they go into the country, act as these men?—Yes.

256. By the Chairman.—Have they to be admitted before the courts?—Yes: they must make an application to the sheriff to be admitted in the Sheriff Court. The practice is that, in respect that he has been admitted as a writer to the signet, he is admitted to the court.

257. By Mr. Hodgson.—As a matter of course?—As a matter of course. That is the

case in Aberdeen, Glasgow, and Edinburgh; those are incorporated bodies.

258. By the Chairman.—They have rules of their own for the admission of practitioners?

259. Are you aware that procurators may be made sheriffs or sheriffs' substitutes?— The sheriff depute may make any man a sheriff's substitute if he like, if he is a limb of the

I have known laymen made sheriffs' substitutes.

- 260. By Mr. Bennett.—What is the curriculum for a writer to the signet?—He must have attended a college for the period of two years; he must have had a classical education; he must have attended the law classes for two years, and he must undergo a very strict examination after serving five years—two examinations, both a private and a public one: there are both private and public examinators. He appears at the Bar in his gown, he is admissible as a judge of the Supreme Court under certain regulations—that is provided by the articles of Union, and there are many instances of it. The apprentice fee is £200, and the indenture of apprenticeship is written on a £60 stamp; and there are heavy fees for the widows' fund.—(*Erskine*, b. i, tit. iii, s. 15.)
- 261. A solicitor of the Supreme Court of Edinburgh, is he very nearly on a par with a writer to the signet?—Quite on a par as far as regards the practice before the Supreme Court; but before any one can bring an action in the Supreme Court, even a solicitor, he must go to a writer to the signet and get the writ signed; he cannot enter it without getting it recognised by a writer to the signet.

262. Do you know the process by which the character of an applicant for the solicitorship of the Supreme Court is ascertained in Scotland?—There is one society that have what they call "censors"—a body of solicitors who inquire into the character of the applicant before he

can be admitted.

263. To the Supreme Court?—Yes. 264. That is before he comes up for examination?—It is a society of incorporated

solicitors under the Act of 1797. There are censors appointed.

265. Do you know whether that is before he goes up for his examination?—Yes, I apprehend it must be before you can be admitted upon trial. It is before he enters upon his trial he makes his application for admission, and then the censors inquire as to his conduct, I

266. By the Chairman.—Can you speak as to whether the course of education in Glasgow is exactly similar to the one you have mentioned, for the admission of a procurator?— I cannot.

267. You do not know the course?—No; but there are very few courts in Scotland where there is a course required. I know men who have been admitted from being stable-boys, and serving articles at the same time to a country practitioner.

268. Without an examination?—There is no examination.

269. Not before the sheriff?—In some counties, but not in all counties—not to my knowledge.

270. By Mr. Mitchell.—Is it a common thing that writers' servants should receive what J. H. Ross, Esq., we would call articles and be admitted?—It is not a common thing; but I mention it as having 12th June, 1860. come under my own knowledge.

271. Would it be thought extraordinary?—No, not before the inferior courts to be admitted without any qualification as to education. There is no curriculum required. I do

not speak of all, because there are exceptions.

272. By Mr. Bennett.—It does not apply to writers to the signet?—No. 273. By Mr. Mitchell.—One of those men admitted without sufficient education by one sheriff into his court, would be be admissible into all the Sheriff Courts?-Not at all: a man admitted into a Sheriff Court can only practise in that county, and cannot go anywhere else.

274. A man coming out of Aberdeen could not practise in Glasgow?—No, I believe not,

because they are chartered in Glasgow; but suppose any man were to go from one county to another, he must first make application to be admitted, and the sheriff can only admit those within his jurisdiction; it is confined to that alone.

275. By Mr. Bennett.—But a practitioner admitted before one Sheriff Court, upon making application to another sheriff, would be allowed, as a matter of course, to practise?—

I am not sure.

276. There are instances?—I believe there are.

277. By Mr. Mitchell.—Suppose a man to be admitted before one sheriff and wishing to leave his county and go into another, would he be re-examined or merely bring his certificates before the other sheriff?—I am not prepared to answer that question. He cannot be admitted without application, and he cannot go to a higher court.

278. By Mr. Bennett.—He cannot practise in a Supreme Court?—No. 279. By Mr. Mitchell.—There is no instance of a procurator being transformed into a writer to the signet or a solicitor of the Supreme Court?—No, it is utterly impossible, without service of the proper indentures.

280. By the Chairman.—Is there no method of being admitted by serving an additional

term to the three years ?-No.

281. Are you not aware that it is a rule to this day?—I am not aware that any rule could exist. There are certain high fees payable by a writer to the signet before his admission.

282. I speak of the Supreme Court. If a man serves three years in the county under articles, and then goes to Edinburgh and serves three years with a solicitor to the Supreme Court, is he entitled to admission?—I cannot tell you whether the rules of the chartered body allow that or not. I cannot answer that. Mr. Marshall would be able to answer it.

283. Are you aware that admission to practise as procurators entitles persons to act as conveyancers?—It does not entitle them to act, but they do act. At one time they dare not have done so. I recollect the time when there were not many conveyances prepared out of Edinburgh.

284. If a person were admitted as a notary public, does that entitle a man to practise?—

As a notary public. Every town clerk in Scotland must be a notary public.

285. As a conveyancer?—No.

286. But in practice they all act as conveyancers?—They all do so, we know, all over Scotland; all the practitioners that really can prepare a conveyance, because every practitioner pays a licence to Government, but it does not at all follow for what. The practitioners before the Supreme Court pay a higher licence-fee to Government than they do who practise before the inferior courts.

287. By Mr. Bennett.—Are gentlemen practising before the Sheriff Court considered of equal standing in the law-I do not mean in any other respect-with either Supreme Court

solicitors or writers to the signet ?-No, they are not.

288. By the Chairman.—That is, supposing the one is a practitioner before the inferior courts and the other before the Supreme Court?—Yes. There are men of very high standing, and very high attainments, that practise before the inferior courts. I state that for this reason, that the messengers at arms are admitted to be procurators as freely as any others. I consider that makes the distinction.

289. That does not apply to the incorporated faculties?—It does not.

The witness withdrew.

James Marshall, Esq., examined.

290. By Mr. Bennett.—Have you been a practitioner of the law in Scotland?—I have J. Narshall, Esq. 291. As what?—As a solicitor of the Supreme Court of Scotland—a member of the 12th June, 1860.

incorporated solicitors of the Supreme Court of Scotland.

292. Will you mention to the committee what the curriculum was that you underwent before you were admitted?—The usual curriculum was an apprenticeship of five years, and then attending classes and undergoing an examination by censors, and then an examination upon qualifications and classical knowledge by seven examinators; then the petition is referred back to the court, and, if everything be correct, the Supreme Court admits the applicant.

293. Can you inform the committee what process is adopted at home for examining into the character of men who are going to apply for admission to the Supreme Court ?—Yes; and I believe it applies also to writers to the signet. There is a very strict investigation put as to character by two gentlemen appointed annually. In the first instance, having been prepared with testimonials, and with certificates of attendance at the law classes, and having shown that the applicant has served five years in an office of a writer to the signet or a solicitor, or having

SCOTCH PRACTITIONERS.—d.

J. Marshall, Esq., acted four years in either of the offices, without an apprenticeship, and having attended certain continued, 12th June, 1860. classes; then application may be made to the Supreme Court for admission into the corporation, and the court will, as a matter of course, remit to the corporation. Then (see Edinburgh Almanac) there being two censors appointed, who are changed every other year, whose duty is to inquire privately into the character and habits of the applicant. It is a very unpleasant duty, but it is very strictly performed; and when they report back to the officials for the year, they remit to the examinators if the report is favorable. The report is not in writing; it is not sealed, but, nevertheless, it is there. The examinators are about seven or nine in number. They then examine the applicant, beginning with his classical knowledge; making him translate Latin, or the reverse—bring English into Latin and Latin into English; then his knowledge of Scotch law, conveyancing, civil law, and other things, such as the practice in cases where there is a collision between the English law and Scotch law in commercial matters, such as the law of bills, and his knowledge of criminal law. The examination during the last thirty or forty years has been equivalent to the examinations put to the writers to the signet, who, however, must serve seven years, beginning at an early age. No person here, who has not served four years at least in the office of a solicitor or a writer to the signet, in the way I mention, or, as in my case, partly in the office of an advocate, whatever his qualifications, can be admitted; but, were he going home from this Colony, and applying, he must begin at the beginning of the four or five years.

294. Can you state whether there is the same censorship with regard to the gentlemen admitted to practise before the sheriffs?—No, there is nothing of the sort, with the exception of the three corporate law bodies, as, for instance, Aberdeen—I served an apprenticeship there of five years, and attended the University. There is a corporation there, and by charter they

are called "advocates." The rules there are very stringent. I began there.
295. What is the general rule throughout the Sheriff Courts?—Glasgow is the same, I think—five years' apprenticeship, after having classical knowledge, and then two years' service after the apprenticeship, before they can be admitted; so that they are at liberty to go to other offices to vary their knowledge. The third one is Edinburgh. There may be one or two more; they may have increased the number of corporations since I left home. "A writer" is the cognomen generally, not "procurator." I never heard the word "procurator" applied exclusively to the class of men who are described by the English word "agent." That is the meaning of the word, simply an agent, which I will illustrate by this fact—In every deed there is a space—"and I consent to the registration hereof in the books of counsel and session, or others competent, there to remain for preservation or execution, and for that purpose I do constitute" (here is a blank left) "my procurators." Now, this word occurs in every deed, and the blank is never filled up, with the exception of particular deeds which have run according to a long practice in the register of Edinburgh, in which one name is put in as procurator for the The present lord advocate's name is put in the blank.
296. This only shows that the word "procurator" means "agent"?—Just so. The

blank is not filled up, but applies to anyone who shall go to the register office with the deed.

297. It only means a gentleman practising before the Sheriff Court as writer?—Yes.

298. Can you give any information about the character of the examination?-Most of them have been serving in some writer's office in the country. They may be in a writer's office in Aberdeen or Glasgow, and when they think they see an opening in another place they go to it, and they generally practise in the beginning as messengers-at-arms. There are very talented men amongst them, though the bulk of them begin in that way; they begin without any sort of examination or any formality, beyond putting their name in a petition to the They pay a small fee—a guinea or two.

299. He must have served his articles?—He says he has served in some office.

300. By the Chairman.—Does he not serve an apprenticeship?—Not in any place,

necessarily, except in and for the corporations.

- 301. By Mr. Hodgson. Do I understand you rightly, that the apprenticeship is nominal?—I have heard them merely say that they have been serving in the office of So-and-so for a period, and would desire to be admitted as procurators, agents, writers, or practitioners of this Sheriff Court.
- 302. By Mr. Mitchell.—Does not he produce his articles?—If he has been bound, he would.

303. But still he would be received without?—He would, certainly.

304. By the Chairman.—Is that usual in practice?—In most of the counties there are towns rising up in which this is very common. It is only about twenty years ago since a sheriff substitute was appointed for a district of Aberdeenshire, then a person whom I knew began to practise before him in the Sheriff Court of Peterhead as a writer, whom I knew to have been merely a messenger-at-arms previously.

305. By Mr. Mitchell.—What is a messenger-at-arms?—He is a sheriff's officer, or

a bailiff.

306. Anybody could be made that, just as they may make a bailiff?—It so happens that a messenger requires more strict examination than the country writer.

307. By the Chairman.—As to what?—Upon the formality of his executions.

308. He is admitted by the lord lyon king at arms?—Yes.

309. Is there not an immense body of respectable practitioners in Scotland, acting as procurators before the Sheriff Courts, who have received a liberal education and served their time ?—I know gentlemen here who have, perhaps, better qualifications than I myself, though I served in a writer's office, and practised twenty years. But those are exceptions.

310. Are you not speaking generally of practitioners before the Sheriff Court in J. Marshall, Esq., Scotland? Are the gentlemen highly respectable, intelligent men?—Many of them. 12th June, 1860.

311. Are the uneducated the exceptions?—I would not like to say.

312. By Mr. Mitchell.—What was the reason you served five years in one place, four in another, and three years in another?—There was not the least necessity for it.

313. What would the first five years' service have qualified you to have been? would it have made you a writer to the signet?—No; those five years were of no use to me as an admission to the Supreme Court.

314. Then you served four years?—Yes; with Messrs. Carnegie and Shepherd, W.S., and three years in the office of Mr. Shaw, advocate (barrister), who was a reporter of law decisions.

315. At the end of the four years what could you have been admitted ?-I might have gone to a country town at any time.

316. By Mr. Bennett. — But as regards the Supreme Court?—I could become a

member of the corporation of S.S.C., or go back to Aberdeen.

317. By Mr. Mitchell.—By serving the three years more, what did you become? You served four first and then three more?—That was merely for emolument sake. I jumped from £74 to £300 a year in one day. I became a law reporter.

318. By the Chairman.—Are you not aware that, at present, service in the country is taken into consideration when applying to be admitted as a solicitor before the Supreme Court?

-It is of no use.

319. Not at the present day?—They are more stringent still.

320. We have it in evidence that it is of use?—That statement can be contradicted by reference to the rules of the S.S.C., produced upon the application of Mr. Gunn to be admitted I assisted him by an affidavit before I thought of these questions we are now discussing. I gave him an affidavit, such as I thought would aid his object, he having served

in a writer to the signet's office the full time.

321. Was he admitted?—He applied to have a remit made to the society of solicitors here, to be examined. He had gone too soon, and was reported upon unfavorably, and they

sent him back to his studies.

322. By Mr. Mitchell.—What was he?—He had served seven years I presume—I really forget whether it was six or seven.

323. By Mr. Bennett.—With whom ?—A writer to the signet.

324. By the Chairman.—He failed from a want of the knowledge of the English

practice ?-Yes.

325. By Mr. Mitchell.—He had never been admitted in Scotland?—No; I can give a better instance of the chance that a young man has of rising. There was a young man served two years in an office of a solicitor in Edinburgh, and was a year and a half with me here, and several solicitors proposed to take him as a most apt practitioner.

326. By the Chairman.—I suppose his legal knowledge had adapted him? — Yes, a smartness in picking up the forms; he does not of course pretend to be a lawyer, but he is a

good common law clerk.

327. By Mr. Bennett.—But he is not eligible for admission to the Supreme Court here?

not yet; he is serving articles now in Geelong.

328. By Mr. Mitchell.—Supposing a man to serve his articles in Glasgow—the attorneys, as we should call them, are represented there by an incorporated society—can a man practice in Glasgow without going through a sufficient education and serving articles?—No; they are very strict.

329. He would receive a very liberal education?—For there, or Edinburgh, or Aberdeen,

the three law corporations of the inferior courts.

330. What are they called in Edinburgh?—They are called attorneys at law.

331. And those men who are admitted in the counties as practitioners before the sheriff could not go to Glasgow, or Aberdeen, or Edinburgh, to practise there?—No; they could not go to another incorporated body to practise, but could go to any town where there is not a corporation.

332. Supposing a man had been admitted in another county in Scotland as a writer, and came to Glasgow, what process must be go through in order to be enabled to practise there?—

He must begin at the beginning.

-Yes. The same for S.S.C., or a period without an indenture without articles—a certificate of service is sufficient. If there are any articles, he must bring 333. Serve his articles?-That would do for the corporation I was in, but not for Glasgow, a certificate as an equivalent. nor for the Aberdeen corporation.

334. What would be sufficient there?—In my instance, I had the old indenture to

fall back upon—the old articles. If I had not them, I must have begun at the beginning. 335. Supposing a man to be admitted by the sheriff of a county, except the corporations, upon articles, after having served articles in that county, could he come into Glasgow and, exhibiting those articles, be received there?—No. 336. By the Chairman.—Would that be taken into consideration?—I am not prepared

to say that it would not. It would not in Aberdeen or Edinburgh. 337. By Mr. Rolfe.—It does not follow that he is not qualified to practise in the Supreme Court, but it is simply because he is not a member of the corporation?—Yes. Take the case of a ledger-keeper, he knows nothing about the law, except making certain charges.

338. By Mr. Mitchell.—He would be received into the Sheriff Court?—Any unpro-

tected Sheriff Court on the mere proof of his having served.

J. Marshall, Esq., continued, 12th June, 1860.

339. Though he had only been accountant?—Yes.

340. By Mr. Bennett.—Do you remember what you paid on your admission?—Eightyfive pounds stamp, £50 the society, the corporation £30 to the Widows' Fund, besides the apprenticeship, which I had served in Aberdeen. I had no indenture in Edinburgh. Then, after I had passed I had to pay £6 a year for the first three years, and £12 a year afterwards of licence stamp. If I had gone to the Sheriff Court, I would have paid £4 the first three years and £6 a year afterwards.

341. Do you know what the fees for admission into the unprotected Sheriff Courts are?

-About a guinea, from that to five guineas.

342. Is that on the first admission?—There is a £25 stamp. 343. By Mr. Bennett.—You paid £85 as a stamp duty?—Yes.

344. And £50 upon your admission?—Yes.

345. And £35 to a Widows' Fund ?—Thirty pounds. 346. By the Chairman.—That is, the corporation?—Yes.

347. Your stamp was £85?—Yes.

348. By Mr. Mitchell.—That was in Aberdeen?—No: the articles in Aberdeen were £25; that was of no use to me unless I chose to become a practitioner of the Sheriff Court in Aberdeen; but, as I resolved to become a practitioner in the Supreme Court, I had to pay the higher stamp.

349. By the Chairman.—Were you admitted as an advocate's clerk?—No, I was never

a first clerk.

350. Were you admitted as a solicitor of the Supreme Court without indenture at all?

351. Merely from a certificate of having served in Edinburgh?—Yes, in the requisite offices.

352. Is not that special—is it not indispensable for admission to be a solicitor, to serve articles of indenture?—The practice then was four years in the office of a writer to the signet, or four years in that of a solicitor to the Supreme Court, taking charge of the business and certified as such; knowing his duties and knowing the law.

353. But, is it not usual to serve an apprenticeship?—It is quite common to have

indentures—articles.
354. It is admissible both ways?—Both ways.

355. Are you not aware that it is very usual for persons in the Sheriff Court to serve an apprenticeship?—It is common to apprentice them for two or three years.

356. But are you not aware that no one would be admitted to the Sheriff Court without

serving under articles three years?—I am not, except in the corporate bodies.

357. Are you not aware that, before a person can practise before the Sheriff Court, he must be examined before the sheriff?—No, not necessarily, except in the corporate towns.

358. Then they are examined by the faculty and admitted by the sheriff?—The sheriff

remits to the faculty.

359. And the applicant pays his fees?—Yes.

360. In the counties, is it not usual for young men claiming admission to have served at least three years, and then upon claiming admission to practise, to undergo an examination by the sheriff?—Yes, it is usual for them to serve, but not by any means under articles. For instance, I knew a young man, named John Molison, who was living in Edinburgh, and an opening occurred at Airdrie; so I said that, if he would not go, I would leave my business and open there. At first he had only been a ledger-keeper to a writer to the signet. He served no apprenticeship in his native place; he served no apprenticeship in Edinburgh, but as a bookkeeper, and then went from that office, on my recommendation, to a town which was rising considerably, and where there was a large amount of business-Airdrie. His reading was the smallest of any young man I ever knew. He is a prosperous man of business now.

361. Was a court held there?—There was a court begun to be held there about 1834

or 5, after he went there.

362. Was there any Sheriff Court at the time he went?—At Hamilton, ten miles apart. 363. Was he admitted?—Yes; he presented his application as having served in a writer to the signet's office and paid his fee.

364. What was it?—About a guinea. £25 is chargeable, but not by the sheriff. 365. By Mr. Mitchell.—Is there any law regulating the admission by the sheriff, or do they do as they like ?-At the time I left, various modes of procedure were in use.

366. Could the sheriff of a county admit any one he liked?—I see nothing to hinder

him ultra the corporations; but he would not dare to do it.

367. There are no legal impediments to his exerting any authority? He could take his groom, who rides into town behind him, and admit him?—I think he could, but it would be a daring thing.

368. He would be a writer in the Sheriff Court ?—He must present a petition, stating

the fact that he has studied.

369. Why must he present that—is there any law?—The form of putting his name on

the rolls is by presenting a petition.

370. Who makes those forms? Cannot the sheriff dispense with them?—No; the role is commenced in this way: All Sheriff Courts have a minute-book of the transactions, quite apart from the ordinary law proceedings, a swhen the sheriff is going to make a rule or regulationthat goes in. Then comes "Petition presented (so and so); admitted, fees (so and so) paid."

371. By Mr. Bennett.—But if he chose to throw all this overboard, and say, "Well,

this man has presented a petition to me, stating that he has served four or five years with J. Marshall, Esq., somebody, and I will admit him," is there any appeal against his admission?—No. 372. By the Chairman.—Are you not aware that there was an Act of Sederunt passed,

by which it was made compulsory upon sheriffs not to admit any one without apprenticeship?

-I am not, but it is likely.

373. The Supreme Court passed that under an Act of Parliament?-They assume the power: they have a control over all practitioners. It is very likely. They should have done

I am not aware of it, however.

374. By Mr. Bennett.—That was not in existence six years ago?—I am not prepared to state that. I only say that, about fifteen years ago, a process was introduced, under the direction of the judges of the Supreme Court for the sheriffs to meet and discuss matters, so that they might be able to give uniform decisions. It was the Reform Bill that introduced that. One was deciding one way and one another; and after two years of that they saw the only way would be to meet and make a uniformity of procedure, and so such a thing as this might have been introduced.

375. Are the gentlemen who practise before the Sheriff Courts considered purely as a matter of law upon the same footing as the solicitors of the Supreme Court and writers to the signet?—They are not; there may be exceptions. In Glasgow there are men of very superior

376. I am not speaking of the chartered bodies?—There are many instances in the Sheriff Courts of very talented men practising there. I know a gentleman in this colony who dared the sheriff and a posse of soldiers to pass through the town, by means of a body of navvies, and was correct in his point of law. He was threatened to be shot, but he drew from the party opposed by him £10,000 that night to allow them to pass through. That was an instance of talent of an agent in a country town.

377. But I mean purely in the legal standing. They are not considered upon the same

footing?—They have not the same opportunities; for instance, they do not hear barristers plead. 378. By the Chairman.—In the incorporated towns?—In the incorporated towns.

379. Are you not aware that these procurators have generally gone into Edinburgh and attended the classes, and been in the offices of solicitors of the Supreme Court?—Yes, that is quite common, that is what I think they should all do.

380. That is the usual custom all over Scotland ?-I think there are just as many who

never go into Edinburgh at all.

381. He may practise in the counties without going either to Glasgow or Edinburgh? -Yes.

382. Most of those who go back to the counties have been either in Glasgow or Edinburgh?—Yes.

383. Very few begin to practise without going through a training in one or other of those places?—I think now-a-days it is so.

384. Ry Mr. Mitchell.—Are there any more incorporated towns than Glasgow, Aberdeen, and Edinburgh?—I am not certain whether Perthshire or Dumfrieshire, have not

similar incorporations under Royal Charters.

385. There is a very great difference between men admitted in those places and men admitted in the other ordinary Sheriff Courts of Scotland?—Yes. Suppose a man was seeking an office, it would be a very important thing that he came from one of those corporations rather than from a common county town.

386. By Mr. Rolfe.—Are parties practising in the Sheriff Court in Scotland admissible

to the Supreme Court ?—They are not.

387. Why ?—I am a member of the College of Justice, of Scotland, a distinct class of society apart altogether from the other places. I was saved certain taxes, because I was a

member of that college.

388. Are they qualified, coming from the Sheriff Court, to practise in the Supreme Court of this Colony?—I did not consider myself well qualified to practise here. You are aware the W.S., or S.S.C., gives a status analogous to M.D. I would like to make one remark,—I observed that the words "superior" and "inferior" courts have been used. There is no such word in Scotch legal phraseology as "superior;" the technical word is "supreme," in contra-distinction to the word "inferior." "The inferior courts" mean all the courts but the Supreme Courts of Scotland. The Supreme Courts consist of the Court of Session, or College of Justice, which is composed now of the common-law Supreme Court, the High Court of Justiciary (criminal), the Court of Admiralty, Commission of Tiemds (tithes), Consistorial (Doctors Commons), and the Court of Exchequer. There was a question put to me, whether I practised as an advocate's first clerk. My admission is dated 10th July, 1828, and the body you referred to were brought in amongst us after we had been satisfied that they were, by you referred to were brought in amongst as and had attainments, and we their own stringent regulations, exposed to the same requirements and had attainments, and we took them in as a body about ten years ago.

The witness withdrew.

[Addition.—I remark in the above something like a discrepancy as to the four or the five years of service or of apprenticeship (under articles). I explain it thus: About 1833 I carried a resolution in the S.S.C. Corporation, to the effect, that we should either recognize a youth from his classical studies, bound for five years, or that the candidate should be certified as having during four years had charge of important departments in the offices of one or more members of the College of Justice, should he ceteris paribus be admissible.

SCOTCH PRACTITIONERS.-e.

TUESDAY, 19TH JUNE, 1860.

Members present:

The Honorable R. Thomson, in the chair;

The Honorable J. Hodgson

The Honorable G. Rolfe.

Mr. James Scott again examined.

Mr. James Scott, 19th June, 1860.

389. By the Chairman.—There is a statement made by you as an addendum to the printed copy of your last examination before this Committee that you wish to speak to?—Yes.

390. Will you please read it?—It is under question 143, and is as follows:—"Under the rules of the Faculty of Procurators in Glasgow, before a person is taken as an apprentice or articled clerk, the master must produce certificates of the age of the intended apprentice, and of his having had a liberal education, and particularly of his having studied the Latin language in a public school or university, or with a private teacher for at least four years; it being understood, however, that attendance during a session at college shall be equivalent to a year's attendance at school,"—that is, with articled clerks they must have a certificate to that effect. To question 130, the answer is not fully stated, as may be seen by the copy of my affidavit, section 11, and the 15th statement in my petition.

391. By Mr. Rolfe —I think you will remember that the reason why the chairman did

not go very fully into examining you on those points was because your petition states what you had to say, and because the committee had gone very fully into it?—Quite so; but it would be better to be recorded in the evidence, for if the petition is not printed, the evidence will be

incomplete without it.

392. By the Chairman.—It will be in the hands of the clerk for reference?—Yes, and might be easily turned to if there was a reference to it in the evidence. It is as follows:-"A gentleman who has served three years with a procurator in Scotland can supplement that by a service of three years with a writer to the signet or a solicitor, and make himself eligible for admission as a solicitor of the Supreme Court of Scotland; so that three years with a procurator is tantamount to three years with a solicitor in Scotland." These remarks are correct; but, in addition, there are several other qualifications which would make a party eligible for admission to the Supreme Court; but, for fuller information, I refer to the clause in my petition.

393. Is there anything further that you wish to state?—There is one thing which I may state, as showing the standing of Scotch procurators, which I forgot on the last occasion. By an old Act of George the Fourth, a Scotch procurator, equally with an advocate, is eligible for admission as sheriff substitute of a county. I may also state that in this colony there are upwards of 300 practitioners on the roll, and out of these there are only four from Scotland—

two in practice, and two out of practice.

394. Your object is to prove that you are qualified to practise here?—It is; but it will not appear in evidence unless stated now (although it does appear in my petition), that I have been connected with the profession twenty-one years—sixteen in Scotland and five here. In Scotland I have had an opportunity of judging of the qualifications of practitioners in five or six counties. I served my apprenticeship in Melrose, Roxburghshire; then I was in Glasgow, Lanarkshire; and I have been in Paisley, Renfrewshire. I was in service as a clerk in Dalry, Ayrshire. I have had some experience in Falkirk, Stirlingshire. That is five or six counties in Scotland, and had an opportunity of judging of the practitioners in those counties. If I contrast those with the practitioners of England and Ireland, I may say that the practitioners of Scotland are equally intelligent and able with members of the profession from England and Ireland practising here.

395. Have you anything further to add?—I have not.

The witness withdrew.

THURSDAY, 7TH JUNE, 1860.

Members present:

The Honorable R. Thomson, in the chair;

The Honorable J. B. Bennett

The Honorable G. Rolfe.

W. H. F. Mitchell

David Ogilvie, Esq., examined.

D. Ogilvie, Esq., 7th August, 1860. I did. 396. By the Chairman.—You studied Scotch law before you came out here?—Yes,

397. Where ?—In Edinburgh.

398. As a solicitor to the Supreme Court or a writer to the signet?—As a writer to the signet.

399. By Mr. Bennett.—You are a writer to the signet ?—I am still so at this moment.

400. By the Chairman.—Were you admitted at home?—Yes.
401. And your admission was recognised out here?—Yes. When I came out here there was no court in Port Phillip; I went then to Sydney, and was admitted in Sydney.

402. Under your admission at home?—Yes.

D. Ogilvie, Esq., 403. Did you practise at home?—Yes, I practised for a short time; but I had very continued. extensive practice as managing for the house in which I was articled in Edinburgh.

404. Was your practice before the Supreme Court in Scotland, or before the Sheriffs'

Courts ?- Before the Supreme Court exclusively.

405. Are you aware that a number of gentlemen are desirous to practise in this colony

- who have been bred as writers or procurators before the Sheriff Courts in Scotland?—Yes.

 406. Does the education of those gentlemen correspond with that of gentlemen bred in Edinburgh to practise before the Supreme Court ?—No, I never considered so. In Edinburgh the writers to the signet require to attend at least two classes of the University for general literature and classics; and you must attend four sessions of the law classes—it might be two of municipal law and two of conveyancing, or two of the one and one of the other and one of civil law.
 - 407. It is indispensably necessary that students go through that curriculum?—Yes.

408. Before they can be admitted as writers to the signet?—Yes.

409. And then they serve an apprenticeship?—Yes. 410. For how many years?—Five years.

411. Is the same course applicable to solicitors before the Supreme Court of Edinburgh? -No; they are not considered so highly educated, and they are not the same class. The writers to the signet are considered the highest practitioners in Edinburgh, except the barristers. The writers to the signet have the right to pass writs under the signet, which a solicitor cannot issue.

412. The solicitors cannot issue signet writs?—No.
413. By Mr. Bennett.—Are there a great number of writs of that description?—Yes,
a vast number from all parts of Scotland.

414. By the Chairman.—Are you aware what the jurisdiction of the sheriffs of Scotland is?—I do not know that I could go into the whole nature of the jurisdiction, but I know generally with regard to it. It is long since I have read with regard to the sheriff's jurisdiction, but I know, generally speaking, the nature of the jurisdiction.

415. Is it nearly co-equal with the Supreme Courts in Scotland?—No; it is very different. In the Sheriff Courts, actions may be pursued upon personal claims—debts to any amount,—there is no limitation in the amount of the debt; so that, in point of fact, actions may

be sued in that court to any amount.

416. But in questions of real property?—The sheriffs are excluded from the trial of all

questions of real rights.

417. By Mr. Bennett.—Are actions of slander and libel tried before the Sheriff

Court?—Yes; they are competent to entertain those.

418. By the Chairman.—And cases of insolvency are heard there now, are they not? —That is since I left.

419. By Mr. Mitchell.—Is there any limit as to the amount of damages that may be sued for before the Sheriff Court ?-They have no jury trial.

420. The Sheriff Court has no jury trial ?—No; I am not aware of actions of damages

to any amount being tried there.

421. Then, if an action of slander were brought in the Sheriff Court, how would it be tried?—It would not be tried by a jury. I may say that it is not long since jury trial was unknown, even in the Supreme Court, in civil cases. It is a new thing brought from England, and not very long previous to my beginning my apprenticeship.

422. By the Chairman.—Do not you go before the sheriffs for defamation of character?

-I believe they are competent to entertain those actions.

423. By Mr. Mitchell.—Do you know the extent of the jurisdiction which a recorder has in England?—No.

424. By Mr. Bennett.—Had the Sheriff Court a jurisdiction tantamount to our Court of Equity here?—No; nothing similar to that. There is this peculiarity in the Scottish system of jurisprudence, that there is not that distinction between law and equity which there is in England. It is a distinction that is almost confined to England.

425. Then, simply as a Court of Equity alone, they do not have a tantamount jurisdiction

with our Supreme Court in Equity ?-No.

426. Then in fact they know nothing of the practice of equity as known in our courts?

427. By the Chairman.—Does the study of law in Scotland give practitioners a facility -No. of mastering the English law when they come out to this country?—There is no doubt that the course of study of the Scotch system does give that, but at the same time there is a very great difference between the two laws.

428. But a clever practitioner at home would very soon master it out here?—Yes.

429. And the same with conveyancing?—Although the systems of conveyancing are very different, he might do it. The system of conveyancing in Scotland is a very peculiar one, founded entirely on feudal principles.

430. A person bred a conveyancer in Scotland would have no difficulty in mastering the correct system out here, would he?-I think he would soon be able to get at the system of

conveyancing out here. 431. By Mr. Bennett.—Do I understand you to mean this, that a person skilled in the Scotch conveyancing law would be in a position, from his previous education, quickly to practise the conveyancing law of England; or, do you mean that his mind having been educated in a certain class of reading, gives him a facility over other minds for learning it?—That is all I mean. D. Ogilvie, Esq.,

432. But, coming for the first time into the colony, he knows no more of the English law

continued, from having learned the Scotch law than any other gentleman who studies it?—No. 7th August, 1860.

433. By Mr. Mitchell.—Is it the province of the procurators to make conveyances—must they be educated as conveyancers in Scotland?—I am not aware that there is strictly speaking a class called conveyancers; there is nothing that I am aware of that would prevent any one from conveyancing in Scotland who is qualified to do it.

434. Supposing he is not admitted at all?—Yes, supposing he is not admitted.

435. Supposing in Glasgow I bought a piece of land and wanted it conveyed to me, whom should I go to—one of these procurators?—Yes, or any other qualified person.

436. There is no writer to the signet that I could go to there?—There may be, I dare say, some resident there.

437. But the usual practice has been to go to a procurator?—Yes.

438. Then this person as procurator must have been educated as what one should call a conveyancer to do this ?-Yes, he would see conveyancing practice, no doubt.

439. If I bought land in Edinburgh under the same circumstances, I should go to a writer to the signet?—Yes, or to a solicitor of the Supreme Court, or a procurator.

440. Then would his education be superior to the education of the writer or procurator in Glasgow upon the same subject ?-Yes. In the case of the Edinburgh practitioners, who are writers to the signet, there is a right to practise in regard to Crown charters, which a practitioner in the country has no right to do, and is not qualified to do; and then, moreover, there is a superior course of education required by a writer to the signet.

441. Would it make any difference to me, between buying land in Glasgow and in

Edinburgh, if in Glasgow I go to a procurator, who would be a conveyancer, if in Edinburgh I should go to a writer to the signet, and both those conveyances would be equally good?

442. Both those men must be equally educated upon those points?—They may be; but I do not know what the regulations of the Glasgow Sheriff Court may be.

443. Would they not both be equally educated, as far as being conveyancers here?—

The one in Edinburgh may have a higher education.

444. That applies to general education; but I mean strictly as a conveyancer,—the one would know as much about the English law of conveyancing as the other?-I think so.

445. Then they would meet here on equal terms, as far as that was concerned?—Yes, I think so.

446. By Mr. Rolfe.—What qualification is it necessary for a person to have to practise in the Supreme Court of Scotland?—He must have served articles for a period of five years at least to a writer to the signet; and if admitted in the corporate body of solicitors, he must have served the same to a solicitor; but there was a class of practitioners who were called "advocates' first clerks,"-I think they have dwindled away almost to nothing; but it was an old privilege, whereby an advocate or barrister might, by a letter to his principal clerk, entitle him to practise in the Supreme Court during the time he held that letter: so that there were three classes of practitioners—the writers to the signet (the highest body), then the incorporated body of solicitors to the Supreme Court, and the third class were these advocates' first clerks.

447. By the Chairman.—Was there not a fourth class, namely, the procurators, who practised before the Sheriff Courts in Edinburgh?—They do not practise before the Supreme

Court; they are not entitled to practise before the Supreme Court.

448. By Mr. Mitchell.—Would the members of the incorporated body of solicitors in

Edinburgh be entitled to be admitted here under our rules of court?—Yes.

449. By Mr. Bennett.—Are the Sheriff Courts in Scotland superior courts of record? -They are not superior courts of record, certainly not; they are inferior courts. We always call them inferior courts; that is the name under which they are universally known—the inferior courts of Scotland.

450. By the Chairman.—They do have records?—Yes.

451. Generally the writers throughout Scotland practise as conveyancers, and conduct the legal business within their respective counties?—Yes.

452. And prepare mortgages and bonds and conveyancing, and so on ?—Yes.

453. By Mr. Bennett.—Are you aware that there is an Act passed in England lately for the admission of colonial attorneys to practise before the superior courts of England?—I am.

454. If that Act was strictly carried out, and practitioners before the Sheriff Court in Scotland came out and practised here as solicitors of the Supreme Court here, I presume they would come under that Act?—No doubt, if they were admitted to the court here; but then I would hold that the admission of those parties was against the spirit if not against the very terms of the Act. It is an Act which is not of itself applicable to the colony, except upon the application by the Governor to have it applied, and a consideration by the Queen in Council. The Act of Parliament proceeds upon this assumption, that in these colonial courts to which the Act is to be applicable, the admissions are of a similar nature to those in England; that the same qualified parties are admitted in the colonial courts as are admitted in England, and this almost seems to be a condition before it can be made applicable to any-colonial court at all; and then it is not of itself applicable to a colonial court without the Governor's applying to have it made applicable, and the Queen's consenting that it shall apply.

455. Do you think that, if it became known in England by the judges or the Privy Council, that procurators of the Sheriff Courts of Scotland were admitted here to practise in the Supreme Court, that would or would not be an objection to allowing the privilege of that Act to be in force in this Colony?—I think it would be against the spirit of the Act.

456. Do you think it would militate against the chance of the Colonial attorneys getting D. Ogilvie, Esq., the advantage of that Act in England ?—I do.

7th August, 1860....

457. By Mr. Mitchell.—Do you think, if a Scotch procurator came out here, and were admitted to the Supreme Court here, he could, under that Act, go to England and be admitted as an attorney?—He would require to be examined. On his admission here he would come before the high courts at home, and claim to be admitted; and, on being found qualified, he would be admitted.

458. And that would be against the spirit of such a concession to the Colonies?—I think so.

459. By Mr. Bennett.—Would the practitioners in Scotland, before the Sheriff Court, be, under any circumstances, admitted before the Supreme Court of Scotland ?-No; they have no right to be admitted before the Supreme Court in Scotland. They would not be admitted.

460. Then, in fact, if admitted into this court here, they would assume a higher position than they would in their own country, as regards the rest of the practitioners?—They would.

461. By the Chairman.—If they were serving so much of their time in the country, would that time count, if they were to serve a further period with a solicitor of the Supreme Court in Edinburgh? -No; they must serve the whole period in Edinburgh.

462. We have it in evidence that they could supplement it by a service in Edin-

burgh ?—No.

463. By Mr. Mitchell.—A man then could not be articled with a procurator in Glasgow, and serve three years in Glasgow, and his indentures be transferred to a solicitor of the Supreme Court in Edinburgh?—No, the indentures have different stamps.

464. In fact, it is a different profession?—It is a different department or branch of the

profession.

465. By Mr. Bennett.—Is there any difference in relation to the stamps or fees, or anything of that sort?-I do not recollect the exact stamp in the inferior courts, but £60 sterling is the amount of stamp upon which articles must be written in Edinburgh, and I think it is £30 in the case of procurators.

466. Then, when you are admitted, is there any fee for admission?—Yes: and the fees

are very considerable.

467. Are you aware what the fee for a writer to the signet is?—I forget exactly what it is: it costs about £200 altogether.

1-168. By Mr. Mitchell.—Does that include the premium paid with the articles?—No.

The stamps and office fees would come to about £200.

- 469. That is quite independent of the fee to the master?—Quite. I speak under correction. I cannot mention the exact sum, but it would cost about £200.

 470. By Mr. Bennett.—What is the fee generally for binding an apprentice to a
- master?—Generally 200 guineas.

471. By Mr. Mitchell.—How long ago are you referring to?—To some time ago.

472. By Mr. Rolfe.—If a Scotch practitioner wished to practise in the Supreme Court in England, what steps would he take?—He is not admissible.

473. What steps would he take?—He would require to serve articles.

474. By Mr. Mitchell.—He would have to begin the profession over again?—Yes.

475. By Mr. Rolfe.—Is a writer to the signet admissible to the Supreme Court in

476. Then they seek greater privileges in coming out here than they would have in England?—Yes; the old Act under which courts in this country were first established, conferred the privilege upon solicitors of the Supreme Courts of Great Britain and Ireland, and writers to

477. By Mr. Bennett.—And it is by virtue of that privilege that solicitors of the Supreme Court and writers to the signet in Scotland became solicitors of the Supreme Court

here?—Yes.

478. Is there anything else you could give the Committee any further information upon? -I might mention that there is a great distinction between the jurisdiction of the Supreme Court and that of the Sheriff Courts, both in regard to real actions as to the trial of titles to all real property, and also in a very important class of actions called actions of declarator, not known in England, which are altogether unknown in the Sheriff Court. They are actions whereby, when rights are in a manner like to be quarrelled, but where parties hold back and do not bring them into question, it is competent for the party whose right is quarrelled, or about to be quarrelled, to bring all those parties who quarrel his rights into the Supreme Court and have the matter finally determined, and thereby fix his property. That is a very important class of actions and it is the superior of actions. class of actions; and it is thought very desirable to introduce them into England.

479. By the Chairman.—Those are only competent before the Supreme Court?—Yes. Then again, in consequence of the trial by jury being in the Supreme Court the most important actions in Scotland are all tried by the Supreme Court. No doubt there is a class of important questions in the Sheriff Court; but, at the same time, the most important rights of the people

of Scotland come before the Supreme Court.

480. By Mr. Mitchell.—You are aware that, when a prisoner is brought before the Supreme Court of England, he is defended by a barrister, who is instructed by an attorney or solicitor of one of the superior courts of England. Supposing a judge to be on circuit in Scotland, and a prisoner there has to be defended, who communicates with the advocate who defends him before the judge—is it a writer to the signet or a procurator?—On circuit it would generally be a procurator. I may mention that those cases are not, strictly speaking, before the

SCOTCH PRACTITIONERS.-f.

ogilvie, Esq., Supreme Court. The Supreme Court of Scotland is differently constituted from the Supreme 7th August, 1860. Court of this colony. It has not a criminal jurisdiction. The Court of Session, which is the Supreme Court in civil actions, is a different court entirely from the High Court of Justiciary, which tries criminal cases, and the judges are different judges. The courts are composed of different judges; no doubt the judges in the Court of Justiciary are also judges in the Supreme Court in civil cases, but only a certain number of the judges in the Court of Session are connected with the Justiciary Court; they are two separate and distinct courts; and, with the most extensive practice that I have had in Edinburgh, in a house where perhaps the business was as extensive as any, I never had a single case in the criminal court—not a single case.

481. Supposing that a criminal is tried in Edinburgh, he is tried before the Court of

Justiciary?-Yes.

482. That is a Supreme Court?—The High Court of Justiciary is a Supreme Court, no doubt of it.

483. There would be no difference between the same judge trying it in Edinburgh and the same judge trying a criminal in Glasgow, would there?—No.

484. In Glasgow the prisoner would communicate with the advocate through a

485. Could he do so in Edinburgh?—Yes.

486. Then in fact a procurator may practice in Edinburgh before the Supreme Court, so far as that is concerned?—I do not know that there is much recognition of the attorney or solicitor at all: it is all conducted—at all events in court—by the barrister. I may say that the practitioners of the Court of Session in Edinburgh seldom or never enter the Justiciary Court in their professional capacity. In being admitted to practise, the very youngest of the profession are what are called "agents for the poor"—and the criminal cases are all handed over to them unless in the case of criminals who choose to have other advisers.

487. They are writers to the signet?—Yes, but especially in Edinburgh, it is seldom or never known that there is any class of practice in the Justiciary Court which is at all worth

anything or which is at all coveted, or in the least degree desired.

488. By the Chairman.—Procurators prepare cases for trial and communicate with the prisoners and the barristers, and prepare cases for trial before the Justiciary Courts ?- No doubt

in the circuits of the Justiciary Court.

489. By Mr. Mitchell.—And in Edinburgh too there is nothing to prevent their doing it. is there?—They may do it, I believe. The court appoints annually a certain number of practitioners, and they do appoint only their own practitioners, so that the procurators would not in Edinburgh be entitled to come before the Justiciary Court; but I have no doubt in the circuit

490. Is the procurator in Scotland, who prepares a case for the criminal and communicates

with the advocate, an officer of the court ?—I would not think he was.

491. Could the judge deal with him?—I do not think he would be considered as It is my strong impression that he would not be considered as an officer belonging to the court. belonging to the court.

492. Supposing there was a charge for defrauding the prisoner brought against him, which was derogatory to his character as a procurator, could the judge deal with him as he would in England?—I am not aware that he is considered an officer of the court in any way.

493. By Mr. Rolfe.—A procurator practising in one county, and practising upon circuit, is he allowed to go the round of the circuit out of that particular county in which he is in the habit of practising?—The Court of Session holds sittings throughout Scotland for the trial of civil cases, and there is no procurator at all admitted to practise there.

494. By Mr. Bennett.—It has been given in evidence that, where a case of appeal comes from the Sheriff Court, and is tried in the same county, then the procurator is allowed to practise in the court?—That is in the circuit of the Justiciary Court, which has, to a small extent, although it be rather anomalous, a certain civil jurisdiction on circuit. It is confined to a very limited class of cases, properly speaking. A case is brought from the inferior court to the Supreme Court in Edinburgh in a regular way by an Edinburgh practitioner,—they are brought to the Supreme Court by letters of advocation or of suspension, whereby the cause is called up from the inferior court to the court in Edinburgh; but that is done entirely by an Edinburgh practitioner. There is a very limited class of cases which can be brought before the Court of Justiciary when on circuit; but it is a totally different thing from bringing up a case to the Supreme Court by appeal, which is done by an Edinburgh practitioner.

The witness withdrew.

TUESDAY, 7TH AUGUST, 1860.

Mr. David Ogilvie was recalled, and tendered the foregoing evidence to a meeting of the Committee.—(Vide "Proceedings," 7th June and 7th August.)

1859-60.

VICTORIA.

REPORT

OF THE

SELECT COMMITTEE OF THE LEGISLATIVE COUNCIL

APPOINTED

TO CONFER WITH A COMMITTEE OF THE LEGISLATIVE ASSEMBLY
ON THE AMENDMENTS DISAGREED TO IN THE

CROWN LANDS SALES BILL;

TOGETHER WITH

THE PROCEEDINGS OF COMMITTEE.

ORDERED BY THE COUNCIL TO BE PRINTED, 5TH SEPTEMBER, 1860.

By Authority:

EXTRACTED FROM THE MINUTES.

TUESDAY, 4TH SEPTEMBER, 1860.

Crown Lands Sales Bill.—The Honorable T. H. Fellows, in accordance with contingent notice, moved, That a Committee of six Members be now appointed to meet a Committee of an equal number of Members of the Legislative Assembly, to take into consideration the amendments disagreed to in the Land Bill. Question—put and passed.

The Honorable T. H. Fellows moved, That such Committee consist of the following Members, viz., the Honorables T. T. a'Beckett, G. S. Coppin, S. G. Henty, J. P. Fawkner, H. Miller, and the Mover.

Two Members having required that the Committee should be formed by ballot, the Council proceeded to the ballot, and the following Members being reported by the Clerk to have the greatest number of votes, were declared by the President to be the Members of the Committee, viz., the Honorables T. H. Fellows, J. P. Fawkner, M. Hervey, S. G. Henty, T. H. Power, and H. Miller.

The Honorable T. H. Fellows moved, That three form a quorum of the Committee, and that they be empowered to meet to-morrow in the Library at twelve o'clock.

Question-put and passed.

The Honorable T. H. Fellows moved, That a Message be carried to the Legislative Assembly to acquaint them that the Committee has been formed (three to form a quorum), and has been empowered to meet to-morrow in the Library.

Question-put and passed.

WEDNESDAY, 5TH SEPTEMBER, 1860.

Crown Lands Sales Bill—Report of Select Committee on Amendments in.—The Honorable T. H. Fellows, as Chairman of the Select Committee appointed on the 4th instant, to meet a Committee of an equal number of Members of the Legislative Assembly, to take into consideration the amendments disagreed to in the Land Bill, brought up the Report of the Committee.

The Report was read at the Table by the Clerk.

The Honorable G. S. Coppin moved, That the Report be printed.

Question—put and passed.

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

Amendment moved by the Honorable G. Rolfe, That the word "to-morrow" be omitted, with a view to insert the words "Friday next" instead thereof.

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

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

Question—That the consideration of the Report be made an Order of the Day for Friday next—put and passed.

REPORT.

THE SELECT COMMITTEE of the Legislative Council, appointed on the 4th September, 1860, "to meet an equal number of Members of the Legislative Assembly to take into consideration the amendments disagreed to in the Land Bill," have the honor to report as follows:—

Your Committee met in the Library of the Parliament this day at twelve o'clock, to confer with the Select Committee of the Legislative Assembly, all the Members of your Committee being present, when it was unanimously agreed to adjourn to another part of the Parliament Houses.

The two Committees then met and conferred together, and agreed

that the principal points in dispute were as follows:—

1. The proviso added by the Legislative Assembly to Clause XII.

2. The amendment made by your Honorable House to leave out "four" and insert "two" in line 26 of Clause XIV.

3. The amendment in Clause XVII., as to the number of acres to be surveyed.

4. The question of sale by limited auction or by lot.

5. The omission of Clauses XLI., XLII., XLIII., XLIV., and XLV.

Assembly would recommend to that Honorable House that the amendments of the Legislative Assembly in the two new clauses inserted by your Honorable House before Clause XLIX. should not be insisted on, your Committee having pointed out that, if the amendments of the Legislative Assembly were agreed to, there would be no mode of valuing the fences mentioned in Clause XXXVIII.

The Committee then separated for the purpose of deliberating on the proposals which each should make to the other, and your Committee came to the determination to recommend to your Honorable House, that, if the Legislative Assembly would agree to the amendments of your Honorable House with regard to the number of subdivisions, and to the sale by limited auction instead of lot, your Honorable House should agree to the proviso in Clause XII., with the following amendments:—

Insert "not" before "within."

Strike out "on the memorial of any ten persons who declare their

intention of becoming settlers on the same."

And should also agree to the amendment of the Legislative Assembly on the amendment of your Honorable House in Clause XVII., and also that your Honorable House should not insist on striking out Clauses XLI., XLII., XLIII., XLIV., and XLV.

The Committee of the Legislative Assembly having then enquired, through their Chairman, whether the Committee of the Legislative Council would agree to recommend that the amendments of the Legislative Council in Clause XIV. should not be insisted on, your Committee intimated that such recommendation could not be made.

Your Committee again deliberated. After lapse of some time, the two Committees again met, and your Committee informed the Committee of the Legislative Assembly that they were prepared to recommend to your Honorable House, that the Council should agree to the proviso proposed in

Clause XII., with the amendments above set forth; should insist on the amendments made by your Honorable House in Clause XIV.; should insist on the amendments in Clause XXIII., and those consequential thereon relative to auction and lot; and should, consequently, agree to the amendments on amendments made by the Legislative Assembly in Clause XVII., and not insist on striking out the Clauses XLI., XLII., XLIII., XLIV., and XLV.

The Committees then conferred, after which the Committee of the Legislative Assembly intimated that, as your Committee were not prepared to recommend that the amendments in Clause XIV. should not be insisted on by your Honorable House, the Committee of the Legislative Assembly were prepared to make the following recommendations to the Legislative Assembly:—

1. That the proviso in Clause XII. be insisted on.

2. That sale by lot be insisted on.

3. That Clauses XLI., XLII., XLIII., XLIV., and XLV., be insisted on.

4. That the amendment to insert "three" instead of "two" be not insisted on in Clause XVII.

The Committees then conferred, after which they separated to deliberate.

After lapse of some time the two Committees again met, when the Committee of the Legislative Assembly enquired if your Committee would be prepared to make recommendations to your Honorable House, in accordance with the propositions made by the Committee of the Legislative Assembly.

It was intimated that your Committee would not be prepared to make

such recommendation.

Your Committee, therefore, beg to report to your Honorable House, that if the Legislative Assembly will agree to the amendments with regard to the number of subdivisions and mode of sale, they make the following recommendations:—

1. That your Honorable House should amend the proviso added to Clause XII. in the manner above set forth.

2. That your Honorable House should insist on two subdivisions.

3. That your Honorable House should agree to the amendment as to the number of acres to be surveyed.

4. That your Honorable House should insist on sale by limited

5. That your Honorable House should not insist on striking out the penal clauses.

THOS. HOWARD FELLOWS.

PROCEEDINGS OF THE COMMITTEE.

WEDNESDAY, 5TH SEPTEMBER, 1860.

Members present:

The Honorable T. H. Fellows, in the chair.

The Honorables H. Miller, M. Hervey, S. G. Henty, J. P. Fawkner, and T. H. Power.

Committee conferred with Committee of the Legislative Assembly.

Committee deliberated separately.

Resolution proposed, That Clauses XLI., XLII., XLIII., XLIV., XLV., be not insisted on-

Contents, 4.
The Hon. T. H. Fellows
J. P. Fawkner
H. Miller
S. G. Henty.

Not Contents, 2.
The Hon. M. Hervey
T. H. Power.

Committee again conferred with Committee of Legislative Assembly.

Committee again deliberated separately.

Committee again conferred with Committee of Legislative Assembly.

Committee again deliberated separately.

Committee adjourned till half-past three o'clock.

(HALF-PAST THREE O'CLOCK.)

Members present:

The Honorable T. H. Fellows, in the chair. The Honorables M. Hervey, H. Miller, S. G. Henty, and T. H. Power.

Draft Report brought up by the Chairman and read.

Committee deliberated.

Question—That the following words stand part of the Report, "if the Legislative Assembly will agree to the amendments with regard to the number of subdivisions and mode of sale they"—put.

Contents, 3.
The Hon. M. Hervey
S. G. Henty
T. H. Power.

Not Contents, 2.
The Hon. T. H. Fellows
H. Miller.

The Report was adopted, and the Chairman ordered to report to the House.

1859-60.

VICTORIA.

LEGISLATIVE COUNCIL.

FOURTH REPORT

OF THE

PRINTING COMMITTEE.

LAID UPON THE COUNCIL TABLE BY THE HONORABLE J. P. FAWKNER, 18TH SEPTEMBER, 1860.

By Authority:

REPORT.

In pursuance of the Order of your Honorable House, your Committee have had referred to them the several Papers mentioned in the following Table, upon which your Committee beg to report as appears by such Table:—

				<u>\</u>
Subject.	When moved for, and by whom.	When laid on Council Table.	By Command or presented.	Report and Remarks of Committee.
Fitz Roy Ward improvement— Expenditure for year ending 31st August, 1859.		26th April, 1860		No order made.
Telegraphic Communication be- tween Great Britain and Aus- tralia—Correspondence relating to—Febuary, 1860	·	2nd May, 1860		"
Dandenong County Court—Order in Council -23rd April, 1860.		"	·	,,
Gold Fields Act—Orders in Council—Polling Places, Mining District of Ararat—16th April, 1860		9th May, 1860	•••	"
Order in Council—Court of Mines Mount Egerton—Discontinuance of—30th April, 1860		, ,,		31
Immigration for the year 1859— Report of Immigration Agent	•••	16th May, 1860))
Steamers calling at Kangaroo Island—Further Correspon- dence—Downing street, 17th March, 1860	···	,	•••	,,
New Offices for Chief Secretary— Return to an Address of the House of the 2nd May, 1860	Hon. J. P. Fawkner, 2nd May, 1860	n :		"
Go'd Fields Act—Order in Council—General Regulations respecting Leases and Appli- cations for Leases of Auriferous Lands—7th May, 1860		18th May, 1860		"
Railway Expenditure Report—10th May, 1860.		31st May, 1860		"
Civil Service Commission—Supplemental Report—23rd May, 1860	•••	,,	***	"
National Education—Rule of Board of—21st May, 1860	•••	7th June, 1860	***	"
Gold Fields Act—Order in Council—28th May, 1860	•••	12th June, 1860	•••	""
Gisborne County Court—Order in Council—4th June, 1860		,,	***	,,
Victoria Steamer—Detention in New Zealand—Correspondence respecting		19th June, 1860	•••	Recommended to be printed.
Gold Fields Act—Orders in Council—Regulating Special Leases of Crown Land—Mining District of Maryborough—4th June, 1860. Polling Places— Mining District of Sandhurst— 4th June, 1860	,	>>		No order made.

Subject.	When moved for, and by whom.	When laid on Council Table.	By Command or presented.	Report and Remarks of Committee.
University of Melbourne—Report of Proceedings for year ending 31st May, 1860		20th June, 1860	•••	No order made.
Health Officer—Report of Diseases for 1859	ST "godh" broo	22nd June, 1860	1	gug i 🎢
Pre-emptive Rights—Return to an Order of Council of 18th January	Hon. Dr. Hope,	4th July, 1860	ariji af Sieri	ener l'adit
Statistics of Victoria, for year ending 31st March, 1859, with preliminary notes	.com parameter to me	99 77 - \$100 000 000 000 000 000 000 000 000 00	*** *** ***	33
Order in Council—Establishing County Courts at Creswick and Pleasant Creek—3rd July, 1860	Address Consumer	10th July, 1860	•••	(.c.
Order in Council—Establishing Courts of Mines at Creswick and Pleasant Creek—3rd July, 1860	in make the state of the state	"	Harris Care	#1.00 (1) (1) (1) (1) (1) (1) (1) (1) (1) (1)
Magnetic, Nautical, and Meteoro- logical Observations—March, 1858, to February, 1859	(2****) ; ; ***	>9	are in the same	
New Postal Arrangement—Correspondence—Downing Street, 18th May, 1860	•••	17th July, 1860	1.	,,
Temporary withdrawal of the Head Quarter Staff	,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,	2)		e e markete
University of Melbourne—Despatch from Secretary of State acknowledging Address of Parliament of Victoria	•••	"	1	" "
Yarra Bend Lunatic Asylum— Report for year 1859	2 2 4 4 4 4	19		1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1
Order in Council—County Court at Yackandandah—16th July, 1860		24th July, 1860	•••	39
Library (Joint) Committee— Progress Report		2nd August, 1860		
Gold Fields Act—Orders in Council. Mining District of Beechworth altered—16th July, 1860. Mining District of Beechworth, Divisions of, altered—16th Ju'y, 1860		9th August, 1860		3
National Education—Board of— Order of 25th February, 1859	of the second	4th Sep., 1860	•••	,,
New Zealand War—Despatch from the Right Honorable the Secre- tary of State—20th June, 1860		,,		37
Portrait of the Queen—Despatch from the Right Honorable the Secretary of State—23rd May, 1860	· 244 · 15 • • • • •	22		
Registration of Parliamentary Electors—Payments under 22 Victoria, No. 81, sec. 30	•••	11th Sep., 1860		***
Gold Fields Act—Order in Council—Mining Leases Ararat, 27th August, 1860	2° " 3 (200)	"		
National Education—Board of— Order of—9th March, 1859		"		3 27 () 31 ()

Committee Room, 18th September, 1860. JOHN P. FAWKNER, Acting Chairman.

