

VICTORIA.



VOTES

AND

PROCEEDINGS

OF THE

LEGISLATIVE

COUNCIL.

SESSION

1873.

VICTORIA.



VOTES AND PROCEEDINGS

OF THE

LEGISLATIVE COUNCIL

DURING THE SESSION

1873,

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

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RETURN OF MEMBERS OF THE LEGISLATIVE COUNCIL, 13TH MAY, 1873, AT THE
OPENING OF THE TWENTY-FIRST SESSION OF PARLIAMENT.

Names arranged in the Order of Retirement.	Elected at—		Remarks.
	Nomination.	Polling.	
CENTRAL PROVINCE:			
John O'Shanassy	15th Aug., 1872	... ..	Retired by rotation and re-elected.
George Ward Cole	10th Dec., 1870.		
Thomas Turner a'Beckett	20th April, 1870	... ..	Re-elected on acceptance of Office.
James Graham	20th Sept., 1866.		
Theodotus John Sumner ... ..	... ..	31st March, 1873	Elected instead of the Honorable A. Michie, resigned.
SOUTH PROVINCE:			
Frank Stanley Dobson	17th Aug., 1872	... ..	Retired by rotation and re-elected.
William Degraives ... ..	... ..	29th Aug., 1870.	
John Pinney Bear ... ..	... ..	3rd Oct., 1868.	
William Arthur Callander a'Beckett ... ..	... ..	16th Sept., 1868.	
Thomas Ferrier Hamilton	23rd Dec., 1871.		
SOUTH-WESTERN PROVINCE:			
James Henty... ..	23rd Aug., 1872	... ..	Retired by rotation and re-elected.
John Cumming	24th Aug., 1870.		
Caleb Joshua Jenner	29th Sept., 1868.		
Philip Russell	20th April, 1869.		
Robert Culbertson Hope ... ..	... ..	23rd April, 1867.	
WESTERN PROVINCE:			
Niel Black	30th Aug., 1872	... ..	Retired by rotation and re-elected.
Thomas McKellar ... ..	... ..	12th Sept., 1870.	
Robert Simson	6th Oct., 1868.		
William Skene	14th Dec., 1870.		
James Ford Strachan ... ..	... ..	8th Aug., 1866.	
NORTH-WESTERN PROVINCE:			
William Campbell ... ..	... ..	16th Sept., 1872	Retired by rotation and re-elected.
William Henry Fancourt Mitchell	2nd Sept., 1870.		
Francis Robertson ... ..	... ..	2nd Nov., 1868.	
Alexander Fraser	4th July, 1872	... ..	Vacated seat by accepting an office of profit, and was re-elected.
Nicholas Fitzgerald ... ..	... ..	2nd Nov., 1864.	
EASTERN PROVINCE:			
Sir Francis Murphy	5th Dec., 1872	... ..	Elected <i>vice</i> the Honorable R. Turnbull, deceased, who, on his retirement by rotation, was re-elected, 16th Sept., 1872.
William Highett	2nd Sept., 1870.		
Benjamin Williams ... ..	... ..	24th Oct., 1868.	
Robert Stirling Anderson	10th Oct., 1866.		
Henry Morgan Murphy	24th Oct., 1864.	

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- 1873.
- 13th May. 1. Pilotage Accounts.—1st September, 1871, to 31st August, 1872.
 „ 2. Import, Export, Transhipment, and Shipping Returns, 1872.
 „ 3. Sanatory Station.—Report, 1872.
 „ 4. Border Customs.—Correspondence subsequent to Conference, 1873.
 „ 5. Health Officer.—Report, 1872.
 „ 6. Diseases—Return of, 1872.
 „ 7. Friendly Societies—Returns of all Registered, &c., 1872.
 „ 8. Local Government Legislation.—Report of Commission (10th April, 1873).
 „ 9. Social Evil—Report on (5th February, 1873).
 „ 10. Clunes Water Supply—Report on (11th November, 1872).
 „ 11. Civil Service.—Report of Commission (18th April, 1873).
 „ 12. Intercolonial Conference—Report of (14th February, 1873).
 „ 13. Gold Mining Leases on Reserved Lands.—Regulations.—Order in Council (10th March, 1873).
 „ 14. Licenses to cut, construct, and use races, drains, &c.—Order in Council (7th April, 1873).
 „ 15. Ballarat Mining District.—Polling-places.—Order in Council (11th February, 1873).
 „ 16. Heathcote Division of Sandhurst Mining District.—Polling-place.—Order in Council (17th February, 1873).
 „ 17. Ararat and Beechworth Mining Districts.—Polling-places.—Order in Council (20th January, 1873).
 „ 18. Castlemaine Mining District.—Polling-places.—Order in Council (17th February, 1873).
 „ 19. Fees under Mining Statute 1865 Amendment Act.—Order in Council (10th March, 1873).
 „ 20. Mineral Statistics of Victoria, 1872.
 „ 21. Geelong Water Supply.—Report (7th February, 1873).
 „ 22. Mining Surveys and Registrars.—Reports for quarter ending 31st December, 1872.
 „ 23. Volunteer Force.—Regulations (28th January, 1873, and 15th February, 1873).
 20th May. 24. Statistics of Colony of Victoria, 1871.—Part IX.
 „ 25. Post Office Savings Bank.—Accounts for year ending 31st December, 1872.
 „ 26. Post Office and Telegraph Department.—Report (1872).
 „ 27. Aborigines—Ninth Report of Board for Protection of (3rd May, 1873).
 „ 28. Census of Victoria, 1871.—Part VIII.
 „ 29. Public Accounts.—Regulations (15th January, and 9th April, 1873), (17th April, 1873).
 27th May. 30. Border Customs.—Further Correspondence (20th May, 1873, to 24th May, 1873).
 „ 31. Border Customs Duties.—Convention made between the Colonies of New South Wales and Victoria.
 4th June. 32. Education Act, 1872—Regulations under (16th January, 1873). Regulations as to Salaries. Regulations for Elections of Boards of Advice.
 „ 33. Volunteer Statute, 1865—Regulation under (23rd May, 1873).
 „ 34. Statistics of Victoria, 1872.—Part I.—Blue Book.
 11th June. 35. Beechworth Water Supply.—Memorandum (24th March, 1873).
 „ 36. Chiltern Water Supply.—Report (10th January, 1873).
 „ 37. Ballarat Water Supply Extension (23rd February, 1873).
 „ 38. Clunes Water Supply.—Further Report (13th February, 1873).
 „ 39. Coliban Water Supply.—Extension of Storage.—Memorandum (8th October, 1872).
 „ 40. Ararat Water Supply.—Report (29th November, 1872).
 „ 41. Parliament Buildings.—Report of Royal Commission (4th June, 1873).
 „ 42. Mining Surveyors and Registrars.—Reports for Quarter ending 31st March, 1873.
 „ 43. Sandhurst Railway Reserve—Permission to Mine on, revoked.—Order in Council (19th May, 1873).
 „ 44. Instruction, Public—Report of Minister of, for portion of 1873 (3rd June, 1873).
 17th June. 45. Repatriation of Kidnapped Islanders.—Message from Officer Administering Government (with enclosure).
 „ 46. Instruction, Public.—Statistical Appendix (to Report of Minister of), Showing the State of Schools.
 18th June. 47. Gold Mining Leases—Regulations respecting.—Order in Council (26th May, 1873).
 25th June. 48. Public Parks and Gardens around Melbourne.—Report of Assistant-Commissioner of Lands and Survey (31st May, 1873).
 „ 49. Regulæ Generales of Supreme Court (23rd June, 1873).
 2nd July. 50. Statistics of Colony of Victoria, 1872.—Part II.—Finance, &c.
 „ 51. Land Regulations under Land Act 1869.
 8th July. 52. Geodetic Survey—Report of Superintendent of.

- 8th July. 53. District Survey Offices—Report on (26th May, 1873).
- 15th July. 54. Melbourne Mint.—Despatch (with enclosures) from the Right Honorable the Secretary of State for the Colonies (21st April, 1873).
- „ 55. Agricultural Societies—Grants to.—Regulations (19th May, 1873).
- „ 56. Dynamite, Lithofracteur—Memorandum on (23rd June, 1873).
- „ 57. Railway Construction Act, 35 Vict. 415—Approximate Statement of Expenditure under.
- „ 58. Railway Loan Act 32 Vict. 331—Approximate Statement of Expenditure under, during the year ending 30th June, 1873.
- 22nd July. 59. Public Library, Museums, and National Gallery of Victoria.—Rules and Regulations (12th June, 1873).
- 29th July. 60. Public Parks and Gardens, Regulations (7th July, 1873).
- 5th Aug. 61. Message from His Excellency the Governor, transmitting copy of Commission as Governor, copy of Royal Instruction, and also copy of Commission, appointing the Chief Justice or Senior Judge the Administrator of Government, &c.
- „ 62. Low Lands Commission.—Progress Report (20th June, 1873).
- „ 63. Hospitals for the Insane.—Report of Inspector for year 1871.
- „ 64. Penal Establishments and Gaols.—Report of Inspector-General for year 1872.
- „ 65. Health—Central Board of, Report for year 1872.
- 12th Aug. 66. Hospitals for the Insane—Report of Inspector of, for year 1872.
- „ 67. Intercolonial Tariff.—Correspondence subsequent to Meeting of Conference in Sydney (1873).
- „ 68. University of Melbourne.—Report for year ending 31st May, 1873.
- 19th Aug. 69. Statistics of Colony of Victoria, 1872.—Part III.—Population.
- „ 70. Library, Public Museums, and National Gallery of Victoria.—Report of Trustees of, for year 1872.
- „ 71. Mining Surveyors and Registrars.—Reports of, for quarter ending 30th June, 1873.
- 26th Aug. 72. Inebriates Act, 1872.—Regulations under (4th August, 1873).
- „ 73. Mail Service.—Further Correspondence to 13th June, 1873.
- „ 74. Coal-fields of Victoria.—Report (No. 2) by the Government Examiner of Coal-fields, New South Wales (20th August, 1873).
- 27th Aug. 75. Statement of Expenditure under Schedule D, Act 18 and 19 Vic., Cap. 55, from 1st January to 30th June, 1871.
- „ 76. Statement of Expenditure under Schedule D, Act 18 and 19 Vic., Cap. 55, during the year 1871–2.
- 3rd Sept. 77. Public Works Department.—Report of Royal Commission (29th August, 1873).
- 9th Sept. 78. Statistics of Colony of Victoria, 1872.—Part IV.—Accumulation.
- „ 79. School of Mines, Ballarat.—Report of Secretary of Mines (14th July, 1873).
- „ 80. School of Mines, Sandhurst.—Report of Secretary of Mines (8th May, 1873).
- 16th Sept. 81. Kidnapped Islanders—Repatriation of.—Further Correspondence.
- 30th Sept. 82. Carl—The Case of.—The Papers relating to.
- „ 83. Gipps Land Mining Board.—Additional Polling Places.—Order in Council (15th September, 1873).
- 1st Oct. 84. Gardens and Parks.—Report of Inspector-General of Gardens, Parks, and Reserves (17th September, 1873).
- 7th Oct. 85. Statistics of Colony of Victoria, 1872.—Part V.—Law, Crime, &c.
- 21st Oct. 86. Savings Banks.—Return for year ending 30th June, 1873.
- „ 87. Post Office Savings Banks.—Amended Regulations (16th October, 1873).
- „ 88. Industrial and Reformatory Schools.—General Regulations.
- 28th Oct. 89. Victoria Volunteer Force.—Regulation (13th October, 1873).
- 29th Oct. 90. Low Lands Commission.—Final Report (3rd October, 1873).
- 30th Oct. 91. Marine Department in Australian Colonies.—Report of Conference of Principal Officers of.
- 4th Nov. 92. Statistics of the Colony of Victoria, 1872.—Part VI.—Production.
- „ 93. Industrial and Reformatory Schools.—Report of Inspector for year 1872.
- „ 94. Land Act 1869.—Report of Proceedings under, for year ending 31st December, 1872.
- 11th Nov. 95. Railways, Victorian.—Report of Board of Land and Works for year ending 30th June, 1873.
- „ 96. Library (Public), Museums, and National Gallery of Victoria.—Accounts (1871–2).
- „ 97. Education Act, 1872.—Regulations under.
- 17th Nov. 98. Census of Victoria, 1871.—Part IX. (A.)—Occupations of the People.
- „ 99. Low Lands Commission.—Final Report (plans to accompany).
- 24th Nov. 100. Mining Surveyors and Registrars.—Reports for quarter ending 30th September, 1873.

VICTORIA.

SUMMARY OF PROCEEDINGS ON BILLS IN THE LEGISLATIVE COUNCIL DURING THE SESSION 1873.

No.	SHORT TITLES OF BILLS.	By whom and when Initiated.	PROGRESS.															Number of Act.	REMARKS.			
			First Reading.	Second Reading.	Committal.	Report.	Re-committal.	Report after Re-committal.	Adoption of Report.	Third Reading.	Passing.	Sent to Legislative Assembly.	Returned from Legislative Assembly.		Amendments considered.	Re-transmitted to Legislative Assembly.	Assent.			Published as Supplement to Government Gazette of		
			1873.	1873.	1873.	1873.	1873.	1873.	1873.	1873.	1873.	1873.	1873.	Without Amendments.	With Amendments.	1873.	1873.			1873.	1873.	
1	Privileges of Parliament Bill	Honorable A. Fraser	13th May	13th May	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	Discharged from the Notice Paper, 11th June, 1873.
2	Mining on Private Property Bill ..	Message from Legislative Assembly	11th June	11th June	30th Sept.	30th Sept.	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	Referred to Select Committee, 25th June, 1873. Report of Select Committee brought up and negatived, 27th August. Chairman of Committees reported progress, and asked leave to sit again "this day six months." 21st October, 1873.
3	Juries Statute 1865 Amendment Bill ..	Honorable Dr. Dobson	11th June	11th June	17th June	17th June	26th June	..	..	26th June	2nd July	2nd July	2nd July	..	..	..	..	..	..	..	..	Not returned from Assembly.
4	Labor Bill	Message from Legislative Assembly	17th June	17th June	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	Order of Day for second reading postponed till "this day six months." 8th July.
5	Life Assurance Companies Bill ..	Message from Legislative Assembly	17th June	17th June	26th June	26th June	16th July	22nd July	22nd July	22nd July	29th July	29th July	29th July	..	7th Oct.	14th Oct.	14th Oct.	14th Oct.	..	..	..	..
6	Post Office Statute Amendment Bill ..	Message from Legislative Assembly	17th June	17th June	18th June	18th June	18th June	..	..	18th June	18th June	18th June	..	..	..	..	..	..	25th Nov.	28th Nov.	CCCCLXXIV.	..
7	Consolidated Revenue Bill	Message from Legislative Assembly	24th June	24th June	5th Aug.	5th Aug.	5th Aug.	..	..	24th June	24th June	24th June	..	..	..	..	..	..	25th June	27th June	CCCCLV.	..
8	Instruments and Securities Statute Amendment Bill ..	Message from Legislative Assembly	8th July	8th July	15th July	15th July	15th July	16th July	16th July	16th July	16th July	16th July	16th July	..	5th Aug.	5th Aug.	..	..	25th June	27th June	CCCCLVI.	..
9	Diseased Grape Vines Importation Prohibition Bill ..	Message from Legislative Assembly	16th July	16th July	22nd July	22nd July	22nd July	..	..	22nd July	22nd July	22nd July	..	..	..	..	..	..	16th Sept.	19th Sept.	CCCCLVII.	..
10	Public Works Loan Appropriation Bill ..	Message from Legislative Assembly	5th Aug.	5th Aug.	5th Aug.	5th Aug.	5th Aug.	..	..	5th Aug.	5th Aug.	5th Aug.	..	..	..	..	..	..	16th Sept.	19th Sept.	CCCCLIX.	..
11	Railway Loan Appropriation Bill ..	Message from Legislative Assembly	5th Aug.	5th Aug.	5th Aug.	5th Aug.	5th Aug.	..	..	5th Aug.	5th Aug.	5th Aug.	..	..	..	..	..	..	16th Sept.	19th Sept.	CCCCLX.	..
12	Railway Loan Application Bill ..	Message from Legislative Assembly	12th Aug.	12th Aug.	12th Aug.	12th Aug.	12th Aug.	..	..	12th Aug.	12th Aug.	12th Aug.	..	..	..	..	..	..	16th Sept.	19th Sept.	CCCCLXI.	..
13	Electoral Act Amendment Bill ..	Message from Legislative Assembly	12th Aug.	12th Aug.	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..
14	Constitution of Council Bill	Honorable A. Fraser	12th Aug.	12th Aug.	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	Laid aside 26th August, 1873.
15	Public Works Loan Application Bill ..	Message from Legislative Assembly	3rd Sept.	3rd Sept.	3rd Sept.	3rd Sept.	3rd Sept.	..	..	3rd Sept.	3rd Sept.	3rd Sept.	..	..	..	..	..	..	16th Sept.	19th Sept.	CCCCLXII.	Discharged from Notice Paper, 16th Sept.
16	South Melbourne Gas Company's Extension of Powers Bill ..	Message from Legislative Assembly	3rd Sept.	16th Sept.	23rd Sept.	30th Sept.	1st Oct.	..	..	14th Oct.	21st Oct.	21st Oct.	21st Oct.	23rd Oct.	..	..	..	..	11th Nov.	14th Nov.	CCCCLXV.	..
17	Trust Estates Bill	Honorable W. A. C. a'Beckett ..	16th Sept.	16th Sept.	30th Sept.	30th Sept.	23rd Oct.	28th Oct.	28th Oct.	29th Oct.	29th Oct.	29th Oct.	29th Oct.	..	..	..	..	..	..	..	..	..
18	Savings Banks Law Amendment Bill ..	Message from Legislative Assembly	7th Oct.	7th Oct.	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..
19	Employment of Females Bill	Message from Legislative Assembly	14th Oct.	14th Oct.	21st Oct.	21st Oct.	28th Oct.	28th Oct.	28th Oct.	29th Oct.	29th Oct.	29th Oct.	29th Oct.	30th Oct.	..	..	..	..	11th Nov.	14th Nov.	CCCCLXVI.	..
20	Western Port Coal Mining Company Bill ..	Message from Legislative Assembly	21st Oct.	29th Oct.	5th Nov.	5th Nov.	5th Nov.	..	..	5th Nov.	5th Nov.	5th Nov.	..	..	..	..	..	..	11th Nov.	14th Nov.	CCCCLXXI.	..
21	Game Act 1872 Amendment Bill ..	Message from Legislative Assembly	21st Oct.	21st Oct.	23rd Oct.	23rd Oct.	23rd Oct.	..	..	23rd Oct.	23rd Oct.	23rd Oct.	..	..	..	..	..	..	29th Oct.	24th Oct.	CCCCLXIV.	..
22	Statute of Gaols 1864 Amendment Bill ..	Message from Legislative Assembly	21st Oct.	21st Oct.	23rd Oct.	23rd Oct.	23rd Oct.	..	..	23rd Oct.	23rd Oct.	23rd Oct.	..	..	..	..	..	..	29th Oct.	24th Oct.	CCCCLXIII.	..
23	Fisheries Bill	Message from Legislative Assembly	21st Oct.	21st Oct.	23rd Oct.	23rd Oct.	28th Oct.	..	..	30th Oct.	30th Oct.	30th Oct.	30th Oct.	..	5th Nov.	5th Nov.	5th Nov.	..	25th Nov.	28th Nov.	CCCCLXXIII.	..
24	Impounding Bill	Message from Legislative Assembly	23rd Oct.	23rd Oct.	28th Oct.	28th Oct.	28th Oct.	30th Oct.	30th Oct.	11th Nov.	12th Nov.	12th Nov.	12th Nov.	..	17th Nov.	17th Nov.	..	..	25th Nov.	28th Nov.	CCCCLXXVIII.	..
25	Market Laws Amendment Bill ..	Message from Legislative Assembly	23rd Oct.	23rd Oct.	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..
26	Railway Construction Bill	Message from Legislative Assembly	28th Oct.	28th Oct.	29th Oct.	29th Oct.	5th Nov.	..	..	5th Nov.	11th Nov.	11th Nov.	11th Nov.	11th Nov.	..	..	..	..	25th Nov.	28th Nov.	CCCCLXXV.	Ordered to be read a second time "this day six months." 28th October, 1873.
27	Supreme Court Bill	Message from Legislative Assembly	28th Oct.	28th Oct.	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..
28	Statute of Evidence Amendment Bill ..	Message from Legislative Assembly	29th Oct.	29th Oct.	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..
29	Land Act 1869 Amendment Bill ..	Message from Legislative Assembly	29th Oct.	29th Oct.	13th Nov.	13th Nov.	17th Nov.	..	..	17th Nov.	18th Nov.	18th Nov.	18th Nov.	..	24th Nov.	24th Nov.	24th Nov.	..	..	..	..	..
30	Expiring Law Continuation Bill ..	Message from Legislative Assembly	30th Oct.	30th Oct.	5th Nov.	5th Nov.	5th Nov.	..	..	5th Nov.	5th Nov.	5th Nov.	..	..	..	..	..	..	11th Nov.	14th Nov.	CCCCLXIX.	..
31	Shires Statute Amendment Bill ..	Message from Legislative Assembly	30th Oct.	30th Oct.	5th Nov.	5th Nov.	5th Nov.	..	..	5th Nov.	5th Nov.	5th Nov.	..	..	..	..	..	..	11th Nov.	14th Nov.	CCCCLXX.	..
32	Provident Societies Bill	Message from Legislative Assembly	30th Oct.	30th Oct.	11th Nov.	11th Nov.	12th Nov.	..	..	12th Nov.	12th Nov.	12th Nov.	12th Nov.	17th Nov.	..	..	..	..	25th Nov.	28th Nov.	CCCCLXXVII.	..
33	Regulation and Inspection of Mines Bill ..	Message from Legislative Assembly	4th Nov.	4th Nov.	11th Nov.	11th Nov.	11th Nov.	11th Nov.	11th Nov.	11th Nov.	12th Nov.	12th Nov.	12th Nov.	..	17th Nov.	17th Nov.	17th Nov.	..	25th Nov.	28th Nov.	CCCCLXXX.	..
34	Railway Loan Application Bill (2) ..	Message from Legislative Assembly	4th Nov.	4th Nov.	5th Nov.	5th Nov.	5th Nov.	..	..	5th Nov.	5th Nov.	5th Nov.	..	..	..	..	..	..	11th Nov.	14th Nov.	CCCCLXXVII.	..
35	Railway Loan Bill	Message from Legislative Assembly	4th Nov.	4th Nov.	5th Nov.	5th Nov.	5th Nov.	..	..	5th Nov.	5th Nov.	5th Nov.	..	..	..	..	..	..	11th Nov.	14th Nov.	CCCCLXXVIII.	..
36	Police Force Regulation Bill	Message from Legislative Assembly	5th Nov.	5th Nov.	11th Nov.	11th Nov.	11th Nov.	..	..	11th Nov.	11th Nov.	11th Nov.	..	..	..	..	..	..	25th Nov.	28th Nov.	CCCCLXXVI.	..
37	Appropriation Bill	Message from Legislative Assembly	5th Nov.	5th Nov.	14th Nov.	14th Nov.	14th Nov.	..	..	14th Nov.	18th Nov.	18th Nov.	..	..	..	..	..	..	25th Nov.	28th Nov.	CCCCLXXII.	..
38	Fencing Bill	Message from Legislative Assembly	11th Nov.	11th Nov.	12th Nov.	12th Nov.	12th Nov.	12th Nov.	12th Nov.	12th Nov.	13th Nov.	13th Nov.	13th Nov.	..	17th Nov.	17th Nov.	..	..	25th Nov.	28th Nov.	CCCCLXXIX.	..
39	Justice Administration Bill	Honorable Dr. Dobson	18th Nov.	18th Nov.	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	Lapsed.

RECAPITULATION.

Bills initiated during the Session	39
Passed and assented to	26
Not returned from Legislative Assembly	2
Negatived on motion for Second Reading	1
Ordered to be read a second time "this day six months" ..	3
Laid aside	2
Discharged from Notice Paper	2
Not reported from Committee of the whole House	1
Lapsed	2

Minutes of the Proceedings

OF THE

LEGISLATIVE COUNCIL.

TUESDAY, 13TH MAY, 1873.

Pursuant to Proclamation the Council met.

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

PROCLAMATION

By His Excellency SIR GEORGE FERGUSON BOWEN, Knight Grand Cross of the Most Distinguished Order of Saint Michael and Saint George, Administrator of the Government of the Colony of Victoria, &c., &c., &c.

WHEREAS by the Constitution Act it is amongst other things enacted that it shall be lawful for the Governor to fix such places within Victoria and, subject to the limitation therein contained, such times for holding the first and every other Session of the Council and Assembly, and to vary and alter the same respectively in such manner as he may think fit; and also from time to time to prorogue the said Council and Assembly, and to dissolve the said Assembly, by Proclamation or otherwise, whenever he shall deem it expedient: And whereas the said Council and Assembly, called "The Parliament of Victoria," stand prorogued until Tuesday the fifteenth day of April instant, and it is expedient to fix the time for holding the next Session thereof: Now therefore I, the Administrator of the Government of Victoria, in exercise of the power conferred by the said Act, do by this my Proclamation further prorogue the said Parliament of Victoria from Tuesday the fifteenth day of April instant until Tuesday the thirteenth day of May now next ensuing; and also I do hereby fix Tuesday the thirteenth day of May aforesaid as the time for the commencement and holding of the next Session of the said Council and Assembly, called the Parliament of Victoria, for the despatch of business, at Two of the clock in the afternoon, in the Parliament Houses, situate in Parliament place, Spring street, in the City of Melbourne; and the Honorable the Members of the Legislative Council and the Members of the Legislative Assembly are hereby required to give their attendance at the said time and place accordingly.

Given under my Hand and the Seal of the Colony, at Melbourne, this seventh day of April, in the year of our Lord One thousand eight hundred and seventy-three, and in the thirty-sixth year of Her Majesty's reign.

(L.S.)

G. F. BOWEN.

By His Excellency's Command,
J. G. FRANCIS,
Chief Secretary.

GOD SAVE THE QUEEN!

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

His Excellency the Governor came into the Council Chamber, and commanded the Usher to desire the attendance of the Legislative Assembly in the Council Chamber, who being come with their Speaker, His Excellency was pleased to speak as follows:—

MR. PRESIDENT AND HONORABLE GENTLEMEN OF THE LEGISLATIVE COUNCIL:

MR. SPEAKER AND GENTLEMEN OF THE LEGISLATIVE ASSEMBLY:

On the first occasion of my meeting Parliament I am glad to be able to congratulate you on the general prosperity of the country.

The Education Act, which has been in operation for some months, has fully realized public expectation, and its advantages have been cordially appreciated. The schools are crowded, the attendance of the children having increased more than fifty per cent. The practical working of the Act has been found satisfactory, notwithstanding the difficulties which necessarily attend the initiation of a new system. A report of the condition of the schools will be laid before you.

I am unable as yet to announce to you a final settlement of the vexed question of the Border Duties. An understanding has been come to with the Government of New South Wales as to the amount of payment which is to form the basis of an agreement to secure free trade across the River Murray, and my advisers are now engaged in arranging the details, and are sanguine that in a short time this cause of annoyance and irritation to the residents on the Border will be removed.

Although I am not able to congratulate you on the satisfactory settlement of the question to consider which the recent Conference at Sydney was principally held, yet I am happy to inform you that many matters of practical importance were dealt with by that body, the full details of which will be laid before you without delay.

In regard to postal communication with Great Britain, my Advisers will take the earliest opportunity of informing you fully of the steps they have taken, and will in due course submit proposals for your consideration.

The progress which has been made in the construction of the North-Eastern and other lines of railway is upon the whole satisfactory. On the North-Eastern line about forty-four additional miles have been opened since the last Session of Parliament, and it is anticipated that the whole of this line to the Murray will be opened for traffic by the end of September next. The works which are under contract on the new light lines are in a forward state, and if the rails could be obtained in time would no doubt be completed within the contract period. This, however, is scarcely possible. The unprecedented price to which iron has risen in England, and the peculiar condition of the trade, have caused very serious delays in obtaining rails. It is principally owing to this circumstance that contracts for other sections have not been let, although it is anticipated that within a few days tenders will be invited for some of them. It is gratifying to me to be able to inform you that every additional mile which has been opened on the North-Eastern Line of Railway has yielded a remunerative return, and that the traffic has greatly exceeded the hopes entertained when the lines were projected.

Satisfactory progress has been made with the public works authorized by Parliament. The Alfred Graving Dock is approaching completion, and will be ready for use before the end of the year. Active efforts are being made to carry out the works of the Geelong and Coliban water supply schemes, and there is every probability of the former scheme being completed within three months.

MR. SPEAKER AND GENTLEMEN OF THE LEGISLATIVE ASSEMBLY :

I am glad to be able to congratulate you upon the condition of the Public Finances, and to inform you that my Advisers have no doubt that the Estimates of Revenue for the year will be more than realized.

In the preparation of the Estimates, while regard has been had to economy, the efficiency of the public service has been duly considered. You will be asked to make ample provision for buildings for State Schools.

MR. PRESIDENT AND HONORABLE GENTLEMEN OF THE LEGISLATIVE COUNCIL :

MR. SPEAKER AND GENTLEMEN OF THE LEGISLATIVE ASSEMBLY :

Your attention will be called to the state of the representation of the people in Parliament. A period of fifteen years has elapsed since the Electoral Districts for the Legislative Assembly were fixed, during which the population has increased by one-half. In the mean time the distribution of the people over the Colony has been materially altered, and a readjustment has become necessary. A measure will be submitted for your consideration with the view of obtaining a fair and adequate representation of the whole people in the Legislative Assembly.

A Bill will be laid before you to amend the Constitution Act, designed to obviate conflicts between the two Houses of the Legislature.

Your attention will be invited to measures of Law Reform, reducing into one system the administration of law and equity, simplifying procedure, and extending the jurisdiction of magistrates, whereby a simple, inexpensive, and speedy remedy will be afforded in a large class of cases.

It is now admitted that Railways are more economical than roads, and that the low price per mile at which they can be constructed will permit of their extension to centres of population where the traffic is sufficient to pay working expenses and interest on the cost of construction. A comprehensive measure will be submitted for your consideration authorizing Railway Extension in several directions.

A measure providing for Mining on Private Property for gold and silver, based upon equitable principles, was unfortunately so altered in its passage through Parliament as to render it undesirable that it should become law. This important measure, calculated to promote mining industry, and to remove obstacles to settlement, will be again submitted for your consideration ; and with a view of meeting some of the objections urged against it on a former occasion, the whole of the provisions required to administer the Act have been included within the Bill itself. I trust that your deliberations, conducted in a spirit of moderation and mutual forbearance, may lead to a settlement of the question.

I am happy to inform you that the progress of Land selection is satisfactory and the country is becoming rapidly occupied. The limited area now legally available for a selector is no longer sufficient. The area was reduced by the Land Act of 1869 from 640 to 320 acres, although the more fertile lands of the Colony have long since been alienated. I am informed that the selectors have found the means of practically extending this limit ; and with the view of providing by law for the reasonable wants of intending selectors, a Bill will be submitted to you increasing the present area.

The necessity of securing the better management of Mines has been still further demonstrated by the numerous lamentable mining accidents of the last few months, and it is the intention of the Government to introduce a measure for the Regulation of Mines and the Prevention of Mining Accidents.

The Commission appointed in August, 1870, to report on the condition of the Public Service have presented to me their principal Report, together with a mass of evidence which they have taken. Other reports of a departmental character are promised, on receipt of which a measure on the subject will be prepared for submission to you.

I have received the Report of a Commission appointed to enquire into the working of the Local Government Act. A Consolidated Bill, containing the whole law relating to Local Government, with such amendments as experience of the working of our Municipal Institutions suggest, is now being prepared, and will be laid before you.

Several measures of importance will be submitted for your consideration. Among these there will be Bills to provide better securities for persons assuring in Life Assurance Societies; to provide for the amalgamation and more economical working of Savings Banks; to amend the Post Office Statute; to amend the Police Regulation Statute 1865, making better provision for the superannuation of members of the force; to establish a Marine Board; to amend the Lunacy Statute; to amend the law on Fencing and Impounding; and to amend the Distillation Act 1862.

I confidently commit the great interests of the country to your wisdom and care, and trust that, by the blessing of God, your labors may conduce to the prosperity and happiness of the people.

13th May, 1873.

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

His Excellency the Governor left the Council Chamber.

The President took the Chair.

The President read the Prayer.

DECLARATIONS OF MEMBERS.—The Honorables the President, Dr. Hope, T. F. Hamilton, A. Fraser, W. A. C. a'Beckett, T. T. a'Beckett, W. Highett, W. Skene, J. Henty, F. Robertson, C. J. Jenner, G. W. Cole, P. Russell, J. Cumming, W. Campbell, R. Simson, T. McKellar, N. Black, N. Fitzgerald, severally delivered to the Clerk the declarations required by the seventh clause of the Act 32 Victoria No. 334, as hereunder set forth:—

“In compliance with the provisions of the Act 32 Victoria, No. 334, 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 Two thousand 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 Emberton, in the county or reputed county of Dalhousie, the description of which lands and tenements are as follow:—

“Four thousand seven hundred acres (4700) of the Barfold estate. And I further declare that such of the said lands and tenements as are situate in the municipal district of Metcalfe are rated in the rate-books of such municipal district as follows:—

“No. 103, South Riding; owner, W. H. F. Mitchell; occupier, ditto. Barfold estate in Emberton, 4700 acres. Full net annual value, £1500.

“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.”

“In compliance with the provisions of the Act 32 Victoria, No. 334, I, R. C. HOPE, 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 parishes of Carrungemurnung, Carrah, Murgheboluk, and Gheringhap, in the county or reputed county of Grant, the description of which lands and tenements are as follow:—

“Five thousand acres in Carrungemurnung, fronting River Barwon; two thousand acres in Carrah, fronting Native Creek; one hundred and fifty acres in Gheringhap, with water-mill on Moorabool River.

“And I further declare that such of the said lands and tenements as are situate in the municipal districts of Winchelsea, Bannockburn, and Corio, are rated in the rate-books of such municipal district or districts respectively as follows:—At over £250 per annum.

“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.

“R. C. HOPE.”

“In compliance with the provisions of the Act 32 Victoria, No. 334, I, THOMAS FERRIER HAMILTON, 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 Three 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 Gisborne, in the county or reputed county of Bourke, the description of which lands and tenements are as follow:—

“Section 32, Gisborne, and allotment 29, section 35, same parish; total, seven hundred and forty-nine acres.

“And I further declare that such of the said lands and tenements as are situate in the municipal district of Gisborne Shire are rated in the rate-books of such municipal district as follows:—

No. on Roll.	Owner.	Net Annual Rental Value.	Electoral Division.
449	T. F. Hamilton ...	£165	Division South Province
525		135	
		£300	

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

“THOMAS F. HAMILTON.”

“In compliance with the provisions of the Act 32 Victoria, No. 334, I, ALEXANDER FRASER, do declare and testify that I am duly seised at law or in equity of an estate of freehold for my own use and benefit in lands or tenements in the Colony of Victoria of the value of Two thousand 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 Prahran, in the county or reputed county of Bourke, the description of which lands and tenements are as follow:—

“No. 1. Part allotment 139A, parish of Prahran, county of Bourke, having a frontage to Alma street of 100 feet by a depth of 300 feet to Chapel street, with dwelling-house and other buildings thereon erected, being in my own occupation.

“No. 2. Part allotment 139A, parish of Prahran, county of Bourke, having a frontage of 370 feet to Chapel street, by a depth of 216 feet to Argyle street, with improvements.

“And I further declare that such of the said lands and tenements as are situate in the municipal district of St. Kilda are rated in the rate-books of such municipal district as follows:—

“No. 1. Rated in the rate-book of the district of St. Kilda at Two hundred and twenty pounds per annum.

“No. 2. Rated in the rate-book of the district of St. Kilda at Fifty pounds per annum.

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

“ALEX. FRASER.”

“In compliance with the provisions of the Act 32 Victoria, No. 334, I, WILLIAM ARTHUR CALLANDER A'BECKETT, 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 Two hundred and fifty 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 Jika-jika, in the county or reputed county of Bourke, the description of which lands and tenements are as follow:—

“1. Part 1 of section 8, of allotment 20, city of Melbourne.

“2. Allotment 3 of section 4, city of Melbourne.

“And I further declare that such of the said lands and tenements as are situate in the municipal district of Melbourne are rated in the rate-books of such municipal district as follows:—
1. Over £250 per annum. 2. Over £100 per annum.

“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. A. C. A'BECKETT.”

“In compliance with the provisions of the Act 32 Victoria, No. 334, I, THOMAS TURNER A'BECKETT, 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 Two thousand five hundred pounds sterling money, above all charges and incumbrances affecting the same: And further, that the lands and tenements out of which such qualification arises are situate in the county of Bourke, the descriptions of which lands and tenements are as follow:—

“1. Part of allotment 19, block 14, city of Melbourne, in Little Collins street, with buildings thereon, known as the Bishop's Registry and Cottenham Chambers.

“2. Portion 139, allotment B, part of crown allotment A, portion 144 and part of portion of allotment 139A, in the parish of Prahran, having in the whole a frontage of about six hundred feet to Alma road, by a depth of about six hundred and seventy-feet, with dwelling-house and outbuildings erected on portion 139, allotment B.

“3. Portion of block 3 of Dendy's special survey, having a frontage to Church street and Wall street, Brighton, consisting of one acre and a half, with dwelling-house and other buildings erected thereon.

“And I further declare that such of the said lands and tenements as are situate in the municipal districts of St. Kilda and Brighton, and in the city of Melbourne, are rated in the rate-books of such municipal districts and city respectively as follows:—

“No. 1. Rated in the city of Melbourne rate-book at £400 per annum.

“No. 2. Rated in the municipal district of St. Kilda at £260 per annum.

“No. 3. Rated in the municipal district of Brighton at £108.

“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.

“THOS. T. A'BECKETT.”

“In compliance with the provisions of the Act 32 Victoria, No. 334, I, WILLIAM HIGHETT, 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 One 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 situated in the parishes of Maindample and Mansfield, in the shire of Mansfield, the description of which lands and tenements are as follow:—

“Six thousand acres and upwards.

"And I further declare that such of the said lands and tenements as are situate in the municipal district of Mansfield are rated in the rate-books of such municipal district as follows :—

"Upwards of One thousand pounds.

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

"WILLIAM HIGHETT."

"In compliance with the provisions of the Act 32 Victoria, No. 334, I, WILLIAM SKENE, 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 Two thousand 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 parishes of Kanoualla and Warrigure, in the county or reputed county of Dundas, the description of which lands and tenements are as follow :—

"Freehold property known as Skene.

"And I further declare that such of the said lands and tenements as are situate in the municipal district of Dundas are rated in the rate-books of such municipal district as follows :—

"Over Two hundred and fifty pounds a year.

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

"WILLIAM SKENE."

"In compliance with the provisions of the Act 32 Victoria, No. 334, I, JAMES HENTY, 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 Seven 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 parishes of Duneed, Paraparap, Pakenham, Nar-nar-Goon, and town of Geelong, in the counties or reputed counties of Grant and Mornington, the description of which lands and tenements are as follow :—

"(6679) Six thousand six hundred and seventy-nine acres of freehold land ; offices and stores, Brougham place, town of Geelong.

"And I further declare that such of the said lands and tenements as are situate in the municipal districts of Barrabool, Berwick, and town of Geelong, are rated in the rate-books of such municipal districts respectively as follow :—

"In excess of Six hundred pounds (£600) per annum.

"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.

"JAS. HENTY."

"In compliance with the provisions of the Act 32 Victoria, No. 334, I, FRANCIS ROBERTSON, 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 over Two thousand 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 parishes of Newham, Edgecomb, Doutta Galla, and Maribyrnong, in the counties or reputed counties of Bourke and Dalhousie, the description of which lands and tenements are as follow :—

"Eight allotments in the parish of Newham, two allotments in Edgecomb, one allotment in Maribyrnong, and one allotment in Doutta Galla.

"And I further declare that such of the said lands and tenements as are situate in the municipal district of the shire of Newham, the shire of Kyneton, the Keilor road board, and the borough of Essendon and Flemington, are rated in the rate-books of such municipal districts as follows :—At over Two hundred and fifty pounds per annum.

"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."

"In compliance with the provisions of the Act 32 Victoria, No. 334, I, CALEB JOSHUA JENNER, 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 Two hundred and fifty 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 Ballarat, St. Kilda, and Keelbundora, in the counties or reputed counties of Bourke and Grenville, the description of which lands and tenements are as follows :—

"42 feet frontage to Armstrong street, Ballarat, by a depth of 165 feet, on which is erected a stone warehouse.

"46 feet to Yuille street, Ballarat, by 112 feet and buildings.

"6 acres of land, Brighton road, St. Kilda, known as Alfuston, on which is erected a residence, and other improvements.

"42 acres of land fronting Heidelberg road, with residence and other improvements.

"And I further declare that such of the said lands and tenements as are situate in the municipal districts of Ballarat, St. Kilda, and Heidelberg are rated in the rate-books of such municipal districts respectively, as follows :—Over two hundred and fifty pounds per annum.

"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.

"C. J. JENNER."

"In compliance with the provisions of the Act 32 Victoria, No. 334, 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 Two hundred and fifty 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 Jika-jika, in the county or reputed county of Bourke, the description of which lands and tenements are as follow:—

"Allotment 4 of section 2, fronting Flinders and Little Flinders streets, with bonded stores, houses, &c., &c.: And I further declare that such of the said lands and tenements as are situate in the municipal district of Melbourne are rated in the rate-book of such municipal district or districts respectively as follows:—

"Cole's Bonded Stores, Flinders street, at over £350 per annum.

"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."

"In compliance with the provisions of the Act 32 Victoria, No. 334, I, PHILIP RUSSELL, 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 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 parishes of Skipton, Nanimia, and Enuc, in the counties or reputed counties of Hampden and Ripon, the description of which lands and tenements are as follow:—Five thousand acres, more or less, known as Langi Willy.

"And I further declare that such of the said lands and tenements as are situate in the municipal districts of Ripon and of Hampden are rated in the rate-books of such municipal districts respectively as follows:—Over Two hundred and fifty pounds a year.

"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.

"PHILIP RUSSELL."

"In compliance with the provisions of the Act 32 Victoria, No. 334, I, JOHN CUMMING, 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 Two hundred and fifty 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 Terinallum, in the county or reputed county of Hampden, the description of which lands and tenements are as follow:—

"Freehold land in the parish of Terinallum. And I further declare that such of the said lands and tenements as are situated in the shire of Mortlake are rated in the rate-books of such municipal district as follows:—In excess of Two hundred and fifty pounds a year.

"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.

"JOHN CUMMING."

"In compliance with the provisions of the Act 32 Victoria, No. 334, I, WILLIAM CAMPBELL, 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 Two hundred and fifty 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 Carlsruhe and city of Melbourne, in the counties or reputed counties of Dalhousie and Bourke, the description of which lands and tenements are as follow:—

"1. Six hundred and forty acres of freehold, parish of Carlsruhe, county of Dalhousie.

"2. Allotment of land and store in King street, in the city of Melbourne.

"And I further declare that such of the said lands and tenements as are situate in the municipal districts of Kyneton and Melbourne are rated in the rate-books of such municipal districts respectively as follow:—

Freehold	Two miles from Kyneton	...	} In excess of £250 a year.
Ditto	King street, Melbourne	...	

"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. CAMPBELL."

"In compliance with the provisions of the Act 32 Victoria, No. 334, I, ROBERT SIMSON, 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 Two hundred and fifty 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 Brewster, in the county or reputed county of Ripon, the description of which lands and tenements are as follow:—

"Five thousand four hundred and twenty-three acres of freehold land.

“And I further declare that such of the said lands and tenements as are situate in the municipal district of the shire of Ripon are rated in the rate-books of such municipal district as follows:—

Description of Property.	Situation.	Riding or Division.	Electoral District and Division.	Full Nett Annual Value.
5423 acres ...	Brewster ...	North ...	Ripon and Hampden, Raglan ...	Oyer £700

“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.

“ROBERT SIMSON.”

“In compliance with the provisions of the Act 32 Victoria, No. 334, I, THOMAS MCKELLAR, 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 Two thousand 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 parishes of North Hamilton and Warrayune, in the county or reputed county of Dundas, the description of which lands and tenements are as follow:—

“Five thousand acres in the parishes of North Hamilton and Warrayune.

“And I further declare that such lands and tenements as are situate in the shire of Dundas are rated in the rate-books of such municipal district as follows:—In excess of Two hundred and fifty pounds a year.

“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.

“THOMAS MCKELLAR.”

“In compliance with the provisions of the Act 32 Victoria, No. 334, 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 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 parishes of Terang and Glenormiston, in the county or reputed county of Hampden, the description of which lands and tenements are as follow:—

“Freehold estate of upwards of twelve thousand acres, known as Mount Noorat and the Sisters.

“And I further declare that such of the said lands and tenements as are situate in the municipal district of Hampden are rated in the rate-books of such municipal district as follows:—Over £250 a year.

“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.”

“In compliance with the provisions of the Act 32 Victoria, No. 334, I, NICHOLAS FITZGERALD, 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 Two thousand 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 Castlemaine, in the county or reputed county of Talbot, the description of which lands and tenements are as follow:—

“House and land and business premises situate in Castlemaine.

“And I further declare that such of the said lands and tenements as are situate in the municipal district of Castlemaine are rated in the rate-books of such municipal district as follows:—Over Two hundred and fifty pounds per annum.

“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.

“N. FITZGERALD.”

WRIT, RETURN OF, CENTRAL PROVINCE.—The President announced to the Council that a Writ issued by him for the election of a Member for the Central Province, in the place of the Honorable A. Michie, resigned, had been returned to him, and that the Returning Officer had certified that Theodotus John Sumner was duly elected in pursuance of the Writ.

PRIVILEGES OF PARLIAMENT BILL.—The Honorable A. Fraser, with leave of the Council, moved, without notice, That leave be given to bring in a Bill to protect the Privileges of Parliament.

Question—put and passed.

Bill brought in, and, on the motion of the Honorable A. Fraser, read a first time, and the second reading made an Order of the Day for Tuesday the 27th instant.

COMMISSION TO SWEAR IN NEW 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.*

To the Honorable WILLIAM HENRY FANCOURT MITCHELL, President of Our Legislative
Council of Our Colony of Victoria.

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 is enacted that no Member, either of the Legislative Council or of the Legislative Assembly, shall be permitted to sit or vote therein respectively until he shall have taken and subscribed before the Governor, or before some person authorized by the Governor in that behalf, the oath in the said Bill mentioned: WE DO THEREFORE by these presents command and authorize you from time to time, in the Parliament House, in the City of Melbourne, to administer the 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 the Right Honorable JOHN HENRY THOMAS VISCOUNT CANTERBURY, of the City of Canterbury in the County of Kent, and BARON BOTTESFORD, of Bottesford in the County of Leicester, in the Peerage of the United Kingdom of Great Britain and Ireland, Knight Commander of the Most Honorable Order of the Bath, Governor and Commander-in-Chief in and over the Colony of Victoria, &c., &c., &c., at Melbourne, this twenty-eighth day of October, One thousand eight hundred and seventy, and in the thirty-fourth year of Our reign.

(L.S.)

CANTERBURY.

By His Excellency's Command,

J. McCULLOCH.

Entered on Record by me, in Register of Patents,
Book 13, page 445, this twenty-eighth day of
October, One thousand eight hundred and
seventy.

W. H. ODGERS.

SWEARING IN OF NEW MEMBER.—The Honorable Theodotus John Sumner being introduced, took and subscribed the oath required by the thirty-second clause of the Constitution Act, and delivered to the Clerk the declaration required by the seventh clause of the Act 32 Victoria, No. 334, as hereunder set forth:—

"In compliance with the provisions of the Act 32 Victoria, No. 334, I, THEODOTUS JOHN SUMNER, 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 Two thousand 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 _____, in the county or reputed county of Bourke, the description of which lands and tenements are as follow:—

"All those lands and tenements in the borough of Brunswick, known as 'Stony Park, Willow Bank, and lands thereunto adjacent.

"And I further declare that such of the said lands and tenements as are situate in the municipal districts of Brunswick and Northcote are rated in the rate-books of such municipal districts [or districts respectively] as follows:—At no less than Three thousand pounds.

"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.

"May 13th, 1873.

"THEO. JNO. SUMNER."

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

The Honorable T. J. Sumner moved, That a Select Committee be appointed to prepare an Address in reply to the Speech of His Excellency the Administrator of the Government.

Question—put and passed.

The Honorable T. J. Sumner moved, That the Select Committee consist of the Honorables J. Henty, W. Highett, T. F. Hamilton, Dr. Dobson, T. T. a'Beckett, G. W. Cole, C. J. Jenner, and the mover.

Question—put and passed.

The Committee withdrew to prepare the Address.

The Honorable T. J. Sumner brought up the Address prepared by the Committee, and moved that the same be read.

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

To His Excellency Sir GEORGE FERGUSON BOWEN, Knight Grand Cross of the Most Distinguished Order of Saint Michael and Saint George, Administrator of the Government of the Colony of Victoria, &c., &c., &c.

MAY IT PLEASE YOUR EXCELLENCY—

We, Her Most Gracious Majesty's most dutiful and loyal subjects, the Members of the Legislative Council of Victoria, in Parliament assembled, desire to thank Your Excellency for having called us together to deal with the Legislative requirements of the year.

We are gratified that Your Excellency is able to congratulate us on the first occasion of meeting Parliament on the general prosperity of the country.

We assure Your Excellency of our satisfaction at learning that the Education Bill has realized public expectation, and that its advantages have been cordially appreciated, as evidenced by so large an increase in the attendance of children at the schools. We are glad to learn that the practical working of the Act has been found satisfactory, notwithstanding the difficulties which necessarily attend the initiation of a new system.

We assure Your Excellency that the Report of the condition of the schools will be perused by us with much interest.

We regret Your Excellency's inability as yet to announce to us a final settlement of the vexed question of the Border Duties, and thank Your Excellency for informing us that an understanding has been come to with the Government of New South Wales as to the amount of payment which is to form the basis of an agreement to secure free trade across the River Murray.

We convey to Your Excellency our gratification at learning that although Your Excellency is not able to congratulate us on the satisfactory settlement of the question to consider which the recent conference at Sydney was principally held, Your Excellency is able to inform us that many matters of practical importance were dealt with by that body, and thank Your Excellency for informing us that the full details will be laid before us without delay.

We inform Your Excellency that we are happy to learn, in regard to postal communication with Great Britain, that Your Excellency's Advisers will take the earliest opportunity of informing us fully of the steps they have taken, and assure Your Excellency that the proposals to be submitted for consideration will receive our best attention.

We convey to Your Excellency our gratification at learning that the progress which has been made in the construction of the North-Eastern and other lines of railway is upon the whole satisfactory, and of its being anticipated that the whole of this line to the Murray will be open for traffic by the end of September next; also, of the works which are under contract on the new light lines being in a forward state. We regret that the unprecedented price to which iron has risen in England, and the peculiar condition of the trade have caused very serious delays in obtaining rails, and that, consequently, contracts for other sections have not been let. We thank Your Excellency for informing us that it is anticipated that within a few days tenders will be invited for some of them, and express our satisfaction at learning that every additional mile which has been opened on the North-Eastern line of railway has yielded a remunerative return, and that the traffic has greatly exceeded the hopes entertained when the lines were projected.

We are glad to hear of satisfactory progress having been made with the Public Works authorized by Parliament, and of the Alfred Graving Dock being so far advanced as to be ready for use before the end of the year; also the active efforts being made to carry out the works of the Geelong and Coliban Water Supply Scheme, as well as of the probability of the former scheme being completed within three months.

We assure Your Excellency that we shall devote ourselves to the consideration of the Bills to be submitted to us, viz.:—For the fair representation of the whole people in the Legislative Assembly, to amend the Constitution Act, Measures of Law Reform, Railway Extension, Mining on Private Property, Land Bill for increasing the present area available for a selector, the Regulation of Mines and prevention of Mining Accidents, Public Service, and a measure to consolidate the law relating to Local Government.

We inform Your Excellency that we shall give our careful attention to the important measures to be submitted to us; among these, a Bill to provide better security for persons assuring in Life Assurance Societies, the amalgamation and more economical working of Savings Banks, to amend the Post Office Statute, to amend the Police Regulation Statute 1865, to establish a Marine Board, to amend the Lunacy Statute, to amend the law on Fencing and Impounding, and to amend the Distillation Act 1862.

We express our trust that with the blessing of God our labors may conduce to the prosperity and happiness of the people.

The Honorable T. J. Sumner moved, That the Address be now adopted.

Debate ensued.

Question—put and passed.

The Honorable A. Fraser moved, That the Address be presented to His Excellency by the President and such Members as may desire to accompany him.

Question—put and passed.

ADDRESS OF CONGRATULATION TO HIS EXCELLENCY THE ADMINISTRATOR OF THE GOVERNMENT.—The

Honorable A. Fraser moved, That a Select Committee be appointed to prepare an Address to His Excellency the Administrator of the Government on his appointment as Governor.

Question—put and passed.

The Honorable A. Fraser moved, That the Select Committee consist of the Honorables P. Russell, J. Henty, N. Fitzgerald, R. Simson, F. Robertson, C. J. Jenner, N. Black, and the mover.

Question—put and passed.

The Committee withdrew to prepare the Address.

The Honorable A. Fraser brought up the Address prepared by the Committee, as follows:—

To His Excellency SIR GEORGE FERGUSON BOWEN, Knight Grand Cross of the Most Distinguished Order of Saint Michael and Saint George, Administrator of the Government of the Colony of Victoria, &c., &c., &c.

MAY IT PLEASE YOUR EXCELLENCY—

We, Her Majesty's most dutiful and loyal subjects, the Legislative Council of Victoria, in Parliament assembled, desire to convey to Your Excellency the expression of our loyalty to Her Majesty's Throne, our affection to Her Person, and our regard for the high office Her Majesty has been pleased to confer upon Your Excellency.

We beg that Your Excellency will receive our assurance that we shall, at all times, readily co-operate with Your Excellency in advancing the welfare of this part of Her Majesty's dominions.

The Honorable A. Fraser moved, That the Address be now adopted.

Question—put and passed.

The Honorable A. Fraser moved, That the Address be presented to His Excellency by the President and such Members as may desire to accompany him.

Question—put and passed.

CHAIRMAN OF COMMITTEES.—The Honorable A. Fraser, with leave of the Council, moved, without notice, That the Honorable Dr. Hope be Chairman of Committees.

Question—put and passed.

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

Question—put and passed.

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

1. Pilotage Accounts—1st September, 1871, to 31st August, 1872.
2. Import, Export, Transhipment and Shipping Returns, 1872.
3. Sanatory Station—Report, 1872.
4. Border Customs—Correspondence subsequent to Conference, 1873.
5. Health Officer—Report, 1872.
6. Diseases—Return of, 1872.
7. Friendly Societies—Returns of all Registered, &c., 1872.
8. Local Government Legislation—Report of Commission (10th April, 1873).
9. Social Evil—Report on (5th February, 1873).
10. Clunes Water Supply—Report on (11th November, 1872).
11. Civil Service—Report of Commission (18th April, 1873).
12. Intercolonial Conference—Report of (14th February, 1873).
13. Gold Mining Leases on Reserved Lands.—Regulations.—Order in Council (10th March, 1873).
14. Licenses to cut, construct, and use races, drains, &c.—Order in Council (7th April, 1873).
15. Ballarat Mining District.—Polling-places.—Order in Council (11th February, 1873).
16. Heathcote Division of Sandhurst Mining District.—Polling-place.—Order in Council (17th February, 1873).
17. Ararat and Beechworth Mining Districts.—Polling-places.—Order in Council (20th January, 1873).
18. Castlemaine Mining District.—Polling-places.—Order in Council (27th January, 1873).
19. Fees under Mining Statute 1865 amendment Act.—Order in Council (10th March, 1873).
20. Mineral Statistics of Victoria, 1872.
21. Geelong Water Supply.—Report (7th February, 1873).
22. Mining Surveyors and Registrars.—Reports for quarter ending 31st December, 1872.

Ordered severally to lie on the Table.

PAPER.—The Honorable A. Fraser laid on the Table the following Paper :—

Volunteer Force.—Regulations (28th January, 1873, and 15th February, 1873).

Ordered to lie on the Table.

The Council adjourned at twenty-five minutes to four o'clock, until half-past four o'clock on Tuesday the 20th instant.

NOTICES OF MOTION AND ORDERS OF THE DAY.

TUESDAY, 20TH MAY, 1873.

1. The Hon. C. J. JENNER : To call the attention of the Honorable the Commissioner of Public Works to the serious inconvenience caused by delay in the delivery of telegraphic messages ; and to ask, if the Government will make arrangements for their prompt delivery in the future.

NOTICES OF MOTION :—

1. The Hon. W. HIGGETT : To move, That leave of absence be granted to the Honorable J. P. Bear for the remainder of the Session.
2. The Hon. T. T. A'BECKETT : To move, That leave of absence be granted to the Honorable James Graham for the remainder of the Session.
3. The Hon. A. FRASER : To move, That Tuesday, Wednesday, and Thursday be the days on which the Council shall meet for the despatch of business during the present Session, and that half-past four o'clock be the time of meeting on each day, and that on Wednesday in each week the transaction of Government business take precedence of all other business.
4. The Hon. A. FRASER : To move, That the Honorables the President, T. T. a'Beckett, J. O'Shanassy, Sir F. Murphy, and Dr. Hope be appointed a Select Committee on the Standing Orders of the House.
5. The Hon. A. FRASER : To move, That the Honorables the President, Dr. Dobson, C. J. Jenner, R. S. Anderson, and J. O'Shanassy be Members of the Joint Committee of both Houses to manage the Library.
6. The Hon. A. FRASER : To move, That the Honorables James Henty, J. Cumming, F. Robertson, W. Highett, and J. F. Strachan be appointed a Printing Committee, and that papers presented to the House be referred to the said Committee for report.

7. The Hon. A. FRASER: To move, That the Honorables the President, P. Russell, T. F. Hamilton, R. Simson, and N. Fitzgerald be members of the Joint Committee of both Houses to manage the Refreshment Rooms, with power to sit during adjournments of the House.
8. The Hon. A. FRASER: To move, That the Honorables the President, N. Black, W. Degraives, W. Campbell, and the mover, be members of the Joint Committee of both Houses to manage and superintend the Parliament Buildings.

TUESDAY, 27TH MAY.

ORDER OF THE DAY:—

1. PRIVILEGES OF PARLIAMENT BILL.—To be read a second time.

G. W. RUSDEN,

Clerk of the Council and Clerk of the Parliaments.



Minutes of the Proceedings

OF THE

LEGISLATIVE COUNCIL.

TUESDAY, 20TH MAY, 1873.

The Council met in accordance with adjournment.

The President took the Chair.

The President read the prayer.

DECLARATION OF MEMBERS.—The Honorables W. Highett, H. M. Murphy, Dr. Dobson, and J. F. Strachan severally delivered to the Clerk the declaration required by the seventh clause of the Act 32 Victoria, No. 334, as hereunder set forth :—

“In compliance with the provisions of the Act 32 Victoria, No. 334, I, WILLIAM HIGHETT, 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 over Five thousand pounds sterling money, above all charges and encumbrances affecting the same: And further, that the lands and tenements out of which such qualification arises are situate in the parishes of Mansfield and Mairdample, in the shire of Mansfield, the description of which lands and tenements are as follow :—

“Six thousand acres and upwards.

“And I further declare that such of the said lands and tenements as are situate in the municipal district of Mansfield are rated in the rate-books of such municipal district as follows :—Upwards of Six hundred pounds per annum.

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

“WILLIAM HIGHETT.”

“In compliance with the provisions of the Act 32 Victoria, No. 334, I, HENRY MORGAN MURPHY, 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 Two hundred and fifty 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 description of which lands and tenements are as follow :—

“Merchants’ stores Nos. 65, 67, and 123 Flinders street east, and houses and grounds, South Yarra.

“And I further declare that such of the said lands and tenements as are situate in the municipal districts of Melbourne and Prahran are rated in the rate-books of such municipal districts as follows :—At over Two hundred and fifty pounds a year.

“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.

“H. M. MURPHY.”

“In compliance with the provisions of the Act 32 Victoria, No. 334, I, FRANK STANLEY DOBSON, 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 Two thousand 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 Hawthorn, in the county or reputed county of Bourke, the description of which lands and tenements are as follow :—

“Houses and land in the borough of Hawthorn.

“And I further declare that such of the said lands and tenements as are situate in the municipal district of Hawthorn are rated in the rate-books of such municipal district, as follows :—Over £250 a year.

“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.

“F. STANLEY DOBSON.”

"In compliance with the provisions of the Act 32 Victoria, No. 334, I, JAMES FORD STRACHAN, 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 Corio, in the county or reputed county of Grant, the description of which lands and tenements are as follow:—

"Offices and stores situate in Moorabool street and Corio terrace.

"And I further declare that such of the said lands and tenements as are situate in the municipal district of Geelong are rated in the rate-books of such municipal district as follows:—

"More than Two hundred and fifty pounds annual value.

"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.

"JAMES F. STRACHAN."

ELECTIONS AND QUALIFICATIONS.—In pursuance of "*The Electoral Act 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 Victorian Electoral Act 1856, I do hereby appoint—

The Honorable Thomas Turner a'Beckett,
The Honorable Robert Stirling Anderson,
The Honorable Robert Culbertson Hope,
The Honorable John Cumming,
The Honorable William Highett,
The Honorable John O'Shanassy, and
The Honorable Philip Russell,

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

Given under my hand this 20th day of May, 1873.

W. H. F. MITCHELL,
President of the Legislative Council.

MESSAGES FROM HIS EXCELLENCY THE ADMINISTRATOR OF THE GOVERNMENT.—The Honorable A. Fraser presented to the Council the following Messages from His Excellency the Administrator of the Government:—

Intercolonial Tariffs.

G. F. BOWEN,
Administrator of the Government.

The Administrator of the Government transmits to the Legislative Council a copy of a Despatch from the Right Honorable the Secretary of State acknowledging the receipt of a copy of Resolutions adopted by the Council, on the subject of the Intercolonial Tariff question.

Government Offices,
Melbourne, 15th May, 1873.

Lord Canterbury.

G. F. BOWEN,
Administrator of the Government.

The Administrator of the Government transmits to the Legislative Council a copy of a Despatch which he has received from the Right Honorable the Secretary of State acknowledging receipt of copies of Addresses presented to Lord Canterbury, on his departure from Victoria, by the Legislative Council and Assembly, with copies of his replies.

Government Offices,
Melbourne, 15th May, 1873.

Ordered severally to lie on the Table.

PAPERS.—The Honorable A. Fraser, by command of His Excellency, presented to the Council the following Papers:—

1. Statistics of Colony of Victoria 1871. Part IX.
2. Post Office Savings Bank.—Accounts for year ending 31st December, 1872.
3. Post Office and Telegraph Department.—Report, 1872.
4. Aborigines.—Ninth Report of Board for Protection of (3rd May, 1873).
5. Census of Victoria, 1871.—Part VIII.

Ordered severally to lie on the Table.

PAPER.—The Honorable A. Fraser laid on the Table the following Paper:—

Public Accounts.—Regulation (15th January and 9th April, 1873). (17th April, 1873.)

Ordered to lie on the Table.

LEAVE OF ABSENCE.—HON. J. P. BEAR.—The Honorable W. Highett, in accordance with notice, moved, That leave of absence be granted to the Honorable J. P. Bear for the remainder of the Session.

Debate ensued.

Question—put and passed.

LEAVE OF ABSENCE.—HON. J. GRAHAM.—The Honorable T. T. a'Beckett, in accordance with notice, moved, That leave of absence be granted to the Honorable James Graham for the remainder of the Session.

Debate ensued.

Question—put and passed.

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

Question—put and passed.

DAYS OF BUSINESS.—The Hon. A. Fraser, in accordance with notice, moved, That Tuesday, Wednesday, and Thursday be the days on which the Council shall meet for the despatch of business during the present Session, and that half-past four o'clock be the time of meeting on each day; and that on Wednesday in each week the transaction of Government Business take precedence of all other business.

Question—put and passed.

STANDING ORDERS COMMITTEE.—The Hon. A. Fraser, in accordance with notice, moved, That the Honorables the President, T. T. a'Beckett, J. O'Shanassy, Sir F. Murphy, and Dr. Hope, be appointed a Select Committee on the Standing Orders of the House.

Question—put and passed.

LIBRARY COMMITTEE (JOINT).—The Hon. A. Fraser, in accordance with notice, moved, That the Honorables the President, Dr. Dobson, C. J. Jenner, R. S. Anderson, and J. O'Shanassy be members of the Joint Committee of both Houses to manage the Library.

Question—put and passed.

PRINTING COMMITTEE.—The Honorable A. Fraser, in accordance with notice, moved, That the Honorables James Henty, J. Cumming, F. Robertson, W. Highett, and J. F. Strachan, be appointed a Printing Committee, and that papers presented to the House be referred to the said Committee for report.

Question—put and passed.

REFRESHMENT ROOMS (JOINT) COMMITTEE.—The Honorable A. Fraser, in accordance with notice, moved, That the Honorables the President, P. Russell, T. F. Hamilton, R. Simson, and N. Fitzgerald, be members of the Joint Committee of both Houses to manage the Refreshment Rooms, with power to sit during adjournments of the House.

Question—put and passed.

PARLIAMENT BUILDINGS (JOINT) COMMITTEE.—The Honorable A. Fraser, in accordance with notice, moved, That the Honorables the President, N. Black, W. Degraives, W. Campbell, and the mover, be members of the Joint Committee of both Houses to manage and superintend the Parliament Buildings.

Question—put and passed.

The Council adjourned at five o'clock until half-past four o'clock on Tuesday the 27th instant.

G. W. RUSDEN,

Clerk of the Council and Clerk of the Parliaments.



Minutes of the Proceedings

OF THE

LEGISLATIVE COUNCIL.

TUESDAY, 27TH MAY, 1873.

The Council met in accordance with adjournment.

The President took the Chair.

The President read the prayer.

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

MR. PRESIDENT AND HONORABLE GENTLEMEN OF THE LEGISLATIVE COUNCIL :

I thank you in the name of the Queen for this renewed assurance of your loyalty and affection to the Throne and Person of our Sovereign, and of your attachment to our mother country.

On my own behalf, I thank you for your gratifying expressions of welcome and goodwill to myself as Her Majesty's Representative in Victoria.

It will at all times be my earnest endeavor to co-operate heartily with both Houses of the Victorian Parliament in promoting the welfare of this portion of Her Majesty's dominions, and in preserving its connection with the British Empire.

G. F. BOWEN.

Melbourne, 20th May, 1873.

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

MR. PRESIDENT AND HONORABLE GENTLEMEN OF THE LEGISLATIVE COUNCIL—

I thank you for this Address, which I receive with much satisfaction.

I rely with confidence on your careful consideration of the measures which will be submitted to you, and on your earnest desire to promote the general welfare of the people of Victoria.

G. F. BOWEN.

Melbourne, 20th May, 1873.

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

DECLARATIONS OF MEMBERS.—The Honorables Sir Francis Murphy, B. Williams, R. S. Anderson, and J. O'Shanassy, delivered to the Clerk the declaration required by the seventh clause of the Act 32 Victoria, No. 334, as hereunder set forth:—

"In compliance with the provisions of the Act 32 Victoria, No. 334, I, FRANCIS MURPHY, Knight, 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 and tenements in the Colony of Victoria of the full value of Two thousand 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 parishes of Ballarat and Mooroduc, in the counties or reputed counties of Grenville and Mornington, the description of which lands and tenements are as follow:—

"Part of Government allotment No. 5, section 6, township of Ballarat, in Lydiard street, with the buildings erected thereon.

"Five acres, part of section 9, parish of Mooroduc, adjoining the town of Mornington.

"Lots 1 and 12 of section 9, adjoining former.

"Allotment 17 of section 25, parish of Mooroduc.

"And I further declare that such of the said lands and tenements as are situate in the municipal districts of Ballarat and Mornington are rated in the rate-books of such municipal districts as follows:—

"Of the annual value of £250.

"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.

"FRANS. MURPHY."

"In compliance with the provisions of the Act 32 Victoria, No. 334, I, BENJAMIN WILLIAMS do declare and testify that I am duly seised at law or in equity of an estate of freehold for my own use and benefit in lands or tenements in the Colony of Victoria, of the full value of Two thousand 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 _____, in the county or reputed county of _____ the description of which lands and tenements are as follow:—

"No. 1. Land and tenements, Bay street, Sandridge.

"No. 2. Land and tenements, Market street, Sandhurst.

"And I further declare that such of the said lands and tenements as are situate in the municipal districts of Sandridge and Sandhurst, are rated in the rate-books of such municipal districts as follows:—

"Sandridge, £280.

"Sandhurst, over £50.

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

"BENJAMIN WILLIAMS."

"In compliance with the provisions of the Act 32 Victoria, No. 334, I, ROBERT STIRLING ANDERSON, 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 Two hundred and fifty 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 Boroondara, South Melbourne, Holden, and West Melbourne, in the county or reputed county of Bourke, the description of which lands and tenements are as follow:—

"Freehold Land and premises at Kew, where I reside.

"Freehold Land and premises at Emerald Hill.

"Freehold Land and premises at Sunbury.

"And land and premises in West Melbourne.

"And I further declare that such of the said lands and tenements as are situate in the municipal districts of Kew, Emerald Hill, Bulla, and Melbourne, are rated in the rate-books of such municipal district or districts respectively as follows:—In excess of Two hundred and fifty pounds per annum.

"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.

"ROBERT S. ANDERSON."

"In compliance with the provisions of the Act 32 Victoria, No. 334, I, JOHN O'SHANASSY, 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 Two thousand 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 Boroondara, in the county or reputed county of Bourke, the description of which lands and tenements are as follow:—

"Forty-six acres and three roods of land at Boroondara, on which my private residence stands:

And I further declare that such of the said lands and tenements as are situate in the municipal district of Boroondara are rated in the rate-books of such municipal district as follows:—At Three hundred pounds per year.

"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.

"JOHN O'SHANASSY."

PAPERS.—The Honorable A. Fraser, by command of His Excellency, presented to the Council the following Papers:—

1. Border Customs.—Further Correspondence (20th May 1873 to 24th May 1873).
2. Border Customs Duties.—Convention made between the Colonies of New South Wales and Victoria.

Ordered severally to lie on the Table.

INTERCOLONIAL TARIFF QUESTION.—DESPATCH.—The Honorable A. Fraser, with leave of the Council, moved, without notice, That the Despatch from the Right Honorable the Secretary of State, acknowledging the receipt of a Copy of Resolutions adopted by the Council on the subject of the Intercolonial Tariff question, laid on the Table on the 20th instant, be printed.

Question—put and passed.

ADJOURNMENT.—The Honorable A. Fraser, with leave of the Council, moved, without notice, That the House, at its rising this day, adjourn until to-morrow week.

Question—put and passed.

POSTPONEMENT.—The following Order of the Day was postponed until Tuesday the 10th proximo:—
"Privileges of Parliament Bill"—To be read a second time.

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

NOTICE OF MOTION AND ORDER OF THE DAY.

WEDNESDAY, 4TH JUNE, 1873.

1. The Hon. W. HIGHETT: To ask the honorable Member representing the Government, whether he would cause instructions to be given to the Registrar-General to prescribe the form in which the books and half-yearly statement of accounts of mining companies should be kept, as authorized by the 37th clause of the Mining Companies Act, No. 409.
2. The Hon.^e R. SIMSON: To ask the Honorable the Commissioner of Public Works, if he will lay on the Table of this House a statement of the expenses attending the getting up of the Report of the Royal Commission on the Civil Service; also of the expenses attending the Report of the Royal Commission on Municipal Institutions, and the manner in which such expense was incurred.

NOTICE OF MOTION:—

1. The Hon. DR. DOBSON: To move for leave to introduce a Bill to explain "*An Act intituled 'An Act to amend the Juries Statute 1865.'*"
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TUESDAY, 10TH JUNE.

ORDER OF THE DAY:—

1. PRIVILEGES OF PARLIAMENT BILL.—To be read a second time.

G. W. RUSDEN,

Clerk of the Council and Clerk of the Parliaments.



Minutes of the Proceedings
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LEGISLATIVE COUNCIL.

WEDNESDAY, 4TH JUNE, 1873.

The Council met in accordance with adjournment.

The President took the Chair.

The President read the prayer.

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

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

1. Education Act, 1872—Regulations under (16th January, 1873). Regulations as to Salaries. Regulations for Elections of Boards of Advice.
2. Volunteer Statute, 1865—Regulation under (23rd May, 1873).
3. Statistics of Victoria, 1872.—Part I.—Blue Book.

Ordered severally to lie on the Table.

ADJOURNMENT.—The Honorable A. Fraser, 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 a quarter to five o'clock until half-past four o'clock on Wednesday the 11th instant.

NOTICE OF MOTION AND ORDER OF THE DAY.

WEDNESDAY, 11TH JUNE, 1873.

Government Business.

ORDER OF THE DAY:—

1. PRIVILEGES OF PARLIAMENT BILL.—To be read a second time.

General Business.

NOTICE OF MOTION:—

1. The Hon. DR. DOBSON: To move for leave to introduce a Bill to explain "*An Act intituled 'An Act to amend the Juries Statute 1865.'*"

G. W. RUSDEN,

Clerk of the Council and Clerk of the Parliaments.

Minutes of the Proceedings

OF THE

LEGISLATIVE COUNCIL.

WEDNESDAY, 11TH JUNE, 1873.

The Council met in accordance with adjournment.

The President took the Chair.

The President read the prayer.

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

1. Beechworth Water Supply.—Memorandum (24th March, 1873).
2. Chiltern Water Supply.—Report (10th January, 1873).
3. Ballarat Water Supply Extension.—Report (13th February, 1873).
4. Clunes Water Supply.—Further Report (13th February, 1873).
5. Coliban Water Supply.—Extension of Storage.—Memorandum (8th October, 1872).
6. Ararat Water Supply.—Report (29th November, 1872).
7. Parliament Buildings.—Report of Royal Commission (4th June, 1873).
8. Mining Surveyors and Registrars.—Reports for Quarter ending 31st March, 1873.
9. Sandhurst Railway Reserve.—Permission to Mine on, revoked.—Order in Council (19th May, 1873).
10. Instruction, Public.—Report of Minister of, for portion of 1873 (3rd June, 1873).

Ordered severally to lie on the Table.

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

MR. PRESIDENT,

The Legislative Assembly transmit to the Legislative Council a Bill intituled "*An Act to provide for Mining on Private Property for Gold and Silver,*" with which they desire the concurrence of the Legislative Council.

C. MAC MAHON,
Speaker.

Legislative Assembly Chambers,
Melbourne, 11th June, 1873.

MINING ON PRIVATE PROPERTY 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, on the motion of the Honorable A. Fraser, ordered to be printed, and the second reading made an Order of the Day for Tuesday, 24th instant.

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

Question—put and passed.

PRIVILEGES OF PARLIAMENT BILL.—The Order of the Day for the second reading of this Bill being read, the Honorable A. Fraser moved, That the Order of the Day be discharged.

Question—put and passed.

JURIES STATUTE 1865 AMENDMENT BILL.—The Honorable Dr. Dobson, in accordance with notice, moved, That leave be given to bring in a Bill to explain "*An Act intituled 'An Act to amend the Juries Statute 1865.'*"

Debate ensued.

Question—put and passed.

Bill brought in, and, on the motion of the Honorable Dr. Dobson, read a first time, and ordered to be printed, and the second reading made an Order of the Day for Tuesday the 17th instant.

The Council adjourned at a quarter past five o'clock until half-past four o'clock on Tuesday the 17th instant.

ORDERS OF THE DAY.

TUESDAY, 17TH JUNE, 1873.

ORDER OF THE DAY:—

1. JURIES STATUTE 1865 AMENDMENT BILL.—To be read a second time.
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TUESDAY, 24TH JUNE.

ORDER OF THE DAY:—

1. MINING ON PRIVATE PROPERTY BILL.—To be read a second time.

G. W. RUSDEN,

Clerk of the Council and Clerk of the Parliaments.

Minutes of the Proceedings
OF THE
LEGISLATIVE COUNCIL.

TUESDAY, 17TH JUNE, 1873.

The Council met in accordance with adjournment.

The President took the Chair.

The President read the prayer.

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

MR. PRESIDENT,

The Legislative Assembly transmit to the Legislative Council a Bill intituled "*An Act to determine the Number of Hours which shall constitute a Legal Day's Work,*" with which they desire the concurrence of the Legislative Council.

C. MAC MAHON,
Speaker.

Legislative Assembly Chambers,
Melbourne, 11th June, 1873.

MR. PRESIDENT,

The Legislative Assembly transmits to the Legislative Council a Bill intituled "*An Act to amend the Law relating to Life Assurance Companies ;*" also, a Bill intituled "*An Act to amend the Post Office Statute 1866,*" with which they desire the concurrence of the Legislative Council.

C. MAC MAHON,
Speaker.

Legislative Assembly Chamber,
Melbourne, 17th June, 1873.

LABOR 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, on the motion of the Honorable A. Fraser, ordered to be printed, and the second reading made an Order of the Day for Tuesday the 24th instant.

LIFE ASSURANCE COMPANIES 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, on the motion of the Honorable A. Fraser, ordered to be printed, and the second reading made an Order of the Day for Wednesday the 25th instant.

POST OFFICE STATUTE 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, on the motion of the Honorable A. Fraser, ordered to be printed, and the second reading made an Order of the Day for Wednesday the 18th instant.

MESSAGE FROM HIS EXCELLENCY THE ADMINISTRATOR OF THE GOVERNMENT.—The Honorable A. Fraser presented to the Council the following Message from His Excellency the Administrator of the Government :—

G. F. BOWEN,

Administrator of the Government.

The Administrator of the Government transmits to the Legislative Council copies of correspondence on the subject of the repatriation of the *Carl* captives, and the offer made by the Government of Victoria to place the Colonial steamer *Victoria* at the disposal of Commodore Stirling.

Government Offices,
Melbourne, 17th June, 1873.

Ordered, with enclosures, to lie on the Table.

PAPER.—The Honorable A. Fraser, by command of His Excellency, laid on the Table the following Paper :—

Instruction, Public, Statistical Appendix (to Report of Minister of), showing the State of Schools.

Ordered to lie on the Table.

JURIES STATUTE 1865 AMENDMENT BILL.—The Order of the Day for the second reading of this Bill being read, the Honorable Dr. Dobson moved, That the Bill be now read a second time.

Debate ensued.

Question—put and passed.

Bill read a second time.

The Honorable Dr. Dobson 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 five o'clock until half-past four o'clock on Wednesday the 18th instant.

ORDERS OF THE DAY.

WEDNESDAY, 18TH JUNE, 1873.

Government Business.

ORDER OF THE DAY :—

1. POST OFFICE STATUTE AMENDMENT BILL.—To be read a second time.

TUESDAY, 24TH JUNE.

ORDERS OF THE DAY :—

1. MINING ON PRIVATE PROPERTY BILL.—To be read a second time.
2. LABOR BILL.—To be read a second time.
3. JURIES STATUTE 1865 AMENDMENT BILL.—To be further considered in Committee.

WEDNESDAY, 25TH JUNE.

Government Business.

ORDER OF THE DAY :—

1. LIFE ASSURANCE COMPANIES BILL.—To be read a second time.

G. W. RUSDEN,

Clerk of the Council and Clerk of the Parliaments.

Minutes of the Proceedings

OF THE

LEGISLATIVE COUNCIL.

WEDNESDAY, 18TH JUNE, 1873.

The Council met in accordance with adjournment.

The President took the Chair.

The President read the prayer.

PAPER.—The Honorable A. Fraser, by command of His Excellency, laid on the Table the following Paper :—

Gold Mining Leases—Regulations respecting.—Order in Council (26th May 1873).

Ordered to lie on the Table.

POST OFFICE STATUTE 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.

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.

The Honorable A. Fraser moved, That the Report be now adopted.

Question—put and passed.

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

The Honorable A. Fraser moved, That the title of the Bill be "*An Act to amend the Post Office Statute 1866.*"

Question—put and passed.

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

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

Question—put and passed.

The Council adjourned at ten minutes past six o'clock until half-past four o'clock on Tuesday the 24th inst.

NOTICE OF MOTION AND ORDERS OF THE DAY.

TUESDAY, 24TH JUNE, 1873.

NOTICE OF MOTION :—

1. The Hon. G. W. COLE : To move, That the following Acts of Parliament be printed and laid on the Table :—

1st of William and Mary, cap. 30.

5th of William and Mary, cap. 6.

ORDERS OF THE DAY :—

1. MINING ON PRIVATE PROPERTY BILL.—To be read a second time.
 2. LABOR BILL.—To be read a second time.
 3. JURIES STATUTE 1865 AMENDMENT BILL.—To be further considered in Committee.
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WEDNESDAY, 25TH JUNE.

Government Business.

ORDER OF THE DAY :—

1. LIFE ASSURANCE COMPANIES BILL.—To be read a second time.

G. W. RUSDEN,

Clerk of the Council and Clerk of the Parliaments.

Minutes of the Proceedings

OF THE

LEGISLATIVE COUNCIL.

TUESDAY, 24TH JUNE, 1873.

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 a communication from the Private Secretary to His Excellency the Governor, intimating that it is His Excellency's intention to proceed to the Legislative Council Chamber, on Wednesday the 25th day of June, at five o'clock, for the purpose of giving the Royal Assent to certain Bills passed by the Legislative Council and the Legislative Assembly.

STATUTES 1 WIL. AND MARY, CAP. 30, AND 5 WIL. AND MARY, CAP. 6.—The Honorable G. W. Cole, in accordance with notice, moved, That the following Acts of Parliament be printed and laid on the Table :—

1st of William and Mary, cap. 30.

5th of William and Mary, cap. 6.

Question—put and passed.

MINING ON PRIVATE PROPERTY 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.

The Honorable H. M. Murphy moved, That the debate be adjourned until to-morrow.

Debate ensued.

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

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

MR. PRESIDENT—

The Legislative Assembly transmit to the Legislative Council a Bill intituled "*An Act to apply out of the Consolidated Revenue the sum of Sixty-five thousand one hundred and forty-four pounds eight shillings and one penny to the service of the year One thousand eight hundred and seventy two and three, and the sum of One million pounds to the service of the year One thousand eight hundred and seventy-three and four,*" with which they desire the concurrence of the Legislative Council.

C. MAC MAHON,
Speaker.

Legislative Assembly Chamber,
Melbourne, 24th June, 1873.

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

Question—put and passed.

Bill read a first time.

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.

The Honorable A. Fraser moved, That the Report be now adopted.

Question—put and passed.

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

The Honorable A. Fraser moved, That the title of the Bill be "*An Act to apply out of the Consolidated Revenue the sum of Sixty-five thousand one hundred and forty-four pounds eight shillings and one penny to the service of the year One thousand eight hundred and seventy-two and three, and the sum of One million pounds to the service of the year One thousand eight hundred and seventy three and four.*"

Question—put and passed.

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

PETITION.—The Honorable C. J. Jenner presented a Petition, signed by J. M. Bickett, styling himself Chairman of the Mining Board of the Mining District of Ballarat, praying that certain amendments may be made in the Mining on Private Property Bill.

Petition received, and, on the motion of the Honorable C. J. Jenner, ordered to be referred to the Committee to which the Bill may be referred.

POSTPONEMENT.—The following Order of the Day was postponed until Tuesday the 8th proximo :—
"Labor Bill"—To be read a second time.

JURIES STATUTE 1865 AMENDMENT BILL.—The Order of the Day for the further consideration of this Bill in Committee of the whole Council being read, the President left the Chair.

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

Ordered.

The Council adjourned at twenty-five minutes to seven o'clock until half-past four o'clock on Wednesday the 25th instant.

NOTICE OF MOTION AND ORDERS OF THE DAY.

WEDNESDAY, 25TH JUNE, 1873.

Government Business.

ORDERS OF THE DAY :—

1. LIFE ASSURANCE COMPANIES BILL.—To be read a second time.
2. MINING ON PRIVATE PROPERTY BILL.—Adjourned debate on second reading.

General Business.

NOTICE OF MOTION :—

1. The Hon. W. CAMPBELL : To move, That there be laid upon the Table of this House a Return showing the names of the lodges, camps, or tents, of the various Friendly Societies in the colony, which, at the end of 1872, had drawn from the Benefit Fund for payment of management expenses ; together with the amount so appropriated, and the number of financial members in such societies.

ORDER OF THE DAY :—

1. JURIES STATUTE 1865 AMENDMENT BILL.—To be further considered in Committee.

TUESDAY, 8TH JULY.

ORDER OF THE DAY :—

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

G. W. RUSDEN,

Clerk of the Council and Clerk of the Parliaments.

Minutes of the Proceedings

OF THE

LEGISLATIVE COUNCIL.

WEDNESDAY, 25TH JUNE, 1873.

The Council met in accordance with adjournment.

The President took the Chair.

The President read the prayer.

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

1. Public Parks and Gardens around Melbourne.—Report of Assistant Commissioner of Lands and Survey (31st May, 1873).

Ordered to lie on the Table.

PAPER.—The Honorable A. Fraser laid on the Table the following Paper :—

1. Regulæ Generales of Supreme Court (23rd June, 1873).

Ordered to lie on the Table.

POSTPONEMENT.—The following Order of the Day was postponed until after the disposal of the succeeding Order of the Day :—

“*Life Assurance Companies Bill.*”—To be read a second time.

MINING ON PRIVATE PROPERTY 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.

The Honorable H. M. Murphy 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.

APPROACH OF HIS EXCELLENCY THE ADMINISTRATOR OF THE GOVERNMENT.—The approach of His Excellency the Administrator of the Government was announced by the Usher.

ROYAL ASSENT TO BILLS.—His Excellency the Administrator of the Government 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 Her Majesty's name, to the following Bills :—

“*An Act to amend the Post Office Statute 1866.*”

“*An Act to apply out of the Consolidated Revenue the sum of Sixty-five thousand one hundred and forty-four pounds eight shillings and one penny to the service of the year One thousand eight hundred and seventy-two and three, and the sum of One million pounds to the service of the year One thousand eight hundred and seventy-three and four.*”

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.

“G. F. BOWEN,
“Governor.”

The Legislative Assembly withdrew.

His Excellency left the Council Chamber.

MINING ON PRIVATE PROPERTY BILL.—

Debate resumed.

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

Council divided.

Contents, 4.

The Hon. A. Fraser
J. Henty
Sir F. Murphy
W. A. C. a'Beckett (*Teller*).

Not Contents, 21.

The Hon. Dr. Hope
R. S. Anderson
C. J. Jenner
N. Black
W. Skene
T. McKellar
W. Campbell
J. O'Shanassy
T. J. Sumner
H. M. Murphy
W. Highett
J. F. Strachan
F. Robertson
T. F. Hamilton
P. Russell
Dr. Dobson
G. W. Cole
R. Simson
B. Williams
N. Fitzgerald
T. T. a'Beckett (*Teller*).

The question was therefore negatived.

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

Council divided.

Contents, 17.
 The Hon. T. T. a'Beckett
 B. Williams
 C. J. Jenner
 W. Skene
 Dr. Hope
 P. Russell
 H. M. Murphy
 T. F. Hamilton
 W. Highett
 F. Robertson
 W. A. C. a'Beckett
 Sir F. Murphy
 G. W. Cole
 J. Henty
 J. O'Shanassy
 N. Fitzgerald
 R. S. Anderson (*Teller*).

Not Contents, 8.
 The Hon. N. Black
 T. McKellar
 W. Campbell
 Dr. Dobson
 T. J. Sumner
 J. F. Strachan
 R. Simson
 A. Fraser (*Teller*).

The question was therefore passed.

Question—That the Bill be referred to a Select Committee consisting of seven members—put and passed.

The Council adjourned at twenty minutes to seven o'clock until half-past four o'clock on Thursday the 26th instant.

NOTICE OF MOTION AND ORDERS OF THE DAY.

THURSDAY, 26TH JUNE, 1873.

1. The Hon. W. HIGHETT: To ask the Honorable the Commissioner of Public Works, whether he will cause a sum of money to be placed on the Estimates, at the disposal of this House, for the purpose of drafting or amending Bills.

NOTICE OF MOTION:—

1. The Hon. W. CAMPBELL: To move, That there be laid upon the Table of this House a Return showing the names of the lodges, camps, or tents, of the various Friendly Societies in the colony, which, at the end of 1872, had drawn from the Benefit Fund for payment of management expenses; together with the amount so appropriated, and the number of financial members in such societies.

ORDERS OF THE DAY:—

1. LIFE ASSURANCE COMPANIES BILL.—To be read a second time.
2. JURIES STATUTE 1865 AMENDMENT BILL.—To be further considered in Committee.

WEDNESDAY, 2ND JULY.

General Business.

1. The Hon. W. A. C. A'BECKETT: To call the attention of the Commissioner of Public Works to a report in the *Argus* of 18th June last, where it appears that a man named Issachar V. Smart deposed, on oath, that he and one Charles P. Phillips were executors under, and proved the will of one Michael Jacobs, under £4000; and further appears that, through their dealings with the estate, the whole of the funds were absorbed, and the natural children of the said Michael Jacobs (in whose favour the will was made), were left destitute; and to ask if the Government intend to take any steps to bring these men to justice.

TUESDAY, 8TH JULY.

ORDER OF THE DAY:—

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

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

Minutes of the Proceedings

OF THE

LEGISLATIVE COUNCIL.

THURSDAY, 26TH JUNE, 1873.

The Council met in accordance with adjournment.

The President took the Chair.

The President read the prayer.

FRIENDLY SOCIETIES' BENEFIT FUNDS.—The Honorable T. T. a'Beckett, on behalf of the Honorable W. Campbell, moved, in accordance with notice, That there be laid upon the Table of this House a Return showing the names of the lodges, camps, or tents, of the various Friendly Societies in the colony, which, at the end of 1872, had drawn from the Benefit Fund for payment of management expenses; together with the amount so appropriated, and the number of financial members in such societies.

Question—put and passed.

LIFE ASSURANCE COMPANIES BILL.—The Order of the Day for the second reading of this Bill being read, the Honorable A. Fraser moved, That the Bill be now read a second time.

Debate ensued.

Question—put and passed.

Bill read a second time.

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

Question—put and passed.

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

The President left the Chair.

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

Ordered.

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

Question—put and passed.

PETITION.—The Honorable W. Campbell presented a Petition, signed by Joseph Hawkins and others, styling themselves Electors of the North-Western Province, and praying that the Mining on Private Property Bill may not be passed.

Petition received, and, on the motion of the Honorable W. Campbell, referred to the Select Committee on the Bill.

JURIES STATUTE 1865 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 Dr. Dobson moved, That the Report of the Committee be now adopted.

Question—put and passed.

The Honorable Dr. Dobson 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 six o'clock until half-past four o'clock on Wednesday the 2nd proximo.

NOTICE OF MOTION AND ORDERS OF THE DAY.

WEDNESDAY, 2ND JULY, 1873.

1. The Hon. W. A. C. A'BECKETT: To call the attention of the Commissioner of Public Works to a report in the *Argus* of 18th June last, where it appears that a man named Issachar V. Smart deposed, on oath, that he and one Charles P. Phillips were executors under, and proved the will of one Michael Jacobs, under £4000; and further appears that, through their dealings with the estate, the whole of the funds were absorbed, and the natural children of the said Michael Jacobs (in whose favour the will was made), were left destitute; and to ask if the Government intend to take any steps to bring these men to justice.

Government Business.

ORDER OF THE DAY :—

1. LIFE ASSURANCE COMPANIES BILL.—To be further considered in Committee.

General Business.

NOTICE OF MOTION :—

The Hon. T. T. A'BECKETT : To move, That it is the opinion of this House that in legislating on the subject of mining for gold on Private Property the following principles should be recognized and given effect to—

- (1.) Mining operations for the extraction of gold, which are being carried on at the time of the passing of the Act by the owner or with his consent, may, with such consent, be continued for a period of six months from the passing thereof, but no longer, unless a lease or licence be granted by the Governor in Council to such owner or to some person nominated by him.
- (2.) All contracts existing at the time of the passing of the Act relating to mining for gold on private property, and made between the owner and others, to be ratified by the Governor in Council, if ratification applied for within six months from the passing of the Act by any of the contracting parties ; and the contracting parties or some of the them shall apply for and accept a lease authorizing the mining of gold upon the land which forms the subject of the contract, and which lease shall be granted by the Governor in Council, free from all stipulations or conditions which shall be inconsistent with or prevent the carrying out the contract.
- (3.) Mining for gold on private property, without express authority from the Governor in Council, under any other circumstances than those mentioned in the foregoing resolutions, may be stopped by summary procedure.
- (4.) The Governor in Council may issue leases or licences to mine on private property on such conditions as (regard being had to the provision in resolution 2) he may think fit to impose, but no lease or licence shall be issued without the consent of the owner of the land or the tenants thereof for the time being.

ORDER OF THE DAY :—

1. JURIES STATUTE 1865 AMENDMENT BILL.—To be read a third time.

TUESDAY, 8TH JULY.

ORDER OF THE DAY :—

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

MEETING OF SELECT COMMITTEE.

Wednesday, 2nd July.

PRINTING COMMITTEE—at a quarter past four o'clock.

G. W. RUSDEN,

Clerk of the Council and Clerk of the Parliaments.

Minutes of the Proceedings

OF THE

LEGISLATIVE COUNCIL.

WEDNESDAY, 2ND JULY, 1873.

The Council met in accordance with adjournment.

The President took the Chair.

The President read the prayer.

PRINTING COMMITTEE.—FIRST REPORT.—The Honorable J. Henty, as Chairman of the Committee, brought up the First Report of the Printing Committee, and moved, That the Report be now adopted and be printed.

Question—put and passed.

PAPER.—The Honorable A. Fraser, by command of His Excellency, presented to the Council the following Paper :—

Statistics of Colony of Victoria, 1872.—Part II.—Finance, &c.

Ordered to lie on the Table.

PETITION.—The Honorable N. Fitzgerald presented a Petition, signed by John Gorman and others, styling themselves Landowners and other Resident Miners at Sebastian, and praying that the Mining on Private Property Bill may not be passed.

Petition received, and, on the motion of the Honorable N. Fitzgerald, referred to the Select Committee on the Bill.

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

The Chairman of Committees reported progress, and asked leave to sit again after the disposal of the Notice of Motion next succeeding on the Business Paper.

Ordered.

PRINCIPLES OF LEGISLATION FOR MINING ON PRIVATE PROPERTY.—The Honorable T. T. a'Beckett, in accordance with notice, moved, That it is the opinion of this House that, in legislating on the subject of mining for gold on Private Property, the following principles should be recognized and given effect to—

- (1.) Mining operations for the extraction of gold, which are being carried on at the time of the passing of the Act by the owner or with his consent, may, with such consent, be continued for a period of six months from the passing thereof, but no longer, unless a lease or licence be granted by the Governor in Council to such owner or to some person nominated by him.
- (2.) All contracts existing at the time of the passing of the Act relating to mining for gold on private property, and made between the owner and others, to be ratified by the Governor in Council, if ratification applied for within six months from the passing of the Act by any of the contracting parties ; and the contracting parties or some of them shall apply for and accept a lease authorizing the mining of gold upon the land which forms the subject of the contract, and which lease shall be granted by the Governor in Council, free from all stipulations or conditions which shall be inconsistent with or prevent the carrying out the contract.
- (3.) Mining for gold on private property, without express authority from the Governor in Council, under any other circumstances than those mentioned in the foregoing resolutions, may be stopped by summary procedure.
- (4.) The Governor in Council may issue leases or licences to mine on private property on such conditions as (regard being had to the provision in resolution 2) he may think fit to impose, but no lease or licence shall be issued without the consent of the owner of the land or the tenants thereof for the time being.

Debate ensued.

Motion by leave withdrawn.

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

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

Ordered.

JURIES STATUTE 1865 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, the Bill, on the motion of the Honorable Dr. Dobson, was read a third time and *passed*.

The Honorable Dr. Dobson moved, That the title of the Bill be "*An Act to explain an Act intituled 'An Act to amend the Juries Statute 1865.'*"

Question—put and passed.

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

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

Question—put and passed.

PAPER.—The Honorable A. Fraser, by command of His Excellency, presented to the Council the following Paper :—

Land Regulations under Land Act of 1869.

Ordered to lie on the Table.

The Council adjourned at five minutes to nine o'clock until half-past four o'clock on Tuesday the 8th instant.

ORDERS OF THE DAY.

TUESDAY, 8TH JULY, 1873.

1. The Hon. P. RUSSELL: To ask the Honorable the Commissioner of Public Works, whether it is the intention of the Government, in the event of the introduction of a new Scab Act, to make some stringent provision for the extermination of scabby sheep *running on Crown Lands* within those districts such as the Seymour, Mansfield, and a portion of the Hamilton districts, in which the disease has existed for many years.

ORDER OF THE DAY :—

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

WEDNESDAY, 9TH JULY.

Government Business.

ORDER OF THE DAY :—

1. LIFE ASSURANCE COMPANIES BILL.—To be further considered in Committee.

G. W. RUSDEN

Clerk of the Council and Clerk of the Parliaments.

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LEGISLATIVE COUNCIL.

TUESDAY, 8TH JULY, 1873.

The Council met in accordance with adjournment.

The President took the Chair.

The President read the prayer.

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

MR. PRESIDENT—

The Legislative Assembly transmit to the Legislative Council a Bill intituled "*An Act to amend the Instruments and Securities Statute 1864, and to provide for constituting certain days "Bank Holidays,"*" with which they desire the concurrence of the Legislative Council.

Legislative Assembly Chambers,
Melbourne, 8th July, 1873.

C. MAC MAHON,
Speaker.

INSTRUMENTS AND SECURITIES STATUTE 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, on the motion of the Honorable A. Fraser, ordered to be printed, and the second reading made an Order of the Day for Tuesday the 15th instant.

PAPERS.—The Honorable A. Fraser, by command of His Excellency, presented to the Council the following Papers :—

1. Geodetic Survey—Report of Superintendent of.
2. District Survey Offices—Report on (26th May, 1873).

Ordered severally to lie on the Table.

PETITION.—The Honorable T. McKellar presented a Petition signed by P. Learmonth, styling himself President of the Council of the Shire of Dundas, praying that a scheme of Immigration may be sanctioned.

Petition received.

The Petition was read at the Table by the Clerk.

LABOR BILL.—The Order of the Day for the second reading of this Bill being read, the Honorable R. Simson moved, That the Order of the Day be postponed till this day six months.

Question—put and passed.

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

Question—put and passed.

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

NOTICES OF MOTION AND ORDERS OF THE DAY.

TUESDAY, 15TH JULY, 1873.

NOTICES OF MOTION :—

1. The Hon. A. FRASER : To move, That the Order of the 25th ultimo, respecting the Mining on Private Property Bill, viz. :—“ *That the Bill be referred to a Select Committee consisting of seven Members,*” be read and rescinded.
2. The Hon. P. RUSSELL : To move, That the Correspondence between the Chief Inspector and the Government respecting my question, standing in my name on the Notice Paper of the 8th instant, be laid on the Table of the House.

ORDERS OF THE DAY :—

1. INSTRUMENTS AND SECURITIES STATUTE AMENDMENT BILL.—To be read a second time.
2. LIFE ASSURANCE COMPANIES BILL.—To be further considered in Committee.

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

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LEGISLATIVE COUNCIL.

TUESDAY, 15TH JULY, 1873.

The Council met in accordance with adjournment.

The President took the Chair.

The President read the prayer.

PAPERS.—The Honorable A. Fraser, by command of His Excellency, presented to the Council the following Papers:—

1. Melbourne Mint.—Despatch, with enclosures, from the Right Honorable the Secretary of State for the Colonies (21st April, 1873).
2. Agricultural Societies—Grants to.—Regulations (19th May, 1873).
3. Dynamite, Lithofracteur—Memorandum on (23rd June, 1873).

Ordered severally to lie on the Table.

PAPERS.—The Honorable A. Fraser laid on the Table the following Papers:—

1. Railway Construction Act 35 Vict. 415—Approximate Statement of Expenditure under—during year ending 30th June 1873.
2. Railway Loan Act 32 Vict. 331—Approximate Statement of Expenditure under—during year ending 30th June 1873.

Ordered severally to lie on the Table.

MINING ON PRIVATE PROPERTY BILL.—The Honorable H. M. Murphy, with leave of the Council, moved, without notice, That the Select Committee on the Mining on Private Property Bill consist of the following members, viz., the Honorables F. Robertson, T. T. a'Beckett, N. Fitzgerald, W. Highett, P. Russell, J. Cumming, 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. T. a'Beckett, J. Cumming, N. Fitzgerald, W. Highett, F. Robertson, P. Russell, and the mover, the Honorable H. M. Murphy.

The Honorable H. M. Murphy moved, That the Committee have power to sit during adjournments of the House, and to call for persons and papers.

Question—put and passed.

CHIEF INSPECTOR OF SCAB.—The Honorable P. Russell, in accordance with notice, moved, That the Correspondence between the Chief Inspector and the Government respecting the question standing in the name of the Honorable P. Russell on the Notice Paper of the 8th instant, be laid on the Table of the House.

Debate ensued.

Motion, by leave, withdrawn.

INSTRUMENTS AND SECURITIES STATUTE 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.

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 with 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.

Ordered.

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

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

Ordered.

The Council adjourned at a quarter past six o'clock until half-past four o'clock on Wednesday the 16th instant.

ORDERS OF THE DAY.

WEDNESDAY, 16TH JULY, 1873.

Government Business.

ORDERS OF THE DAY :—

1. INSTRUMENTS AND SECURITIES STATUTE AMENDMENT BILL.—Adoption of Report.
2. LIFE ASSURANCE COMPANIES BILL.—To be further considered in Committee.

General Business.

1. The Hon. N. BLACK: To ask the Commissioner of Public Works, whether the Government intend to bring in a Bill to amend the Thistle Prevention Act, and if they will include in its provisions a means of checking the spread of the wild camomile and of horehound.
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MEETING OF SELECT COMMITTEE.

Wednesday, 16th July.

MINING ON PRIVATE PROPERTY BILL—at two o'clock.

G. W. RUSDEN,

Clerk of the Council and Clerk of the Parliaments.

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WEDNESDAY, 16TH JULY, 1873.

The Council met in accordance with adjournment.

The President took the Chair.

The President read the prayer.

INSTRUMENTS AND SECURITIES STATUTE AMENDMENT BILL.—The Order of the Day for the adoption of the Report of the Committee of the whole Council on this Bill being called on, the Honorable A. Fraser moved, That the Order of the Day be discharged with a view to the re-committal of the Bill.

Question—put and passed.

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

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

The President left the Chair.

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

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 Bill as certified was in accordance with the Bill as reported, the Bill, on the motion of the Honorable A. Fraser, was read a third time and *passed*.

The Honorable A. Fraser moved, That the title of the Bill be "*An Act to amend the Instruments and Securities Statute 1864, and to provide for constituting certain days Bank Holidays.*"

Question—put and passed.

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

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 enable the Governor in Council to prohibit the importation of diseased Grape-vines and Grape-vine Cuttings,*" with which they desire the concurrence of the Legislative Council.

C. MAC MAHON,
Speaker.

Legislative Assembly Chamber,
Melbourne, 16th July, 1873.*

DISEASED GRAPE-VINES IMPORTATION PROHIBITION 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, on the motion of the Honorable A. Fraser, ordered to be printed, and the second reading made an Order of the Day for Tuesday the 22nd instant.

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

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

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

Question—put and passed.

ADJOURNMENT.—The Honorable A. Fraser, 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 to six o'clock until half-past four o'clock on Tuesday the 22nd instant.

NOTICE OF MOTION AND ORDERS OF THE DAY.

TUESDAY, 22ND JULY, 1873.

1. The Hon. N. BLACK: To ask the Commissioner of Public Works, whether the Government intend to bring in a Bill to amend the Thistle Prevention Act, and if they will include in its provisions a means of checking the spread of the wild camomile and of horehound.

NOTICE OF MOTION :—

1. The Hon. P. RUSSELL: To move, That there be laid on the Table of this House all reports and correspondence in the possession of the Chief Inspector of Stock, relating to the disease in sheep called scab, in the Seymour and Mansfield districts.

ORDERS OF THE DAY :—

1. DISEASED GRAPE-VINES IMPORTATION PROHIBITION BILL.—To be read a second time.
 2. LIFE ASSURANCE COMPANIES BILL.—Adoption of report.
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MEETING OF SELECT COMMITTEE.

Thursday, 17th July.

MINING ON PRIVATE PROPERTY BILL—at three o'clock.

G. W. RUSDEN,

Clerk of the Council and Clerk of the Parliaments.

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TUESDAY, 22ND JULY, 1873.

The Council met in accordance with adjournment.

The President took the Chair.

The President read the prayer.

PAPER.—The Honorable A. Fraser, by command of His Excellency, presented to the Council the following Paper:—

1. Public Library, Museums and National Gallery of Victoria.—Rules and Regulations (12th June, 1873).

Ordered to lie on the Table.

SCAB IN SEYMOUR AND MANSFIELD DISTRICTS.—The Honorable P. Russell, in accordance with notice, moved, That there be laid on the Table of this House all reports and correspondence in the possession of the Chief Inspector of Stock, relating to the disease in sheep called Scab, in the Seymour and Mansfield districts.

Question—put and passed.

DISEASED GRAPE-VINES IMPORTATION PROHIBITION 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.

The Honorable A. Fraser moved, That the Report be now adopted.

Question—put and passed.

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

The Honorable A. Fraser moved, That the title of the Bill be "*An Act to enable the Governor in Council to prohibit the importation of Diseased Grape-vines and Grape-vine Cuttings.*"

Question—put and passed.

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

LIFE ASSURANCE COMPANIES BILL.—The Order of the Day for the adoption of the Report of the Committee of the whole Council on this Bill being called on, the Honorable A. Fraser moved, That the Order of the Day be discharged with a view to the re-committal of the Bill.

Question—put and passed.

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

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

The President left the Chair.

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

The Honorable 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 Tuesday next.

Question—put and passed.

ADJOURNMENT.—The Honorable A. Fraser, with leave of the Council, moved, without notice, That the House, at its rising this day, adjourn until Tuesday next.
Question—put and passed.

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

ORDER OF THE DAY.

TUESDAY, 29TH JULY, 1873.

ORDER OF THE DAY :—

1. LIFE ASSURANCE COMPANIES BILL.—To be read a third time.

MEETING OF SELECT COMMITTEE.

Tuesday, 29th July.

REFRESHMENT ROOMS (JOINT)—at half-past three p.m.

G. W. RUSDEN,

Clerk of the Council and Clerk of the Parliaments.

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TUESDAY, 29TH JULY, 1873.

The Council met in accordance with adjournment.

The President took the Chair.

The President read the prayer.

PAPERS.—The Honorable A. Fraser, by command of His Excellency, presented to the Council the following Papers:—

1. Royal Commissions (Civil Service and Municipal Institutions).—Statement of Expenses.
2. Public Parks and Gardens.—Regulations (7th July, 1873).

Ordered severally to lie on the Table.

FRIENDLY SOCIETIES' BENEFIT FUNDS.—The Honorable A. Fraser laid on the Table a Return to an Order of the Council made on the 26th ultimo.

PETITION.—The Honorable T. F. Hamilton presented a Petition from the Shire of Wyndham, and under the corporate seal thereof, praying that some system of assisted immigration may be adopted, in order to meet the rapidly growing wants of the community.

Petition received.

The Petition was read at the Table by the Clerk.

SCAB IN SEYMOUR AND MANSFIELD DISTRICTS.—The Honorable A. Fraser laid on the Table a Return to an Order of the Council, made on the 22nd instant.

LIFE ASSURANCE COMPANIES BILL.—The President having reported that the Chairman of Committees had certified that the fair print of this Bill was in accordance with the Bill as reported, 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 the Law relating to Life Assurance Companies.*"

Question—put and passed.

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

ADJOURNMENT.—The Honorable A. Fraser, 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 ten minutes to five o'clock until half-past four o'clock on Tuesday the 5th proximo.

MEETINGS OF SELECT COMMITTEES.

Tuesday, 5th August.

PARLIAMENT BUILDINGS (JOINT)—at four o'clock.

PRINTING—at four o'clock.

G. W. RUSDEN,

Clerk of the Council and Clerk of the Parliaments.



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LEGISLATIVE COUNCIL.

TUESDAY, 5TH AUGUST, 1873.

The Council met in accordance with adjournment.

The President took the Chair.

The President read the prayer.

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

Question—put and passed.

MESSAGE FROM HIS EXCELLENCY THE GOVERNOR.—The Honorable A. Fraser presented to the Council the following Message from His Excellency the Governor :—

G. F. BOWEN,

Governor.

The Governor transmits to the Legislative Council a copy of his Commission as Governor of the Colony ; and a copy of Her Majesty's Royal Instructions.

The Governor also transmits a copy of a Commission appointing the Chief Justice, or the Senior Judge, to be Administrator of the Government of Victoria, in case of the death, incapacity, or absence of the Governor.

Government Offices,

Melbourne, 30th July, 1873.

Ordered to lie on the Table.

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

1. Low Lands Commission.—Progress Report (20th June, 1873).
2. Hospitals for the Insane.—Report of Inspector, for year 1871.
3. Penal Establishments and Gaols.—Report of Inspector-General, for year 1872.
4. Health—Central Board of.—Report, for year 1872.

Ordered severally to lie on the Table.

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

MR. PRESIDENT—

The Legislative Assembly return to the Legislative Council the Bill intituled "*An Act to amend the Instruments and Securities Statute 1864, and to provide for constituting certain Days 'Bank Holidays,'*" and acquaint them that the Legislative Assembly have agreed to one of the amendments made by the Legislative Council in this Bill, that they have disagreed with others of the said amendments, and that they have agreed to one amendment with an amendment, with which they desire the concurrence of the Legislative Council.

C. MAC MAHON,
Speaker.

Legislative Assembly Chamber,
Melbourne, 5th August, 1873.

INSTRUMENTS AND SECURITIES STATUTE AMENDMENT BILL.—The Honorable A. Fraser moved, That the Council do not insist on their amendment to leave out clause 5 of the Bill.

Debate ensued.

Question—put and passed.

The Honorable A. Fraser moved, That the Council do agree to the amendment made by the Legislative Assembly on the amendment made by the Legislative Council in clause 6, viz., to leave out "fortnight" and insert "week."

Question—put and passed.

The Honorable A. Fraser moved, That the Council do not insist on their amendment to insert words in the Second Schedule.

Debate ensued.

Question—put and passed.

Ordered—That a Message be sent to the Legislative Assembly to acquaint them that the Council do not insist on their amendments with which the Legislative Assembly have disagreed, and have agreed to the amendment made by the Legislative Assembly on an amendment made by the Legislative Council in the Bill.

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

MR. PRESIDENT—

The Legislative Assembly transmit to the Legislative Council a Bill intituled, "*An Act to sanction the issue and expenditure of certain Sums from 'The Public Works Loan Account 1872' for Salaries, Wages, and Contingencies for the Service of the Year ending the Thirtieth day of June One thousand eight hundred and seventy-four.*" Also a Bill intituled, "*An Act to sanction the issue and application of certain Sums of Money from 'The Railway Loan Account' for*

“ *Salaries, Wages, and Contingencies for the Service of the Year One thousand eight hundred and seventy-three and One thousand eight hundred and seventy-four,*” with which they desire the concurrence of the Legislative Council.

C. MAC MAHON,
Speaker.

Legislative Assembly Chamber,
Melbourne, 5th August, 1873.

PUBLIC WORKS LOAN APPROPRIATION BILL.—The Honorable A. Fraser moved, That this Bill be now read a first time.

Question—put and passed.

Bill read a first time.

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.

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 Bill, as certified, was in accordance with the Bill as reported, the Bill, on the motion of the Honorable A. Fraser, was read a third time and *passed*.

The Honorable A. Fraser moved, That the title of the Bill be “ *An Act to sanction the issue and expenditure of certain Sums from ‘ The Public Works Loan Account 1872,’ for Salaries, Wages, and Contingencies for the Service of the Year ending the Thirtieth day of June One thousand eight hundred and seventy-four.*”

Question—put and passed.

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

RAILWAY LOAN APPROPRIATION BILL.—The Honorable A. Fraser moved, That this Bill be now read a first time.

Question—put and passed.

Bill read a first time.

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.

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 Bill, as certified, was in accordance with the Bill as reported; the Bill, on the motion of the Honorable A. Fraser, was read a third time and *passed*.

The Honorable A. Fraser moved, That the title of the Bill be “ *An Act to sanction the issue and application of certain Sums of Money from ‘ The Railway Loan Account,’ for Salaries, Wages, and Contingencies for the Service of the Year One thousand eight hundred and seventy-three and One thousand eight hundred and seventy-four.*”

Question—put and passed.

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

ADJOURNMENT.—The Honorable A. Fraser, 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 ten minutes past five o'clock until half-past four o'clock on Tuesday the 12th instant.

NOTICE OF MOTION.

TUESDAY, 12TH AUGUST, 1873.

1. The Hon. T. T. A'BECKETT; To ask the Honorable the Commissioner of Public Works, whether it is intended by the Government to introduce to this House a Bill for increasing the number of its members so as to maintain the relative numerical proportions of the two Houses of Parliament as established by the Constitution Act, and if so, when will such Bill be introduced.

NOTICE OF MOTION:—

1. The Hon. A. FRASER: To move, For leave to introduce a Bill to amend the Constitution Act, to increase the Number of Members and Provinces, and to reduce the Qualification for Electors and Members of the Legislative Council.

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

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TUESDAY, 12TH AUGUST, 1873.

The Council met in accordance with adjournment.

The President took the Chair.

The President read the prayer.

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

1. Coal Fields of Victoria—Report on, by the Government Examiner of Coal Fields, New South Wales.
2. Hospitals for the Insane—Report of Inspector of, for year 1872.
3. Intercolonial Tariffs.—Correspondence subsequent to meeting of Conference in Sydney, 1873.
4. University of Melbourne.—Report for year ending 31st May, 1873.

Ordered severally to lie on the Table.

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

MR. PRESIDENT—

The Legislative Assembly transmit to the Legislative Council a Bill intituled, "*An Act to sanction the issue and application of certain Sums of Money from 'The Railway Loan 'Liquidation and Construction Account,' established under the provision of Section forty-two of '33 Vict., No. 360,'*" with which they desire the concurrence of the Legislative Council.

Legislative Assembly Chamber,
Melbourne, 12th August, 1873.

C. MAC MAHON,
Speaker.

RAILWAY LOAN APPLICATION BILL.—The Honorable A. Fraser moved, That this Bill be now read a first time.

Question—put and passed.

Bill read a first time.

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.

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 Bill, as certified, was in accordance with the Bill as reported, the Bill, on the motion of the Honorable A. Fraser, was read a third time and *passed*.

The Honorable A. Fraser moved, That the title of the Bill be "*An Act to sanction the issue and application of certain Sums of Money from 'The Railway Loan Liquidation and Construction 'Account' established under the provision of section forty-two of 33 Vict., No. 360.*"

Question—put and passed.

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

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

MR. PRESIDENT—

The Legislative Assembly transmit to the Legislative Council a Bill intituled "*An Act to amend the Electoral Act 1865,*" with which they desire the concurrence of the Legislative Council.

Legislative Assembly Chamber,
Melbourne, 12th August, 1873.

C. MAC MAHON,
Speaker.

ELECTORAL 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.

The Honorable A. Fraser moved, That the Bill be printed, and the second reading of the Bill be made an Order of the Day for this day fortnight.

Question—put and passed.

COAL FIELDS OF VICTORIA.—The Honorable A. Fraser, with leave of the Council, moved, without notice, That the Report of the Government Examiner of Coal Fields in New South Wales on the Coal Fields of Victoria be printed.

Question—put and passed.

MINING ON PRIVATE PROPERTY BILL.—REPORT OF SELECT COMMITTEE.—The Honorable H. M. Murphy brought up the report of the Select Committee to which was referred the Bill intituled "*An Act to provide for Mining on Private Property for Gold and Silver.*"

The Report was read at the Table by the Clerk.

The Honorable H. M. Murphy moved, That the Report be printed, together with Appendices and the Proceedings of the Committee.

Question—put and passed.

The Honorable H. M. Murphy moved, That the consideration of the Report be made an Order of the Day for Tuesday next.

Question—put and passed.

CONSTITUTION OF COUNCIL BILL.—The Honorable A. Fraser, in accordance with notice, moved, That leave be given to bring in a Bill to amend the Constitution Act, to increase the number of Members and Provinces, and to reduce the qualification for electors and members of the Legislative Council.

Debate ensued.

Question—put and passed.

Bill brought in, and, on the motion of the Honorable A. Fraser, read a first time, ordered to be printed, and the second reading made an Order of the Day for Tuesday, the 26th instant.

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

Question—put and passed.

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

ORDERS OF THE DAY.

TUESDAY, 19TH AUGUST, 1873.

ORDER OF THE DAY :—

1. MINING ON PRIVATE PROPERTY BILL.—Consideration of Report of Select Committee.

TUESDAY, 26TH AUGUST.

ORDERS OF THE DAY :—

1. ELECTORAL ACT AMENDMENT BILL.—To be read a second time.
2. CONSTITUTION OF COUNCIL BILL.—To be read a second time.

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

Minutes of the Proceedings
OF THE
LEGISLATIVE COUNCIL.

TUESDAY, 19TH AUGUST, 1873.

The Council met in accordance with adjournment.

The President took the Chair.

The President read the prayer.

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

1. Statistics of Colony of Victoria, 1872.—Part III.—Population.
2. Library Public, Museums, and National Gallery of Victoria—Report of Trustees of, for year 1872.
3. Mining Surveyors and Registrars—Reports of, for quarter ending 30th June, 1873.

Ordered severally to lie on the Table.

PETITION.—The Honorable J. O'Shanassy presented a Petition signed by George Hudson and others, styling themselves inhabitants of Kilmore, praying that, in the Electoral Act Amendment Bill, the electorate called "Dalhousie and Kilmore" may be altered to Kilmore.

Petition received.

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

"*Mining on Private Property Bill.*"—Consideration of Report of Select Committee.

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

Question—put and passed.

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

NOTICE OF MOTION AND ORDERS OF THE DAY.

TUESDAY, 26TH AUGUST, 1873.

ORDERS OF THE DAY:—

1. ELECTORAL ACT AMENDMENT BILL—To be read a second time.
2. CONSTITUTION OF COUNCIL BILL—To be read a second time.

CONTINGENT NOTICE OF MOTION:—

1. The Hon. T. T. A'BECKETT: To move, contingent upon the second reading of the Bill to increase the number of Members and Provinces and to reduce the Qualification for Electors and Members of the Legislative Council, the addition in Committee of the following clause:—
"In addition to the elective members of the Legislative Council there may be as members thereof persons not exceeding at any one time the number of nine who shall be appointed by the Governor in Council and shall during a period of ten years in the whole have been representative members of the Parliament of Victoria or who shall as such representative members have held for a period of five years in the whole an office as Minister of the Crown, and every person so appointed shall continue to be a member of the Legislative Council until he shall have resigned his seat or shall have been removed therefrom by Order in Council for some matter or thing done or suffered by him which if done or suffered by a representative member would cause his seat to be vacated."

WEDNESDAY, 27TH AUGUST.

ORDER OF THE DAY:—

1. MINING ON PRIVATE PROPERTY BILL.—Consideration of Report of Select Committee.

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



Minutes of the Proceedings

OF THE

LEGISLATIVE COUNCIL.

TUESDAY, 26TH AUGUST, 1873.

The Council met in accordance with adjournment.

The President took the Chair.

The President read the prayer.

PETITION.—The Honorable J. O'Shanassy presented a Petition signed by E. G. Fitzgibbon and others, styling themselves Town Clerks of the City of Melbourne, the Town of Geelong, and other Suburban towns and boroughs, praying that they may be relieved from a grievance imposed upon them by the 7th clause of the Electoral Act Amendment Bill.

Petition received.

PETITION.—The Honorable J. Henty presented a Petition signed by H. Martyn and others, styling themselves burgesses of the borough of Steiglitz, praying that a certain alteration may be made in the Electoral Act Amendment Bill.

Petition received.

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

1. Inebriates Act 1872—Regulations under (4th August, 1873).
2. Mail Service.—Further Correspondence to 13th June, 1873.
3. Coalfields of Victoria—Report (No. 2) by the Government Examiner of Coalfields, New South Wales (20th August, 1873).

Ordered severally to lie on the Table.

PETITION.—The Honorable T. McKellar presented a Petition signed by T. O'Brien, styling himself President of the Shire Council of Mount Rouse, praying that certain alterations may be made in the Electoral Act Amendment Bill.

Petition received.

PETITION.—The Honorable T. McKellar presented a Petition signed by W. Thomson, styling himself Mayor of the Borough of Hamilton, praying that certain alterations may be made in the Electoral Act Amendment Bill.

Petition received.

PETITION.—The Honorable T. McKellar presented a petition signed by J. Walpole, styling himself Honorary Secretary of the Hamilton Electoral Association, praying that the Electoral Act Amendment Bill may not be passed.

Petition received.

The Petition was read at the Table by the Clerk.

PETITION.—The Honorable T. McKellar presented a Petition signed by A. Turnbull, jun., styling himself President of the Shire of Wannan, praying that certain alterations may be made in the Electoral Act Amendment Bill.

Petition received.

PETITION.—The Honorable R. Simson presented a Petition signed by A. Thomson, styling himself President of the Shire of Dundas, praying that certain alterations may be made in the Electoral Act Amendment Bill.

Petition received.

The Petition was read at the Table by the Clerk.

PETITION.—The Honorable W. Skene presented a Petition from the Shire of Glenelg, and under the corporate seal thereof, praying that certain alterations may be made in the Electoral Act Amendment Bill.

Petition received.

ELECTORAL ACT AMENDMENT BILL.—The Order of the Day for the second reading of this Bill having been read, the Honorable A. Fraser moved, That the Bill be now read a second time.

Debate ensued.

Amendment moved by the Honorable J. O'Shanassy, That the words "read a second time" be omitted, with a view to insert the words "laid aside" instead thereof.

Debate ensued.

At half-past six o'clock the Council adjourned during pleasure.

At a quarter to eight o'clock the President resumed the Chair.

Debate resumed.

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

Contents, 10.
The Hon. A. Fraser
N. Fitzgerald
R. S. Anderson
G. W. Cole
F. Robertson
C. J. Jenner
J. Cumming
Sir F. Murphy
B. Williams
H. M. Murphy (*Teller*).

Not Contents, 16.
The Hon. T. T. a'Beckett
W. Campbell
T. McKellar
W. Skene
Dr. Hope
N. Black
W. Highett
P. Russell
J. Henty
R. Simson
Dr. Dobson
T. F. Hamilton
J. F. Strachan
T. J. Sumner
J. O'Shanassy
W. A. C. a'Beckett (*Teller*).

The question was therefore negatived.

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

Question—That the Bill be now laid aside—put and passed.

The Council adjourned at five minutes to ten o'clock, until half-past four o'clock on Wednesday the 27th instant.

NOTICE OF MOTION AND ORDERS OF THE DAY.

WEDNESDAY, 27TH AUGUST, 1873.

Government Business.

ORDER OF THE DAY :—

1. CONSTITUTION OF COUNCIL BILL.—To be read a second time.

General Business.

1. The Hon. W. A. C. A'BECKETT : To ask the Honorable the Commissioner of Public Works, Whether the Government intend to introduce the Bill for the Construction of the Gipps Land Railway during this Session.
2. The Hon. W. A. C. A'BECKETT : To ask the Honorable the Commissioner of Public Works, Whether they intend to introduce a Bill to amend the Law relating to Trust Estates during this Session.

ORDER OF THE DAY :—

1. MINING ON PRIVATE PROPERTY BILL.—Consideration of Report of Select Committee.

CONTINGENT NOTICE OF MOTION :—

1. The Hon. T. T. A'BECKETT : To move, contingent upon the second reading of the Bill to increase the number of Members and Provinces and to reduce the Qualification for Electors and Members of the Legislative Council, the addition in Committee of the following clause :—
“In addition to the elective members of the Legislative Council there may be as members thereof persons not exceeding at any one time the number of nine who shall be appointed by the Governor in Council and shall during a period of ten years in the whole have been representative members of the Parliament of Victoria or who shall as such representative members have held for a period of five years in the whole an office as Minister of the Crown, and every person so appointed shall continue to be a member of the Legislative Council until he shall have resigned his seat or shall have been removed therefrom by Order in Council for some matter or thing done or suffered by him which if done or suffered by a representative member would cause his seat to be vacated.”

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

Minutes of the Proceedings
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LEGISLATIVE COUNCIL.

WEDNESDAY, 27TH AUGUST, 1873.

The Council met in accordance with adjournment.

The President took the Chair.

The President read the prayer.

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

1. Statement of Expenditure under Schedule D, Act 18 and 19 Vic., cap. 55, from 1st January to 30th June, 1871.
2. Statement of Expenditure under Schedule D, Act 18 and 19 Victoria, cap. 55, during the year 1871-2.

Ordered severally to lie on the Table.

POSTPONEMENT.—The following Order of the Day was postponed until Wednesday the 10th proximo:—
“*Constitution of Council Bill.*”—To be read a second time.

MINING ON PRIVATE PROPERTY BILL.—The Order of the Day for the consideration of the Report of the Select Committee on this Bill being read, the Honorable H. M. Murphy moved, That the Report be now adopted.

Debate ensued.

Question—put and negatived.

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

Question—put and passed.

The Council adjourned at a quarter past six o'clock, until half-past four o'clock on Tuesday the 2nd proximo.

NOTICE OF MOTION AND ORDER OF THE DAY.

WEDNESDAY, 10TH SEPTEMBER, 1873.

Government Business.

ORDER OF THE DAY:—

1. CONSTITUTION OF COUNCIL BILL.—To be read a second time.

General Business.

CONTINGENT NOTICE OF MOTION:—

1. The Hon. T. T. A'BECKETT: To move, contingent upon the second reading of the Bill to increase the number of Members and Provinces and to reduce the Qualification for Electors and Members of the Legislative Council, the addition in Committee of the following clause:—
“In addition to the elective members of the Legislative Council there may be as members thereof persons not exceeding at any one time the number of nine who shall be appointed by the Governor in Council and shall during a period of ten years in the whole have been representative members of the Parliament of Victoria or who shall as such representative members have held for a period of five years in the whole an office as Minister of the Crown, and every person so appointed shall continue to be a member of the Legislative Council until he shall have resigned his seat or shall have been removed therefrom by Order in Council for some matter or thing done or suffered by him which if done or suffered by a representative member would cause his seat to be vacated.”

G. W. RUSDEN,

Clerk of the Council and Clerk of the Parliaments.



Minutes of the Proceedings
OF THE
LEGISLATIVE COUNCIL.

TUESDAY, 2ND SEPTEMBER, 1873.

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 from the Council of the Shire of Kyneton and under the Corporate Seal thereof, praying that some system of Assisted Immigration may be adopted in order to meet the growing wants of the colony.

Petition received.

The Petition was read at the Table by the Clerk.

ADJOURNMENT.—The Honorable R. S. Anderson, moved, That the House do now adjourn.

Debate ensued.

Question—put and passed.

The Council adjourned at five minutes to five o'clock until Wednesday the 3rd instant.

NOTICES OF MOTION AND ORDER OF THE DAY.

WEDNESDAY, 3RD SEPTEMBER, 1873.

Government Business.

NOTICE OF MOTION :—

1. The Hon. A. FRASER : To move, That the Bill intituled "*An Act to amend the Electoral Act 1865*," which was laid aside by this House on the 26th of August last, be restored to the notice paper ; and contingent on that motion being carried, that the second reading of the Bill be made an order of the day for Wednesday the 10th instant.

General Business.

NOTICE OF MOTION :—

1. The Hon. W. HIGGETT : To move, That this House, in laying aside the Electoral Act Amendment Bill, disclaims any intention of prescribing the manner in which the present number of representatives in the Legislative Assembly (78) should be distributed ; at the same time it is of opinion that no material alteration in the Constitution should be admitted until the subject should have been submitted to the consideration of a Joint Committee of both Houses of Parliament.

WEDNESDAY, 10TH SEPTEMBER.

Government Business.

ORDER OF THE DAY :—

1. CONSTITUTION OF COUNCIL BILL.—To be read a second time.

General Business.

CONTINGENT NOTICE OF MOTION :—

1. The Hon. T. T. A'BECKETT : To move, contingent upon the second reading of the Bill to increase the number of Members and Provinces and to reduce the Qualification for Electors and Members of the Legislative Council, the addition in Committee of the following clause :—

"In addition to the elective members of the Legislative Council there may be as members thereof persons not exceeding at any one time the number of nine who shall be appointed by the Governor in Council and shall during a period of ten years in the whole have been representative members of the Parliament of Victoria or who shall as such representative members have held for a period of five years in the whole an office as Minister of the Crown, and every person so appointed shall continue to be a member of the Legislative Council until he shall have resigned his seat or shall have been removed therefrom by Order in Council for some matter or thing done or suffered by him which if done or suffered by a representative member would cause his seat to be vacated."

G. W. RUSDEN,

Clerk of the Council and Clerk of the Parliaments.



Minutes of the Proceedings

OF THE

LEGISLATIVE COUNCIL.

WEDNESDAY, 3RD SEPTEMBER, 1873.

The Council met in accordance with adjournment.

The President took the Chair.

The President read the prayer.

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 sanction the issue and expenditure of certain Sums from 'The Public Works Loan Account '1872,' for Salaries, Wages, and Contingencies for the Service of the Year ending the Thirtieth day of June One thousand eight hundred and seventy-four,*" with which they desire the concurrence of the Legislative Council.

Legislative Assembly Chamber,
Melbourne, 3rd September, 1873.

C. MAC MAHON,
Speaker.

PUBLIC WORKS LOAN APPLICATION BILL.—The Honorable A. Fraser moved, That this Bill be now read a first time.

Question—put and passed.

Bill read a first time.

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.

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

The Honorable A. Fraser moved, That the title of the Bill be "*An Act to sanction the issue and expenditure of certain Sums from 'The Public Works Loan Account 1872,' for Salaries, Wages, and Contingencies for the Service of the Year ending the Thirtieth day of June One thousand eight hundred and seventy-four.*"

Question—put and passed.

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

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

MR. PRESIDENT—

The Legislative Assembly transmit to the Legislative Council a Bill intituled "*An Act to enable the South Melbourne Gas Company to extend the provisions of 'The South Melbourne Gas Company's Act 1872,' and to confer on the said Company additional powers and for other purposes,*" with which they desire the concurrence of the Legislative Council.

Legislative Assembly Chamber,
Melbourne, 3rd September, 1873.

C. MAC MAHON,
Speaker.

SOUTH MELBOURNE GAS COMPANY'S EXTENSION OF POWERS BILL.—The Honorable C. J. Jenner moved, That the consideration of the Message from the Legislative Assembly with this Bill be made an Order of the Day for the next day of meeting.

Question—put and passed.

PAPER.—The Honorable A. Fraser, by command of His Excellency the Governor, presented to the Council the following paper:—

Public Works Department.—Report of Royal Commission (29th August, 1873.)

Ordered to lie on the Table.

RULING OF THE PRESIDENT.—The President delivered the following ruling on the subject of a notice on the business-paper.

It is not competent for the President to put this question.

Our 1st Standing Order declares that, in all cases, not hereinafter provided for, resort shall be had to the rules, forms, usages, and practice of the Imperial Parliament.

It is the usage and practice of such Parliament for each House to dispose of Bills submitted to them in any manner they may think fit; but having disposed of a Bill, it is not the usage and practice to revive such Bill in the same session.

It has always been the usage and practice to treat a Bill laid aside as finally disposed of, although it has been permitted for the House laying a Bill aside to introduce a new Bill precisely similar.

The fact that a Bill laid aside was finally disposed of, was communicated in a Message from this House to the Legislative Assembly on the 31st October, 1865, and, whilst regretted, was not disputed by that House. It has apparently not been the practice of the Imperial House of Parliament to enter upon their journals the reasons for laying Bills aside.

To restore the Electoral Bill, which has been laid aside, to the notice-paper, would be contrary to the usages and practice of the Imperial Parliament, which we have adopted, and consequently a violation of Parliamentary law; and it is laid down in May's Parliamentary Practice (edition 1863), page 261, that, if any motion or amendment be offered in contravention of the rules and orders of the House, the Speaker will decline to put the question.

I speak with the greater confidence upon this matter, because I was a member of the Committee appointed by this House to search for precedents in March, 1865, under somewhat similar circumstances. But I would suggest that, if honorable members are in any doubt as to the propriety of the ruling I have now given, that they should appoint a Committee to investigate and report to the House as to the practice and usages of Parliament in such cases.

ELECTORAL ACT AMENDMENT.—The Honorable A. Fraser, with leave of the Council, moved, without notice, That leave be given to bring in a Bill intituled, "*An Act to amend the Electoral Act 1865.*" Debate ensued.

The Honorable F. Robertson moved, That the debate be now adjourned.

Debate ensued.

Question—put and passed.

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

The Council adjourned at half-past six o'clock until half-past four o'clock on Thursday the 4th instant.

NOTICES OF MOTION AND ORDER OF THE DAY.

THURSDAY, 4TH SEPTEMBER, 1873.

NOTICE OF MOTION:—

1. The Hon. W. HIGGETT: To move, That this House, in laying aside the Electoral Act Amendment Bill, disclaims any intention of prescribing the manner in which the present number of representatives in the Legislative Assembly (78) should be distributed; at the same time it is of opinion that no material alteration in the Constitution should be admitted until the subject should have been submitted to the consideration of a Joint Committee of both Houses of Parliament.

ORDERS OF THE DAY:—

1. SOUTH MELBOURNE GAS COMPANY EXTENSION OF POWERS BILL.—Consideration of Message from Legislative Assembly.
2. ELECTORAL ACT AMENDMENT BILL (2).—Adjourned debate on motion, That leave be given to bring in a Bill intituled, "*An Act to amend the Electoral Act 1865.*"

WEDNESDAY, 10TH SEPTEMBER.

Government Business.

ORDER OF THE DAY:—

1. CONSTITUTION OF COUNCIL BILL.—To be read a second time.

General Business.

CONTINGENT NOTICE OF MOTION:—

1. The Hon. T. T. A'BECKETT: To move, contingent upon the second reading of the Bill to increase the number of Members and Provinces and to reduce the Qualification for Electors and Members of the Legislative Council, the addition in Committee of the following clause:—

"In addition to the elective members of the Legislative Council there may be as members thereof persons not exceeding at any one time the number of nine who shall be appointed by the Governor in Council and shall during a period of ten years in the whole have been representative members of the Parliament of Victoria or who shall as such representative members have held for a period of five years in the whole an office as Minister of the Crown, and every person so appointed shall continue to be a member of the Legislative Council until he shall have resigned his seat or shall have been removed therefrom by Order in Council for some matter or thing done or suffered by him which if done or suffered by a representative member would cause his seat to be vacated."

G. W. RUSDEN,

Clerk of the Council and Clerk of the Parliaments.

Minutes of the Proceedings
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LEGISLATIVE COUNCIL.

THURSDAY, 4TH SEPTEMBER, 1873.

The Council met in accordance with adjournment.

The President took the Chair.

The President read the prayer.

PETITION.—The Honorable T. T. a'Beckett presented a petition, signed by John Scott, styling himself Secretary of the Melbourne Gas and Coke Company, and praying that certain amendments may be made in the South Melbourne Gas Company Extension of Powers Bill.

Petition received.

The Honorable T. T. a'Beckett moved, That the Petition be taken into consideration on the second reading of the South Melbourne Gas Company Extension of Powers Bill.

Question—put and passed.

POSTPONEMENT.—The following Order of the Day was postponed until Tuesday the 9th instant :—

“*South Melbourne Gas Company Extension of Powers Bill.*”—Consideration of Message from Legislative Assembly.

ELECTORAL ACT AMENDMENT.—The Order of the Day for the resumption of the debate on the question, That leave be given to bring in a Bill intituled, “*An Act to amend the Electoral Act 1865,*” being read—

The President delivered the following ruling :—

I have further considered the question as to the competency of this House to deal with a Bill precisely similar to a Bill laid aside by this House ; and I am of opinion that it is competent for this House to deal with such a Bill in the same session.

The debate was resumed.

Question—put.

Council divided.

Contents, 7.

The Hon. A. Fraser
G. W. Cole
C. J. Jenner
T. T. a'Beckett
F. Robertson
B. Williams
R. S. Anderson (*Teller*).

Not Contents, 12.

The Hon. Dr. Hope
W. Skene
T. McKellar
W. Campbell
R. Simson
Dr. Dobson
P. Russell
J. F. Strachan
T. F. Hamilton
W. Highett
T. J. Sumner
N. Black (*Teller*).

The question was therefore negatived.

The Council adjourned at half-past five o'clock until half-past four o'clock on Tuesday the 9th instant.

NOTICES OF MOTION AND ORDERS OF THE DAY.

TUESDAY, 9TH SEPTEMBER, 1873.

NOTICE OF MOTION :—

1. The Hon. W. HIGHETT: To move, That this House, in laying aside the Electoral Act Amendment Bill, disclaims any intention of prescribing the manner in which the present number of representatives in the Legislative Assembly (78) should be distributed ; at the same time it is of opinion that no material alteration in the Constitution should be admitted until the subject should have been submitted to the consideration of a Joint Committee of both Houses of Parliament.

ORDER OF THE DAY :—

1. SOUTH MELBOURNE GAS COMPANY EXTENSION OF POWERS BILL.—Consideration of Message from Legislative Assembly.

WEDNESDAY, 10TH SEPTEMBER, 1873.

Government Business.

ORDER OF THE DAY :—

1. CONSTITUTION OF COUNCIL BILL.—To be read a second time.

General Business.

CONTINGENT NOTICE OF MOTION :—

1. The Hon. T. T. A'BECKETT : To move, contingent upon the second reading of the Bill to increase the number of Members and Provinces and to reduce the Qualification for Electors and Members of the Legislative Council, the addition in Committee of the following clause :—

“In addition to the elective members of the Legislative Council there may be as members thereof persons not exceeding at any one time the number of nine who shall be appointed by the Governor in Council and shall during a period of ten years in the whole have been representative members of the Parliament of Victoria or who shall as such representative members have held for a period of five years in the whole an office as Minister of the Crown, and every person so appointed shall continue to be a member of the Legislative Council until he shall have resigned his seat or shall have been removed therefrom by Order in Council for some matter or thing done or suffered by him which, if done or suffered by a representative member, would cause his seat to be vacated.”

G. W. RUSDEN,

Clerk of the Council and Clerk of the Parliaments.

Minutes of the Proceedings

OF THE

LEGISLATIVE COUNCIL.

TUESDAY, 9TH SEPTEMBER, 1873.

The Council met in accordance with adjournment.

The President took the Chair.

The President read the prayer.

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

1. Statistics of Colony of Victoria, 1872.—Part IV.—Accumulation.
2. School of Mines, Ballarat.—Report of Secretary of Mines (14th July, 1873).
3. School of Mines, Sandhurst.—Report of Secretary of Mines (8th May, 1873).

Ordered severally to lie on the Table.

MATERIAL ALTERATIONS IN CONSTITUTION.—The Honorable W. Highett, in accordance with notice, moved, That this House, in laying aside the Electoral Act Amendment Bill, disclaims any intention of prescribing the manner in which the present number of representatives in the Legislative Assembly (78) should be distributed; at the same time, it is of opinion that no material alteration in the Constitution should be admitted until the subject should have been submitted to the consideration of a Joint Committee of both Houses of Parliament.

Debate ensued.

The Honorable R. S. Anderson moved the previous question.

Debate ensued.

Motion for the previous question and the original motion, by leave, withdrawn.

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

Question—put and passed.

SOUTH MELBOURNE GAS COMPANY EXTENSION OF POWERS BILL.—CONSIDERATION OF MESSAGE FROM LEGISLATIVE ASSEMBLY.—The Honorable H. M. Murphy produced a certificate of the payment of Twenty pounds into the hands of the Colonial Treasurer for the public uses of the colony, and moved, That a Message be sent to the Legislative Assembly, requesting that they will be pleased to communicate to the Council copies of the Report and Proceedings of the Select Committee of the Legislative Assembly on this Bill in the present session of Parliament.

Question—put and passed.

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

NOTICES OF MOTION AND ORDERS OF THE DAY.

TUESDAY, 16TH SEPTEMBER, 1873.

1. The Hon. H. M. MURPHY: To ask the Honorable A. Fraser, what course the Government propose to adopt on the Mining upon Private Property Bill.

NOTICE OF MOTION:—

1. The Hon. W. A. C. A'BECKETT: To move for leave to bring in a Bill to amend the Law relating to Trust Estates.

ORDER OF THE DAY:—

1. CONSTITUTION OF COUNCIL BILL.—To be read a second time.

CONTINGENT NOTICE OF MOTION :—

1. The Hon. T. T. A'BECKETT : To move, contingent upon the second reading of the Bill to increase the number of Members and Provinces and to reduce the Qualification for Electors and Members of the Legislative Council, the addition in Committee of the following clause :—

“In addition to the elective members of the Legislative Council there may be as members thereof persons not exceeding at any one time the number of nine who shall be appointed by the Governor in Council and shall during a period of ten years in the whole have been representative members of the Parliament of Victoria or who shall as such representative members have held for a period of five years in the whole an office as Minister of the Crown, and every person so appointed shall continue to be a member of the Legislative Council until he shall have resigned his seat or shall have been removed therefrom by Order in Council for some matter or thing done or suffered by him which, if done or suffered by a representative member, would cause his seat to be vacated.”

G. W. RUSDEN,

Clerk of the Council and Clerk of the Parliaments.

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OF THE

LEGISLATIVE COUNCIL.

TUESDAY, 16TH SEPTEMBER, 1873.

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 a communication from the Private Secretary to His Excellency the Governor, intimating that it is His Excellency's intention to proceed to the Legislative Council Chamber this day, at five o'clock, for the purpose of giving the Royal Assent to certain Bills passed by the Legislative Council and the Legislative Assembly.

PETITION.—The Honorable T. T. a'Beckett presented a Petition from the mayor, aldermen, and citizens of the City of Melbourne, and under the corporate seal of the City, praying that certain amendments may be made in the South Melbourne Gas Company Extension of Powers Bill.

Petition received.

The Honorable T. T. a'Beckett moved, That the Petition be taken into consideration with the Bill.

Question—put and passed.

PETITION.—The Honorable H. M. Murphy presented a Petition, signed by W. H. Williams and others, styling themselves ratepayers of the City of Melbourne, praying that the South Melbourne Gas Company Extension of Powers Bill may be passed.

Petition received.

The Honorable H. M. Murphy moved, That the Petition be taken into consideration with the Bill.

Question—put and passed.

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

Kidnapped Islanders—Expatriation of.—Further Correspondence.

Ordered to lie on the Table.

TRUST ESTATES BILL.—The Honorable W. A. C. a'Beckett, in accordance with notice, moved for leave to bring in a Bill to amend the Law relating to Trust Estates.

Question—put and passed.

Bill brought in, and, on the motion of the Honorable W. A. C. a'Beckett, read a first time, and ordered to be printed, and the second reading made an Order of the Day for Tuesday the 23rd instant.

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

MR. PRESIDENT—

The Legislative Assembly transmit to the Legislative Council copies of the Report and Proceedings from the Select Committee of the Legislative Assembly appointed during the present Session, on the Bill intituled, "*An Act to enable the South Melbourne Gas Company to extend the provisions of 'The South Melbourne Gas Company's Act 1872,' and to confer on the said Company additional powers, and for other Purposes,*" in accordance with the request of the Legislative Council.

C. MAC MAHON,
Speaker.

Legislative Assembly Chamber,
Melbourne, 16th September, 1873.

SOUTH MELBOURNE GAS COMPANY EXTENSION OF POWERS BILL.—The Honorable H. M. Murphy having produced a certificate of the payment of Twenty pounds into the hands of the Colonial Treasurer for the public uses of the Colony, moved, That this Bill be now read a first time.

Question—put and passed.

Bill read a first time.

The Honorable H. M. Murphy moved, That the second reading of the Bill be made an Order of the Day for Tuesday next.

Question—put and passed.

CONSTITUTION OF COUNCIL BILL.—The Order of the Day for the second reading of this Bill being called on, the Honorable A. Fraser moved, That the Order of the Day be discharged.
Question—put and passed.

ADJOURNMENT.—The Honorable A. Fraser, with leave of the Council, moved, without notice, That the House, at its rising this day, adjourn until Tuesday next.
Question—put and passed.

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

- “An Act to enable the Governor in Council to prohibit the importation of Diseased Grapevines and Grapevine Cuttings.”
- “An Act to amend ‘The Instruments and Securities Statute 1864,’ and to provide for constituting certain Days Bank Holidays.”
- “An Act to sanction the issue and expenditure of certain Sums from ‘The Public Works Loan Account 1872,’ for Salaries, Wages, and Contingencies for the Service of the Year ending the thirtieth day of June One thousand eight hundred and seventy-four.”
- “An Act to sanction the issue and application of certain Sums of Money from ‘The Railway Loan Account,’ for Salaries, Wages, and Contingencies for the Service of the Year One thousand eight hundred and seventy-three and One thousand eight hundred and seventy-four.”
- “An Act to sanction the issue and application of certain Sums of Money from ‘The Railway Loan Liquidation and Construction Account,’ established under the provision of section forty-two of 33 Vict., No. 360.”
- “An Act to sanction the issue and expenditure of certain Sums from ‘The Public Works Loan Account 1872,’ for Salaries, Wages, and Contingencies for the Service of the Year ending the thirtieth day of June One thousand eight hundred and seventy-four.”

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.

“G. F. BOWEN,
“Governor.”

A Schedule of the Bills assented to was delivered to Mr. Speaker.
The Legislative Assembly withdrew.
His Excellency the Governor left the Council Chamber.

The Council adjourned at ten minutes past five o'clock until half-past four o'clock on Tuesday the 23rd instant.

NOTICE OF MOTION AND ORDERS OF THE DAY.

TUESDAY, 23RD SEPTEMBER, 1873.

NOTICE OF MOTION:—

1. The Hon. A. FRASER: To move, That the Bill intituled “An Act to provide for Mining on Private Property for Gold and Silver” be now read a second time.

ORDERS OF THE DAY:—

1. TRUST ESTATES BILL.—To be read a second time.
2. SOUTH MELBOURNE GAS COMPANY EXTENSION OF POWERS BILL.—To be read a second time.

G. W. RUSDEN,

Clerk of the Council and Clerk of the Parliaments.

Minutes of the Proceedings

OF THE

LEGISLATIVE COUNCIL.

TUESDAY, 23RD SEPTEMBER, 1873.

The Council met in accordance with adjournment.

The President took the Chair.

The President read the prayer.

PETITION.—The Honorable A. Fraser presented a Petition, signed by Thomas Cooper, styling himself Mayor and Chairman of a Meeting at Creswick, praying that the question of Electoral Reform may be reconsidered.

Petition received.

The Petition was read at the Table by the Clerk.

ADJOURNMENT.—The Honorable W. Campbell moved, That the House do now adjourn.

Debate ensued.

The Honorable W. Campbell, with leave of the Council, amended his motion as follows, viz., That the House do now adjourn until Thursday next.

Debate ensued.

Motion, by leave, withdrawn.

POSTPONEMENT.—The following Order of the Day was postponed until Tuesday the 30th instant :—

“ *Trust Estates Bill* ”—To be read a second time.

SOUTH MELBOURNE GAS COMPANY EXTENSION OF POWERS BILL.—The Order of the Day for the second reading of this Bill being read, the Honorable H. M. Murphy moved, That the Bill be now read a second time.

Debate ensued.

Question—put and passed.

Bill read a second time.

The Honorable H. M. Murphy moved, That the consideration of the Bill in Committee of the whole Council be made an Order of the Day for the next day of meeting.

Question—put and passed.

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

Question—put and passed.

The Council adjourned at a quarter past five o'clock until half-past four o'clock on Tuesday the 30th instant.

NOTICES OF MOTION AND ORDERS OF THE DAY.

TUESDAY, 30TH SEPTEMBER, 1873.

NOTICE OF MOTION :—

1. The Hon. A. FRASER : To move, That the Bill intituled “ *An Act to provide for Mining on Private Property for Gold and Silver* ” be now read a second time.

ORDERS OF THE DAY :—

1. TRUST ESTATES BILL.—To be read a second time.
2. SOUTH MELBOURNE GAS COMPANY EXTENSION OF POWERS BILL.—To be considered in Committee.

CONTINGENT NOTICE (*In Committee*):—

1. The Hon. T. T. A'BECKETT: To move, on the South Melbourne Gas Company Extension of Powers Bill being considered in Committee—

To strike out Clause 3, and substitute the following :—

3. Subject to the provisions of this Act the limits within which by the recited Act the company is authorized to supply gas shall be and the same are hereby extended so as to include within such extended limits every place lying within a circle described by a radius of eight miles from Princes Bridge in the City of Melbourne Provided always that it shall not be lawful for the company to lay down any main or other pipe beyond the limits prescribed by the third section of the recited Act until it shall have laid down throughout the districts and places mentioned in the said third section sufficient mains for supplying gas to all private consumers resident within any of those districts and places at the time of commencing to lay any main authorized by such extension of limits as aforesaid and to the public street-lamps then erected therein And provided further that the company shall lay in every street within one of two divisions into which the said city of Melbourne would be separated by a line produced from Princes Bridge through the centre of Swanston street to the city boundary sufficient mains for supplying gas to the public street-lamps and all private consumers within such division before laying any main or other pipe within the other division.

3A. Before opening or breaking up any street within the city of Melbourne the company shall give to the corporation styled the Mayor Aldermen Councillors and Citizens of the city of Melbourne a bond under the seal of the company binding the company to pay to the said corporation the sum of five thousand pounds as liquidated damages but conditioned to be void in case the company shall forthwith after the date of the said bond begin to lay down mains suitable for supplying gas to the public street-lamps and to private consumers within one of two divisions into which the said city would be separated by a line produced from Princes Bridge through the centre of Swanston street to the city boundary and shall continuously proceed with the work of laying such mains until it is completed and shall within twelve months from commencing to open or break up any street within the said city complete the laying down of sufficient mains for the purpose aforesaid in every street within such division.

To strike out Clause 6 and substitute the following :—

6. All the provisions contained in the recited Act and the Acts incorporated therewith shall apply in respect to any part of the extended limits fixed by this Act within which the company may from time to time become authorized to supply gas under the provisions hereinbefore contained as fully and effectually as if the same had been included within the limits mentioned in the third section of the recited Act.

To strike out Clause 7.

To strike out Clause 9 and substitute the following :—

9. This Act may be cited for all purposes as "The South Melbourne Gas Company's Extension of Powers Act 1873."

G. W. RUSDEN,

Clerk of the Council and Clerk of the Parliaments.

Minutes of the Proceedings

OF THE

LEGISLATIVE COUNCIL.

TUESDAY, 30TH SEPTEMBER, 1873.

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, from the Shire of Creswick, and under the Corporate Seal thereof, praying that the question of Electoral Reform may be taken into consideration. Petition received.

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

1. "Carl"—the Case of the.—Papers relating to.
2. Gippsland Mining Board: Additional Polling-places.—Order in Council (15th September, 1873).

Ordered severally to lie on the Table.

MINING ON PRIVATE PROPERTY BILL.—The Honorable A. Fraser, in accordance with notice, moved, That the Bill, intituled "*An Act to provide for Mining on Private Property for Gold and Silver,*" be now read a second time.

Debate ensued.

Amendment moved by the Honorable Dr. Dobson, That the word "now" be omitted, with a view to insert the words "this day six months," after the word "time."

Debate ensued.

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

Contents, 12.
 The Hon. A. Fraser
 B. Williams
 G. W. Cole
 T. T. a'Beckett
 R. S. Anderson
 F. Robertson
 C. J. Jenner
 P. Russell
 W. Highett
 J. Henty
 J. Cumming
 H. M. Murphy (*Teller*).

Not Contents, 10.
 The Hon. T. McKellar
 W. Skene
 W. Campbell
 T. J. Sumner
 Dr. Dobson
 Dr. Hope
 J. F. Strachan
 T. F. Hamilton
 W. A. C. a'Beckett
 R. Simson (*Teller*).

The question was therefore passed.

Question—That the Bill intituled "*An Act to provide for Mining on Private Property for Gold and Silver,*" be now read a second time—put and passed.

Bill read a second time.

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

Question—put and passed.

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

The President left the Chair.

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

Ordered.

TRUST ESTATES BILL.—The Order of the Day for the second reading of this Bill being read, the Honorable W. A. C. a'Beckett moved, That the Bill be now read a second time.

Question—put.
Council divided.

Contents, 9.
The Hon. W. A. C. a'Beckett
Dr. Hope
J. Cumming
W. Highett
C. J. Jenner
F. Robertson
B. Williams
T. F. Hamilton
T. T. a'Beckett (*Teller*).

Not Contents, 8.
The Hon. W. Skene
H. M. Murphy
W. Campbell
J. F. Strachan
Dr. Dobson
R. Simson
T. McKellar
R. S. Anderson (*Teller*).

The question was therefore passed.

Bill read a second time.

The Honorable W. A. C. a'Beckett moved, That the Bill be now considered in Committee of the whole Council.

Question—put and passed.

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

The President left the Chair.

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

SOUTH MELBOURNE GAS COMPANY EXTENSION OF POWERS BILL.—The Order of the Day for the consideration of this Bill in Committee of the whole Council being read, the President left the Chair.

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

Ordered.

The Council adjourned at half-past six o'clock until half-past four o'clock on Wednesday the 1st proximo.

NOTICES OF MOTION AND ORDERS OF THE DAY.

WEDNESDAY, 1ST OCTOBER, 1873.

General Business.

ORDER OF THE DAY:—

1. SOUTH MELBOURNE GAS COMPANY EXTENSION OF POWERS BILL.—To be further considered in Committee.

TUESDAY, 7TH OCTOBER.

NOTICE OF MOTION:—

1. The Hon. DR. DOBSON : To move, That this House regrets the failure of justice which has occurred in the case of Mount and Morris.

ORDERS OF THE DAY:—

1. MINING ON PRIVATE PROPERTY BILL.—To be further considered in Committee.
2. TRUST ESTATES BILL.—To be further considered in Committee.

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

Minutes of the Proceedings

OF THE

LEGISLATIVE COUNCIL.

WEDNESDAY, 1ST OCTOBER, 1873.

The Council met in accordance with adjournment.

The President took the Chair.

The President read the prayer.

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

Gardens and Parks.—Report of Inspector-General of Gardens, Parks, and Reserves (17th September, 1873).

Ordered to lie on the Table.

SOUTH MELBOURNE GAS COMPANY EXTENSION OF POWERS BILL.—The Order of the Day for the further consideration of this Bill in Committee of the whole Council being read, the President left the Chair.

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

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

Question—put and passed.

ADJOURNMENT.—The Honorable A. Fraser, 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 ten minutes past five o'clock until half-past four o'clock on Tuesday the 7th instant.

NOTICES OF MOTION AND ORDERS OF THE DAY.

TUESDAY, 7TH OCTOBER, 1873.

NOTICE OF MOTION :—

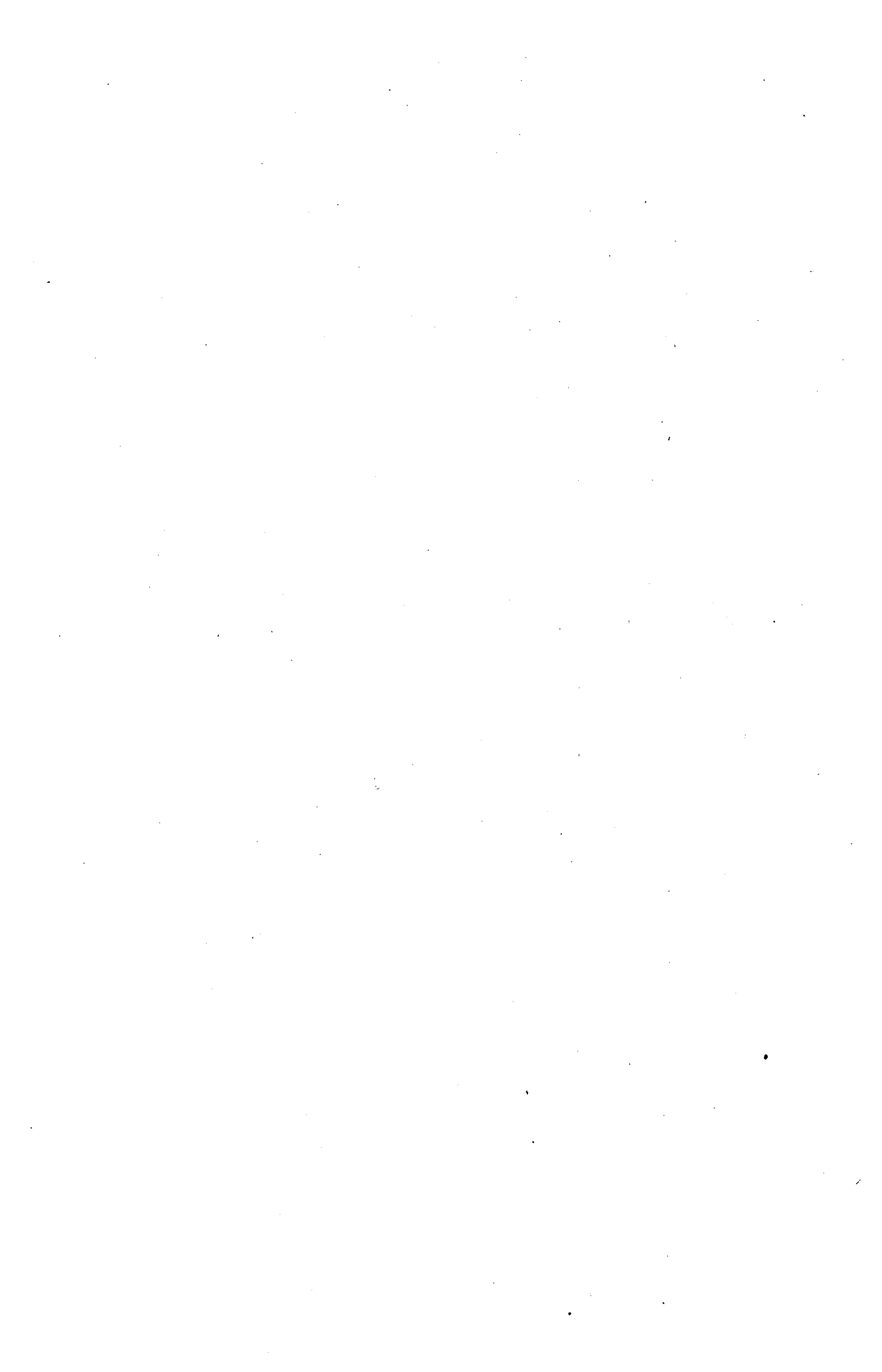
1. The Hon. DR. DOBSON : To move, That this House regrets the failure of justice which has occurred in the case of Mount and Morris.

ORDERS OF THE DAY :—

1. MINING ON PRIVATE PROPERTY BILL.—To be further considered in Committee.
2. TRUST ESTATES BILL.—To be further considered in Committee.
3. SOUTH MELBOURNE GAS COMPANY EXTENSION OF POWERS BILL.—Adoption of report.

G. W. RUSDEN,

Clerk of the Council and Clerk of the Parliaments.



Minutes of the Proceedings

OF THE

LEGISLATIVE COUNCIL.

TUESDAY, 7TH OCTOBER, 1873.

The Council met in accordance with adjournment.

The President took the Chair.

The President read the prayer.

DECLARATION OF MEMBER.—The Honorable W. Degraives delivered to the Clerk the declaration required by the seventh clause of the Act 32 Victoria, No. 334, as hereunder set forth:—

“In compliance with the provisions of the Act 32 Victoria, No. 334, I, WILLIAM DEGRAIVES, 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 annual value of Two hundred and fifty 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 description of which lands and tenements are as follow:—

“No. 1. Merchant’s bonded store, being No. 69 Flinders street East.

“And I further declare that such of the said lands and tenements as are situate in the municipal district of Melbourne are rated in the rate-books of such municipal district as follows:—

“No. 1. Rated at over Three hundred pounds per annum.

“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. DEGRAIVES.”

PETITION.—The Honorable T. T. a’Beckett presented a Petition signed by A. B. Malleon, praying that certain amendments may be made in the South Melbourne Gas Company Extension of Powers Bill, and that the Petitioner may be heard by himself or counsel in support of such amendments.

Petition received.

The Petition was read at the Table by the Clerk.

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

Statistics of Colony of Victoria:—1872.—Part V.—Law, Crime, &c.

Ordered to lie on the Table.

PARLIAMENT BUILDINGS (JOINT) COMMITTEE.—The Honorable A. Fraser brought up a Report from the Committee of both Houses of Parliament appointed for the management and superintendence of the Parliament Buildings, and moved that the consideration of the Report be made an Order of the Day for Tuesday the 14th instant.

Question—put and passed.

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

MR. PRESIDENT—

The Legislative Assembly transmit to the Legislative Council a Bill intituled “*An Act to amend the Law relating to Savings Banks,*” with which they desire the concurrence of the Legislative Council.

C. MAC MAHON,
Speaker.

Legislative Assembly Chamber,
Melbourne, 7th October, 1873.

MR. PRESIDENT—

The Legislative Assembly return to the Legislative Council the Bill intituled, “*An Act to amend the Law relating to Life Assurance Companies,*” and acquaint them that the Legislative Assembly have agreed to some of the amendments made by the Legislative Council in this Bill, and have disagreed to others of the said amendments.

C. MAC MAHON,
Speaker.

Legislative Assembly Chamber,
Melbourne, 7th October, 1873.

SAVINGS BANKS LAW AMENDMENT BILL.—The Honorable A. Fraser moved, That this Bill be now read a first time and be printed, and that the second reading be made an Order of the Day for Tuesday the 14th instant.

Question—put and passed.

Bill read a first time.

LIFE ASSURANCE COMPANIES BILL.—The Honorable A. Fraser moved, That the consideration of the Message from the Legislative Assembly with amendments in this Bill be made an Order of the Day for Tuesday the 14th instant.

Question—put and passed.

PETITION.—The Honorable N. Black presented a Petition signed by F. P. Stevens and others, styling themselves President and Depositors in the Warrnambool Savings Bank, praying that the Savings Banks Law Amendment Bill may not be passed.

Petition received.

The Petition was read at the Table by the Clerk.

PETITION.—The Honorable J. Cumming presented a Petition signed by John Sargeant and others, styling themselves Depositors in the Savings Bank at Geelong, against the provisions of the Savings Banks Law amendment Bill.

Petition received, and, on the motion of the Honorable J. Cumming, referred to the Committee to which the Bill may be referred.

“CARL” OUTRAGES.—The Honorable Dr. Dobson, in accordance with notice, moved, That this House regrets the failure of justice which has occurred in the case of Mount and Morris.

Debate ensued.

The Honorable T. T. a'Beckett moved the previous question.

Debate ensued.

Question—That this question be now put—put.

Council divided.

Contents, 12.
The Hon. Dr. Hope
W. Campbell
W. Skene
Dr. Dobson
H. M. Murphy
T. McKellar
W. Highett
J. Cumming
T. J. Sumner
R. Simson
N. Black
C. J. Jenner (*Teller*).

Not Contents, 9.
The Hon. R. S. Anderson
A. Fraser
G. W. Cole
W. A. C. a'Beckett
F. Robertson
J. F. Strachan
T. F. Hamilton
J. Henty
T. T. a'Beckett (*Teller*).

The question was therefore passed.

Question—That this House regrets the failure of justice which has occurred in the case of Mount and Morris—put and passed.

MINING ON PRIVATE 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 progress and asked leave to sit again on Tuesday the 14th instant.

Ordered.

POSTPONEMENT.—The following Order of the Day was postponed until Wednesday the 15th instant :—
Trust Estates Bill—To be further considered in Committee.

ADJOURNMENT.—The Honorable A. Fraser, 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 nine o'clock until half-past four o'clock on Tuesday the 14th instant.

ORDERS OF THE DAY.

TUESDAY, 14TH OCTOBER, 1873.

ORDERS OF THE DAY :—

1. PARLIAMENT BUILDINGS (JOINT) COMMITTEE—Adoption of Report.
2. SAVINGS BANKS LAW AMENDMENT BILL.—To be read a second time.
3. LIFE ASSURANCE COMPANIES BILL.—Consideration of Message from Legislative Assembly.
4. MINING ON PRIVATE PROPERTY BILL.—To be further considered in Committee.
5. SOUTH MELBOURNE GAS COMPANY EXTENSION OF POWERS BILL.—Adoption of Report.

WEDNESDAY, 15TH OCTOBER.

General Business.

ORDER OF THE DAY :—

1. TRUST ESTATES BILL.—To be further considered in Committee.

G. W. RUSDEN,

Clerk of the Council and Clerk of the Parliaments.

Minutes of the Proceedings

OF THE

LEGISLATIVE COUNCIL.

TUESDAY, 14TH OCTOBER, 1873.

The Council met in accordance with adjournment.

The President took the Chair.

The President read the prayer.

PETITION.—The Honorable T. T. a'Beckett presented a Petition signed by D. S. Campbell, styling himself Chairman of a meeting of citizens of Melbourne and Depositors in the Savings Banks, and praying that the Savings Banks Law Amendment Bill may not be passed.
Petition received.

PETITION.—The Honorable F. Robertson presented a Petition signed by J. S. Linklater and others, styling themselves Depositors in the Savings Banks at Kyneton, and praying that the Savings Banks Law Amendment Bill may not be passed.
Petition received.

The Petition was read at the Table by the Clerk.

PETITION.—The Honorable Dr. Dobson presented a Petition signed by James Hall and others, styling themselves Landowners and others, and praying that the Mining on Private Property Bill may be rejected.
Petition received.

PARLIAMENT BUILDINGS (JOINT) COMMITTEE—REPORT OF.—The Honorable A. Fraser moved, That the Report of the Committee of both Houses of Parliament appointed for the management and superintendence of the Parliament Buildings be printed.
Question—put and passed.

POSTPONEMENT.—The following Order of the Day was postponed until Tuesday the 21st instant :—

“*Parliament Buildings (Joint) Committee.*”—Adoption of Report.

MESSAGE FROM 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 regulate the Employment of Females in Workrooms and Factories,*” with which they desire the concurrence of the Legislative Council.

C. MAC MAHON,
Speaker.

Legislative Assembly Chamber,
Melbourne, 14th October, 1873.

EMPLOYMENT OF FEMALES BILL.—The Honorable A. Fraser moved, That this Bill be now read a first time, and be printed, and that the second reading be made an Order of the Day for Tuesday the 21st instant.

Question—put and passed.

Bill read a first time.

SAVINGS BANKS LAW 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 negatived.

LIFE ASSURANCE COMPANIES 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 House do not insist on their amendment in clause 2, line 9.

Amendment moved by the Honorable R. S. Anderson, That the House do insist on the amendment.

Debate ensued.

Original motion, by leave, withdrawn.

Question—That the House do insist on the amendment—put and passed.

The Honorable A. Fraser moved, That the House do not insist on their amendment in clause 3, line 22.

Debate ensued.

Question—put and passed.

The Honorable A. Fraser moved, That the House do not insist on their amendment in clause 4, line 39.

Debate ensued.

Amendment moved by the Honorable R. S. Anderson, That the House do insist on the amendment.

Debate ensued.

Question—That the House do insist on the amendment—put and passed.

The Honorable R. S. Anderson moved, That the House do insist on their amendment in clause 5 of the Bill.

Question—put and passed.

The Honorable R. S. Anderson moved, That the House do insist on their amendment to leave out clause 6 of the Bill.

Question—put and passed.

The Honorable A. Fraser moved, That the House do not insist on their amendment to insert the new clause A in the Bill.

Amendment moved by the Honorable R. S. Anderson, That the House do insist on the amendment.

Debate ensued.

Question—That the House do insist on their amendment to insert the new clause A in the Bill—put and passed.

The Honorable R. S. Anderson moved, That the House do insist on their amendments severally in clauses 7, 8, 9, 10, 11, 20, and 23 in the Bill.

Question—put and passed.

The Honorable A. Fraser moved, That the House do not insist on their amendment to insert the new clause B in the Bill.

Amendment moved by the Honorable R. S. Anderson, That the House do insist on the amendment.

Debate ensued.

Question—That the House do insist on their amendment to insert the new clause B in the Bill—put and passed.

The Honorable R. S. Anderson moved, That the House do insist on their amendments in clauses 28 and 31 and in the Schedule, with which the Legislative Assembly have disagreed.

Question—put and passed.

Ordered—That the Bill be returned to the Legislative Assembly, with a Message acquainting them that the Council do not insist on their amendment in clause 3, line 22, and do insist on other amendments in the Bill.

POSTPONEMENT.—The following Order of the Day was postponed until Tuesday the 21st instant :—

“*Mining on Private Property Bill*”—To be further considered in Committee.

SOUTH MELBOURNE GAS COMPANY EXTENSION OF POWERS BILL.—The Order of the Day for the adoption of the Report of the Committee of the whole Council on this Bill being read, the Honorable H. M. Murphy moved, That the Report be now adopted.

Question—put and passed.

The Honorable H. M. Murphy moved, That the third reading of the Bill be made an Order of the Day for Tuesday next.

Question—put and passed.

ADJOURNMENT.—The Honorable A. Fraser, 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 half-past six o'clock until half-past four o'clock on Tuesday the 21st instant.

NOTICES OF MOTION AND ORDERS OF THE DAY.

TUESDAY, 21ST OCTOBER, 1873.

NOTICES OF MOTION :—

1. The Hon. G. W. COLE: To move, That, in order to understand the bearings of any proposed amendments of the Constitution Act, this House is of opinion that it would be desirable to have a digest of Mr. Justice Story's book on the Constitution of the United States of America, as well as any others having a second Chamber, so that the people of this country may be able to judge of what is required on the subject.
2. The Hon. T. T. A'BECKETT: To move, in Committee, on consideration of the Mining on Private Property Bill, the addition of the following words to the third clause :
 “And if after the passing of this Act any person shall commence to mine in or under any private land without having obtained a lease as aforesaid, it shall be lawful for the warden of any gold-field to issue a warrant to any person or persons directing him or them to enter into and upon the land so mined, and to seize and remove all mining plant or machinery erected thereon, together with the produce of such mine, all which shall be forfeited to the State; and any person who shall obtain any gold from such land under the circumstances aforesaid may be summoned before a warden and be examined upon oath with reference thereto, and if it shall appear by the statement on oath of the person so summoned or by any other sworn testimony that he has removed any gold as aforesaid the warden shall make an order upon such person for the payment of the value thereof into the Treasury within a time to be named, and in case of default the payment of the same may be enforced as in the case of the non-payment of a fine imposed by any law now in force after an order made by a court of competent authority for the payment thereof.”

ORDERS OF THE DAY :—

1. PARLIAMENT BUILDINGS (JOINT) COMMITTEE.—Adoption of Report.
2. EMPLOYMENT OF FEMALES BILL.—To be read a second time.
3. MINING ON PRIVATE PROPERTY BILL.—To be further considered in Committee.
4. SOUTH MELBOURNE GAS COMPANY EXTENSION OF POWERS BILL.—To be read a third time.
5. TRUST ESTATES BILL.—To be further considered in Committee.

G. W. RUSDEN,

Clerk of the Council and Clerk of the Parliaments.

Minutes of the Proceedings

OF THE

LEGISLATIVE COUNCIL.

TUESDAY, 21ST OCTOBER, 1873.

The Council met in accordance with adjournment.

The President took the Chair.

The President read the prayer.

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

1. Savings Banks.—Return for Year ending 30th June, 1873.
2. Post Office Savings Banks.—Amended Regulations (16th October, 1873.)
3. Industrial and Reformatory Schools.—General Regulations.

Ordered severally to lie on the Table.

PETITION.—The Honorable T. McKellar presented a Petition signed by G. Hutton and others, praying that an amending Land Act may be passed.

Petition received.

STORY ON CONSTITUTION OF UNITED STATES.—The Honorable G. W. Cole, in accordance with notice, moved, That, in order to understand the bearings of any proposed amendments of the Constitution Act, this House is of opinion that it would be desirable to have a digest of Mr. Justice Story's book on the constitution of the United States of America, as well as any others having a second Chamber, so that the people of this country may be able to judge of what is required on the subject.

Debate ensued.

Question—put and negatived.

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

MR. PRESIDENT—

The Legislative Assembly transmit to the Legislative Council a Bill intituled "*An Act to amend and continue an Act intituled 'An Act to authorize the Western Port Coal Mining Company, limited, to construct a Tramway or Railway, and to take and purchase certain Lands for that purpose,'*" with which they desire the concurrence of the Legislative Council.

C. MAC MAHON,
Speaker.

Legislative Assembly Chamber,
Melbourne, 21st October, 1873.

WESTERN PORT COAL MINING COMPANY'S BILL.—The Honorable C. J. Jenner moved, That the consideration of the Message from the Legislative Assembly with this Bill be made an Order of the Day for Tuesday next.

Question—put and passed.

The Honorable C. J. Jenner, 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 the Council copies of the Report and Evidence of the Select Committee of that House to which the Bill was referred during the present Session of Parliament.

Question—put and passed.

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

MR. PRESIDENT,

The Legislative Assembly transmit to the Legislative Council a Bill intituled, "*An Act to further amend an Act intituled, 'An Act to protect Game,' and to repeal the Act No. 438;*"

Also, a Bill intituled—

"*An Act to further amend the Statute of Gaols 1864 ;*"

And a Bill intituled—

"*An Act to amend the Law relating to Fisheries ;*"

with which they desire the concurrence of the Legislative Council.

C. MAC MAHON,
Speaker.

Legislative Assembly Chamber,
Melbourne, 21st October, 1873.

GAME ACT 1872 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, on the motion of the Honorable A. Fraser, ordered to be printed, and the second reading made an Order of the Day for Thursday the 23rd instant.

STATUTE OF GAOLS 1864 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, on the motion of the Honorable A. Fraser, ordered to be printed, and the second reading made an Order of the Day for Thursday the 23rd instant.

FISHERIES 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, on the motion of the Honorable A. Fraser, ordered to be printed, and the second reading made an Order of the Day for Thursday the 23rd instant.

POSTPONEMENT.—The following Order of the Day was postponed until Tuesday the 28th instant :—

“*Parliament Buildings (Joint) Committee.*”—Adoption of Report.

EMPLOYMENT OF FEMALES BILL.—The Order of the Day for the second reading of this Bill being read, the Honorable R. S. Anderson moved, That the Bill be now read a second time.

Debate ensued.

Question—put and passed.

Bill read a second time.

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

Question—put and passed.

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

The President left the Chair.

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

MINING ON PRIVATE 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 reported progress, and asked leave to sit again this day six months.

Ordered.

SOUTH MELBOURNE GAS COMPANY EXTENSION OF POWERS BILL.—The President having reported that the Chairman of Committees had certified that the fair print of this Bill was in accordance with the Bill as reported from a Committee of the whole Council, the Bill, on the motion of the Honorable H. M. Murphy, was read a third time and *passed*.

The Honorable H. M. Murphy moved, That the title of the Bill be “*An Act to enable the South Melbourne Gas Company to extend the provisions of the South Melbourne Gas Company’s Act 1872, and to confer on the said Company additional Powers, and for other purposes.*”

Question—put and passed.

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

TRUST ESTATES 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 A. Fraser, with leave of the Council, moved, without notice, that the House, at its rising this day, adjourn until Thursday next.

Question—put and passed.

The Council adjourned at twenty minutes to seven o’clock until half-past four o’clock on Thursday the 23rd instant.

NOTICE OF MOTION AND ORDERS OF THE DAY.

THURSDAY, 23RD OCTOBER, 1873.

ORDERS OF THE DAY :—

1. GAME ACT 1872 AMENDMENT BILL.—To be read a second time.
2. STATUTE OF GAOLS 1864 AMENDMENT BILL.—To be read a second time.
3. FISHERIES BILL.—To be read a second time.
4. EMPLOYMENT OF FEMALES BILL.—To be further considered in Committee.
5. TRUST ESTATES BILL.—To be further considered in Committee.

TUESDAY, 28TH OCTOBER.

NOTICE OF MOTION :—

1. The Hon. C. J. JENNER: To move, That all the Standing Orders relating to Private Bills may be suspended so far as necessary, to enable a “Bill to amend and continue an Act to authorize the construction of a Tramway by the Western Port Coal Mining Company, and for other purposes,” to be passed through all its stages on the same day, and that the fees be remitted.

ORDERS OF THE DAY :—

1. WESTERN PORT COAL MINING COMPANY’S BILL.—Consideration of Message from Legislative Assembly.
2. PARLIAMENT BUILDINGS (JOINT) COMMITTEE.—Adoption of Report.

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

Minutes of the Proceedings

OF THE

LEGISLATIVE COUNCIL.

THURSDAY, 23RD OCTOBER, 1873.

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 Message from the Legislative Assembly :—

MR. PRESIDENT—

The Legislative Assembly transmit to the Legislative Council copies of the Report and Evidence taken before the Select Committee on the Bill intituled, "*An Act to amend and continue an Act intituled 'An Act to authorize the Western Port Coal Mining Company, limited, to construct a Tramway or Railway, and to take and purchase certain Lands for that purpose,'*" as requested by the Legislative Council.

Legislative Assembly Chamber,
Melbourne, 23rd October, 1873.

C. MAC MAHON,
Speaker.

MR. PRESIDENT—

The Legislative Assembly transmit to the Legislative Council a Bill intituled, "*An Act to amend the Law relating to the Impounding of Cattle;*"

Also, a Bill intituled—

"*An Act to amend the Laws relating to Markets,*" with which they desire the concurrence of the Legislative Council.

Legislative Assembly Chamber,
Melbourne, 23rd October, 1873.

C. MAC MAHON,
Speaker.

MR. PRESIDENT—

The Legislative Assembly return to the Legislative Council the Bill intituled "*An Act to enable the South Melbourne Gas Company to extend the provisions of the 'South Melbourne Gas Company's Act 1872,' and to confer on the said Company additional Powers, and for other purposes,*" and acquaint them that the Legislative Assembly have agreed to the amendment made by the Legislative Council in this Bill.

Legislative Assembly Chamber,
Melbourne, 23rd October, 1873.

C. MAC MAHON,
Speaker.

IMPOUNDING 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, on the motion of the Honorable A. Fraser, ordered to be printed, and the second reading made an Order of the Day for Tuesday the 28th instant.

MARKET LAWS 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, on the motion of the Honorable A. Fraser, ordered to be printed, and the second reading made an Order of the Day for Tuesday the 28th instant.

GAME ACT 1872 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.

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

Question—put and passed.

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

The President left the Chair.

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

Ordered.

STATUTE OF GAOLS 1864 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.

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.

The Honorable A. Fraser moved, That the Report be now adopted.

Question—put and passed.

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

The Honorable A. Fraser moved, That the title of the Bill be "*An Act to further amend the Statute of Gaols 1864.*"

Question—put and passed.

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

FISHERIES 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 progress, and asked leave to sit again on Tuesday next.

Ordered.

EMPLOYMENT OF FEMALES 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.

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

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

The Honorable W. A. C. a'Beckett 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 twenty-five minutes past six o'clock until half-past four o'clock on Tuesday the 28th instant.

NOTICE OF MOTION AND ORDERS OF THE DAY.

TUESDAY, 28TH OCTOBER, 1873.

NOTICE OF MOTION:—

1. The Hon. C. J. JENNER: To move, That all the Standing Orders relating to Private Bills may be suspended so far as necessary to enable a "Bill to amend and continue an Act to authorize the construction of a Tramway by the Western Port Coal Mining Company, and for other purposes," to be passed through all its stages on the same day, and that the fees be remitted.

ORDERS OF THE DAY:—

1. WESTERN PORT COAL MINING COMPANY'S BILL.—Consideration of Message from Legislative Assembly.
2. PARLIAMENT BUILDINGS (JOINT) COMMITTEE.—Adoption of Report.
3. IMPOUNDING BILL.—To be read a second time.
4. MARKET LAWS AMENDMENT BILL.—To be read a second time.
5. GAME ACT 1872 AMENDMENT BILL.—To be further considered in Committee.
6. FISHERIES BILL.—To be further considered in Committee.
7. EMPLOYMENT OF FEMALES BILL.—To be further considered in Committee.
8. TRUST ESTATES BILL.—Adoption of Report.

G. W. RUSDEN,

Clerk of the Council and Clerk of the Parliaments.

Minutes of the Proceedings
OF THE
LEGISLATIVE COUNCIL.

TUESDAY, 28TH OCTOBER, 1873.

The Council met in accordance with adjournment.

The President took the Chair.

The President read the prayer.

PAPER.—The Honorable A. Fraser laid upon the Table the following Paper :—
Victorian Volunteer Force.—Regulation, 13th October, 1873.

Ordered to lie on the Table.

PETITION.—The Honorable J. O'Shanassy presented a Petition from the Mayor, Aldermen, Councillors, and Citizens of the City of Melbourne, and under the corporate seal thereof, praying that the Market Laws Amendment Bill may be rejected.

Petition received.

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

“*Western Port Coal Mining Company's Bill.*”—Consideration of Message from Legislative Assembly—Wednesday, 29th instant ;

“*Parliament Buildings (Joint) Committee.*”—Adoption of Report.—Tuesday, 4th proximo.

IMPOUNDING 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 with amendments.

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

Question—put and passed.

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

MR. PRESIDENT—

The Legislative Assembly return to the Legislative Council the Bill intituled “*An Act to amend the Law relating to Life Assurance Companies,*” and acquaint them that the Legislative Assembly do not insist in disagreeing with some of the amendments made by the Legislative Council in this Bill, and that they do insist on others of the said amendments, for the following reasons :—

- (1.) That the effect of these amendments is to compel all companies now carrying on business in Victoria, and having entered into contracts there, either to discontinue such business, or to register upon terms which would appropriate portion of their assets inconsistently with their existing contracts elsewhere, and in some cases with their deeds of association ; and this would affect them retrospectively.
- (2.) The deposit of £5000 required by the new clause inserted in place of clause 6 will only be required of companies commencing business after the passing of the Bill, and will therefore place all new companies at a great disadvantage as compared with those now in existence ; and this provision would be an especial hardship to mutual companies or societies in which there are no proprietors but the policy holders. Life assurance companies seldom fail until they have been some years in existence, while the necessity of a deposit is only required by the amendment during the first three or four years.
- (3.) The amendment imposing the duty of appointing special auditors upon the Registrar-General will tend to create the impression that the Government was in some way responsible for the management of assurance companies and for the safety of their funds, and so might lead the members and policy holders to neglect the precautions which are within their reach. The mere checking the accounts and inspecting the securities would be of little if of any value without an actuarial investigation of the liabilities on policies—a task which the Registrar-General could scarcely undertake or supervise.

C. MAC MAHON,
Speaker.

LIFE ASSURANCE COMPANIES 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 Thursday next.

Question—put and passed.

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

MR. PRESIDENT—

The Legislative Assembly transmit to the Legislative Council a Bill intituled, "*An Act to authorize the construction of certain lines of Railway by the State,*" with which they desire the concurrence of the Legislative Council.

C. MAC MAHON,
Speaker.

Legislative Assembly Chamber,
Melbourne, 28th October, 1873.

RAILWAY CONSTRUCTION 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, on the motion of the Honorable A. Fraser, ordered to be printed, and the second reading made an Order of the Day for Wednesday the 29th instant.

PETITION.—The Honorable W. Highett presented a Petition from the Shire Council of Avon, and under the corporate seal thereof, in favor of the construction of a Railway to Gippsland.

Petition received, and, on the motion of the Honorable W. Highett, ordered to be printed.

PETITION.—The Honorable H. M. Murphy presented a similar Petition from the Shire Council of Bairnsdale, and under the corporate seal thereof.

Petition received.

PETITION.—The Honorable R. S. Anderson presented a similar Petition from the Mayor and Councillors of the Borough of Sale, and under the corporate seal thereof.

Petition received.

PETITION.—The Honorable R. S. Anderson, on behalf of the Honorable B. Williams, presented a similar petition from the Shire Council of Rosedale, and under the corporate seal thereof.

Petition received.

PETITION.—The Honorable F. Robertson presented a Petition, signed by G. Hudson, styling himself Chairman of a Kilmore Railway League, praying that a branch line of railway to Kilmore may be sanctioned.

Petition received, and, on the motion of the Honorable F. Robertson, ordered to be printed, and to be referred to the Committee to which the Railway Construction Bill may be referred.

PETITION.—The Honorable J. Cumming presented a Petition signed by W. H. O'Neil and others, styling themselves inhabitants of Queenscliffe, praying that "the Black line of Railway" may be adopted.

Petition received, and, on the motion of the Honorable J. Cumming, ordered to be printed.

MARKET LAWS AMENDMENT BILL.—The Order of the Day for the second reading of this Bill being read, the Honorable Dr. Dobson moved, That the Bill be now read a second time.

Debate ensued.

Amendment moved by the Honorable J. O'Shanassy, That the word "now" be omitted, with a view to insert the words "this day six months" after the word "time."

The Council adjourned during pleasure.

At a quarter to eight o'clock,

The President resumed the Chair.

Debate resumed.

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

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

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

GAME ACT 1872 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 A. Fraser moved, That the Report of the Committee be now adopted.

Question—put and passed.

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

The Honorable A. Fraser moved, That the title of the Bill be "*An Act to further amend an Act intituled 'An Act to protect Game, and to repeal the Act No. 438.'*"

Question—put and passed.

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

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

MR. PRESIDENT,

The Legislative Assembly transmit to the Legislative Council a Bill intituled "*An Act to consolidate the various Jurisdictions of the Supreme Court, and for other purposes relating to the better administration of Justice in Victoria,*" with which they desire the concurrence of the Legislative Council.

Legislative Assembly Chamber,
Melbourne, 28th October, 1873.

C. MAC MAHON,
Speaker.

SUPREME COURT 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, on the motion of the Honorable A. Fraser, ordered to be printed, and the second reading made an Order of the Day for Tuesday the 4th proximo.

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

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

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

Question—put and passed.

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

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

The Honorable T. T. a'Beckett moved, That the Bill be now re-committed.

Question—put and passed.

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

The President left the Chair.

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

The Honorable R. S. Anderson moved, That the adoption of the Report of the Committee be made an Order of the Day for to-morrow.

Question—put and passed.

TRUST ESTATES BILL.—The Order of the Day for the adoption of the Report of the Committee of the whole Council on this Bill being called on, the Honorable T. T. a'Beckett moved, That the Order of the Day be discharged, with a view to the re-committal of the Bill.

Question—put and passed.

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

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

The President left the Chair.

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

The Honorable W. A. C. a'Beckett moved, That the adoption of the Report of the Committee be made an Order of the Day for to-morrow.

Question—put and passed.

The Council adjourned at twenty-five minutes to ten o'clock until half-past four o'clock on Wednesday the 29th instant.

NOTICE OF MOTION AND ORDERS OF THE DAY.

WEDNESDAY, 29TH OCTOBER, 1873.

Government Business.

ORDER OF THE DAY:—

1. RAILWAY CONSTRUCTION BILL.—To be read a second time.

General Business.

1. The Hon. F. ROBERTSON: To ask the Commissioner of Public Works, whether the attention of the Government has been directed to a leading article in the *Age* newspaper of the 25th instant, reflecting on the character of one of the County Court Judges; and if it is their intention to take any action in the matter.

NOTICE OF MOTION:—

1. The Hon. C. J. JENNER: To move, That all the Standing Orders relating to Private Bills may be suspended so far as necessary to enable a "Bill to amend and continue an Act to authorize the construction of a Tramway by the Western Port Coal Mining Company, and for other purposes," to be passed through all its stages on the same day, and that the fees be remitted.

ORDERS OF THE DAY:—

1. WESTERN PORT COAL MINING COMPANY'S BILL.—Consideration of Message from Legislative Assembly.
2. EMPLOYMENT OF FEMALES BILL.—Adoption of Report.
3. TRUST ESTATES BILL.—Adoption of Report.

THURSDAY, 30TH OCTOBER.

ORDERS OF THE DAY:—

1. IMPOUNDING BILL.—Adoption of Report.
2. LIFE ASSURANCE COMPANIES BILL.—Consideration of Message from Legislative Assembly.
3. FISHERIES BILL.—Adoption of Report.

TUESDAY, 4TH NOVEMBER.

ORDERS OF THE DAY:—

1. PARLIAMENT BUILDINGS (JOINT) COMMITTEE.—Adoption of Report.
2. SUPREME COURT BILL.—To be read a second time.

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

Minutes of the Proceedings

OF THE

LEGISLATIVE COUNCIL.

WEDNESDAY, 29TH OCTOBER, 1873.

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 a communication from the Private Secretary to His Excellency the Governor informing him, that it is His Excellency's intention to proceed to the Legislative Council, this day, at five o'clock, for the purpose of giving the Royal Assent to certain Bills passed by the Legislative Council and Legislative Assembly.

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

MR. PRESIDENT—

The Legislative Assembly transmit to the Legislative Council a Bill intituled, "*An Act to further amend the Statute of Evidence 1864;*" also a Bill intituled "*An Act to afford greater facilities to the Agricultural Classes to obtain Crown Lands by purchase, and to modify the Conditions of Licenses under and to amend the Land Act 1869,*" with which they desire the concurrence of the Legislative Council.

C. MAC MAHON,
Speaker.

Legislative Assembly Chamber,
Melbourne, 29th October, 1873.

STATUTE OF EVIDENCE 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, on the motion of the Honorable A. Fraser, ordered to be printed, and the second reading made an Order of the Day for Thursday the 30th instant.

LAND ACT 1869 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, on the motion of the Honorable A. Fraser, ordered to be printed, and the second reading made an Order of the Day for Tuesday the 4th proximo.

PETITION.—The Honorable C. J. Jenner presented a Petition, signed by Luke Green and others, styling themselves residents of Birregurra and neighborhood, praying that the Black Line of Railway may be sanctioned.

Petition received, and, on the motion of the Honorable C. J. Jenner, ordered to be referred to the Committee to which the Railway Construction Bill may be referred.

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

Low Lands Commission.—Final Report (3rd October, 1873).

Ordered to lie on the Table.

RAILWAY CONSTRUCTION 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.

The Honorable J. O'Shanassy moved, That the debate be adjourned until Tuesday next.

Debate ensued.

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

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

“*An Act to further amend ‘The Statute of Gaols 1864.’*”

“*An Act to further amend an Act intituled ‘An Act to protect Game,’ and to repeal the ‘Act No. 438.’*”

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.

“G. F. BOWEN,
“Governor.”

The Clerk of the Parliaments delivered to Mr. Speaker a Schedule of the Bills.

The Legislative Assembly withdrew.

His Excellency the Governor left the Council Chamber.

RAILWAY CONSTRUCTION BILL.—Debate resumed on the question—That the debate be adjourned until Tuesday next.

Question—put.

Council divided.

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The Hon. J. O'Shanassy
N. Fitzgerald
R. Simson
W. A. C. a'Beckett
W. Campbell (*Teller*).

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The Hon. G. W. Cole
R. S. Anderson
A. Fraser
T. McKellar
P. Russell
W. Skene
N. Black
Dr. Hope
H. M. Murphy
F. Robertson
T. F. Hamilton
W. Degraives
W. Highett
J. F. Strachan
J. Cumming
J. Henty
C. J. Jenner
T. T. a'Beckett (*Teller*).

The question was therefore negatived.

Debate resumed on the question—That the Bill be now read a second time.

The Council adjourned during pleasure.

At twenty minutes to eight o'clock the President resumed the Chair.

Debate resumed.

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

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

Question—put and passed.

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

The President left the Chair.

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

Ordered.

SUSPENSION OF STANDING ORDERS.—WESTERN PORT COAL MINING COMPANY'S BILL.—The Honorable C. J. Jenner, in accordance with notice, moved, That all the Standing Orders relating to Private Bills may be suspended so far as necessary to enable a “Bill to amend and continue an Act to authorize the construction of a Tramway by the Western Port Coal Mining Company, and for other purposes,” to be passed through all its stages on the same day, and that the fees be remitted.

Question—put and passed.

WESTERN PORT COAL MINING COMPANY'S BILL.—The Order of the Day for the consideration of the Message from the Legislative Assembly with this Bill being read, the Honorable C. J. Jenner moved, That the Bill be now read a first time.

Question—put and passed.

The Honorable C. J. Jenner moved, That the second reading of the Bill be made an Order of the Day for Tuesday next.

Question—put and passed.

EMPLOYMENT OF FEMALES BILL.—The Order of the Day for the adoption of the Report of the Committee of the whole Council on this Bill being read, the Honorable R. S. Anderson 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 R. S. Anderson, was read a third time and *passed*.

The Honorable T. T. a'Beckett moved, That the following be the amended title of the Bill :—“*An Act for the supervision and regulation of Workrooms and Factories, and the employment of Females therein.*”

Question—put and passed.

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

TRUST ESTATES BILL.—The Order of the Day for the adoption of the Report of the Committee of the whole Council on this Bill being read, the Honorable W. A. C. a'Beckett 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. A. C. a'Beckett, was read a third time and *passed*.

The Honorable W. A. C. a'Beckett moved, That the title of the Bill be, "*An Act to amend the Law relating to Trust Estates.*"

Question—put and passed.

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

The Council adjourned at twenty minutes to ten o'clock until half-past four o'clock on Thursday the 30th instant.

NOTICE OF MOTION AND ORDERS OF THE DAY.

THURSDAY, 30TH OCTOBER, 1873.

1. The Hon. Dr. DOBSON : To ask the Honorable the Commissioner of Public Works, if the Government will cause a copy of the Act of the Imperial Parliament, 36 and 37 Vic., c. 66, to be laid on the Table of this House.

ORDERS OF THE DAY :—

1. IMPOUNDING BILL.—Adoption of Report.
2. LIFE ASSURANCE COMPANIES BILL.—Consideration of Message from Legislative Assembly.
3. FISHERIES BILL.—Adoption of Report.
4. STATUTE OF EVIDENCE AMENDMENT BILL.—To be read a second time.

TUESDAY, 4TH NOVEMBER.

NOTICE OF MOTION :—

1. The Hon. W. A. C. a'BECKETT : To move for a return of the conditions on which the land selections at Sorrento were made, the names of the selectors, and the names of those who have not complied with the conditions, and the names of those to whom the Crown Grants have been issued.

ORDERS OF THE DAY :—

1. PARLIAMENT BUILDINGS (JOINT) COMMITTEE.—Adoption of Report.
2. SUPREME COURT BILL.—To be read a second time.
3. LAND ACT 1869 AMENDMENT BILL.—To be read a second time.
4. RAILWAY CONSTRUCTION BILL.—To be further considered in Committee.
5. WESTERN PORT COAL MINING COMPANY'S BILL.—To be read a second time.

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

Minutes of the Proceedings

OF THE

LEGISLATIVE COUNCIL.

THURSDAY, 30TH OCTOBER, 1873.

The Council met in accordance with adjournment.

The President took the Chair.

The President read the prayer.

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

MR. PRESIDENT,

The Legislative Assembly return to the Legislative Council the Bill intituled "*An Act to regulate the employment of Females in Workrooms and Factories,*" and acquaint them that the Legislative Assembly have agreed to the amendments made therein by the Legislative Council, and also that they have agreed to the amended title.

Legislative Assembly Chamber,
Melbourne, 30th October, 1873.

C. MAC MAHON,
Speaker.

PAPER.—The Honorable A. Fraser laid on the Table the following Paper :—

Marine Departments in Australasian Colonies—Report of Conference of Principal Officers of.
Ordered to lie on the Table.

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

MR. PRESIDENT,

The Legislative Assembly transmit to the Legislative Council a Bill intituled, "*An Act to continue an Expiring Law;*" also a Bill intituled "*An Act to continue for One Year the Endowment of certain Shires,*" with which they desire the concurrence of the Legislative Council.

Legislative Assembly Chamber,
Melbourne, 30th October, 1873.

C. MAC MAHON,
Speaker.

EXPIRING LAW CONTINUATION 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, on the motion of the Honorable A. Fraser, ordered to be printed, and the second reading made an Order of the Day for Tuesday the 4th proximo.

SHIRES STATUTE 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, on the motion of the Honorable A. Fraser, ordered to be printed, and the second reading made an Order of the Day for Tuesday the 4th proximo.

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 legalize the formation of Industrial and Provident Societies,*" with which they desire the concurrence of the Legislative Council.

Legislative Assembly Chamber,
Melbourne, 29th October, 1873.

C. MAC MAHON,
Speaker.

PROVIDENT SOCIETIES BILL.—The Honorable Dr. Dobson moved, That this Bill be now read a first time.

Question—put and passed.

Bill read a first time, and, on the motion of the Honorable Dr. Dobson, ordered to be printed, and the second reading made an Order of the Day for Tuesday the 4th proximo.

PAPER.—The Honorable A. Fraser laid on the Table the following paper :—

Copy of the Supreme Court of Judicature Act 1873 (36 and 37 Victoria, cap. 66).

The Honorable Dr. Dobson moved, That the Paper be printed.

Question—put and passed.

IMPOUNDING BILL.—The Order of the Day for the adoption of the Report of the Committee of the whole Council on this Bill being called on, the Honorable A. Fraser moved, That the Order of the Day be discharged, with a view to the re-committal of the Bill.

Question—put and passed.

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

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

The President left the Chair.

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

The Honorable W. A. C. a'Beckett moved, That the Bill be now re-committed on the 19th clause.

Debate ensued.

Question—put and passed.

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

The President left the Chair.

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

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

Question—put and passed.

POSTPONEMENT.—The following Order of the Day was postponed until Tuesday the 4th proximo :—

“*Life Assurance Companies Bill*”—Consideration of Message from Legislative Assembly.

FISHERIES BILL.—The Order of the Day for the adoption of the Report of the Committee of the whole Council on this Bill being read, the Honorable A. Fraser moved, That the Report be now adopted.

Question—put and passed.

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

The Honorable A. Fraser moved, That the title of the Bill be “*An Act to amend the Law relating to the Fisheries.*”

Question—put and passed.

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

STATUTE OF EVIDENCE 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.

Amendment moved by the Honorable J. O'Shanassy, That the word “now” be omitted with the view to insert the words “this day six months” after the word “time.”

Debate ensued.

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

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

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

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

NOTICE OF MOTION AND ORDERS OF THE DAY.

TUESDAY, 4TH NOVEMBER, 1873.

NOTICE OF MOTION :—

1. The Hon. W. A. C. a'BECKETT: To move for a return of the conditions on which the land selections at Nepean were made, the names of the selectors, and the names of those who have not complied with the conditions, and the names of those to whom the Crown Grants have been issued.

ORDERS OF THE DAY :—

1. PARLIAMENT BUILDINGS (JOINT) COMMITTEE.—Adoption of Report.
2. SUPREME COURT BILL.—To be read a second time.
3. LAND ACT 1869 AMENDMENT BILL.—To be read a second time.
4. RAILWAY CONSTRUCTION BILL.—To be further considered in Committee.
5. WESTERN PORT COAL MINING COMPANY'S BILL.—To be read a second time.
6. EXPIRING LAW CONTINUATION BILL.—To be read a second time.
7. SHIRES STATUTE AMENDMENT BILL.—To be read a second time.
8. PROVIDENT SOCIETIES BILL.—To be read a second time.
9. IMPOUNDING BILL.—Adoption of Report.
10. LIFE ASSURANCE COMPANIES BILL.—Consideration of Message from Legislative Assembly.

G. W. RUSDEN,

Clerk of the Council and Clerk of the Parliaments.

Minutes of the Proceedings

OF THE

LEGISLATIVE COUNCIL.

TUESDAY, 4TH NOVEMBER, 1873.

The Council met in accordance with adjournment.

The President took the Chair.

The President read the prayer.

RESIGNATION OF MEMBER.—The President announced to the Council that he had received a communication from the Private Secretary to his Excellency the Governor, intimating that His Excellency has received the resignation of his seat by the Honorable H. M. Murphy.

ISSUE OF WRIT.—EASTERN PROVINCE.—The President announced to the Council his intention to issue, on Friday the 7th instant, a Writ for the election of a member for the Eastern Province, in the room of the Honorable H. M. Murphy.

PETITION.—The Honorable T. T. a'Beckett presented a Petition signed by A. Laughorne and others, styling themselves pastoral tenants of the Crown, merchants, and others, praying that certain provisions of the Land Act 1869 Amendment Bill may not be passed.

Petition received.

The Petition was read at the Table by the Clerk.

PETITION.—The Honorable P. Russell presented a Petition signed by Peter Dow and others, styling themselves inhabitants of Shelford, Teesdale, Doroj Carrah, and Burtwarrah, and praying that "the Black Line" of Railway may be sanctioned.

Petition received.

The Petition was read at the Table by the Clerk.

PETITION.—The Honorable R. Simson presented a Petition signed by Duncan McNaughten and others, styling themselves settlers, farmers, storekeepers of Inverleigh, Cressy, and Leigh Road and neighbourhood, and praying that "the Green Line" of Railway may be sanctioned.

Petition received.

The Petition was read at the Table by the Clerk.

PETITION.—The Honorable Dr. Dobson presented a Petition signed by G. Plant and others, praying that "the Outer Circle Line" of Railway may be sanctioned.

Petition received.

The Petition was read at the Table by the Clerk.

PETITION.—The Honorable J. O'Shanassy presented a Petition signed by G. W. Taylor and others, styling themselves inhabitants of Boroondara, and praying that "the Outer Circle Line" of Railway may be sanctioned.

Petition received.

The Petition was read at the Table by the Clerk.

PETITION.—The Honorable J. O'Shanassy presented a Petition signed by F. Wilkinson, praying that he may be heard by counsel at the Bar of the House on the subject of the provisions of the Supreme Court Bill.

Petition received.

The Petition was read at the Table by the Clerk.

The Honorable J. O'Shanassy, with leave of the Council, moved, without notice, That the prayer of the Petition be granted.

Question—put and passed.

The Honorable J. O'Shanassy, with leave of the Council, moved, without notice, That the Petition be printed.

Question—put and passed.

PETITION.—The Honorable W. A. C. a'Beckett presented a Petition from the Chairman of the Coburg District Road Board, and under the corporate seal thereof, praying that "the Outer Circle Line" of Railway may be sanctioned.

Petition received.

PETITION.—The Honorable T. McKellar presented a Petition signed by A. H. Knight and others, styling themselves inhabitants of Belfast and neighbourhood, and praying that certain amendments may be made in the Railway Construction Bill.

Petition received.

PETITION.—The Honorable T. J. Sumner presented a Petition signed by J. Timmins and others, styling themselves inhabitants of Brunswick, and praying that “the Outer Circle Line” of Railway may be sanctioned.

Petition received.

PETITION.—The Honorable T. J. Sumner presented a Petition signed by G. F. Smith and others, styling themselves inhabitants of Williamstown, and praying that “the Outer Circle Line” of Railway may be sanctioned.

Petition received.

PETITION.—The Honorable T. McKellar presented a Petition signed by T. Burnell, styling himself Chairman of a meeting at Hamilton, and praying that certain provisions may be embodied in the Land Act 1869 Amendment Bill.

Petition received.

PETITION.—The Honorable J. Henty presented a Petition signed by R. Reeves, styling himself President of a Western Railway Extension League, praying that “the Black Line” of Railway may be adopted.

Petition received.

The Petition was read at the Table by the Clerk.

PETITION.—The Honorable J. F. Strachan presented a similar Petition from the Mayor, Aldermen, Councillors, and Burgesses of the Town of Geelong, and under the corporate seal thereof.

Petition received.

The Petition was read at the Table by the Clerk.

PETITION.—The Honorable A. Fraser presented a Petition signed by R. Clarke and others, styling themselves residents in the Wimmera District, and praying that the Land Act 1869 Amendment Bill may be passed.

Petition received.

The Petition was read at the Table by the Clerk.

PETITION.—The Honorable A. Fraser presented a Petition signed by G. Skyrme and others, styling themselves residents in the county of Borung, and praying that the Land Act 1869 Amendment Bill may be passed.

Petition received.

The Petition was read at the Table by the Clerk.

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

1. Statistics of Colony of Victoria, 1872.—Part VI.—Production.
2. Industrial and Reformatory Schools.—Report of Inspector for Year 1872.
3. Land Act 1869.—Report of Proceedings under, for Year ending 31st December, 1872.

Ordered severally to lie on the Table.

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

MR. PRESIDENT,

The Legislative Assembly transmit to the Legislative Council a Bill intituled, “*An Act to provide for the Regulation and inspection of Mines.*” Also a Bill intituled, “*An Act to sanction the issue and application of certain Sums of Money from ‘The Railway Loan Liquidation and Construction Account’ established under the provision of section forty-two of 33 Vict. No. 360.*” And a Bill intituled, “*An Act to authorize the raising of ‘Money for Railways and for other purposes,’*” with which they desire the concurrence of the Legislative Council.

C. MAC MAHON,
Speaker.

Legislative Assembly Chamber,
Melbourne, 4th November, 1873.

REGULATION AND INSPECTION OF MINES 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, on the motion of the Honorable A. Fraser, ordered to be printed, and the second reading made an Order of the Day for Tuesday the 11th instant.

RAILWAY LOAN APPLICATION 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, on the motion of the Honorable A. Fraser, ordered to be printed, and the second reading made an Order of the Day for Wednesday the 5th instant.

RAILWAY LOAN 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, on the motion of the Honorable A. Fraser, ordered to be printed, and the second reading made an Order of the Day for Wednesday the 5th instant.

NEPEAN—LAND SELECTIONS AT.—The Honorable W. A. C. a’Beckett, in accordance with notice, moved That there be laid on the Table of this House a return of the conditions on which the land selections at Nepean were made, the names of the selectors, and the names of those who have not complied with the conditions, and the names of those to whom the Crown Grants have been issued.

Question—put and passed.

POSTPONEMENT.—The following Order of the Day was postponed until Tuesday the 11th instant :—
 “*Parliament Buildings (Joint) Committee.*”—Adoption of Report.

SUPREME COURT 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.

The Honorable J. O'Shanassy moved, That the debate be adjourned until to-morrow.

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

Debate resumed.

Amendment moved by the Honorable R. S. Anderson, That all the words after the word “That” be omitted, with a view to insert the words “this House, whilst strongly in favor of the consolidation of the various jurisdictions of the Supreme Court, regrets that the Bill intended to accomplish such object has been forwarded to this House at such a late period of the Session as to preclude the possibility of a subject of such magnitude and importance being properly considered during the present Session, and that therefore the Bill be laid aside, with a view to its introduction next Session.”

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 this House, whilst strongly in favor of the consolidation of the various jurisdictions of the Supreme Court, regrets that the Bill intended to accomplish such object has been forwarded to this House at such a late period of the Session as to preclude the possibility of a subject of such magnitude and importance being properly considered during the present Session, and that therefore the Bill be laid aside, with a view to its introduction next Session—put and passed.

PETITION.—The Honorable T. J. Sumner presented a Petition from the Borough of Footscray, and under the corporate seal thereof, praying that “the Outer Circle Line” of Railway may be sanctioned.

Petition received.

PETITION.—The Honorable J. Cumming presented a Petition signed by A. Morrison, styling himself Chairman of a meeting at Ballarat, and praying that the Regulation and Inspection of Mines Bill may be modified.

Petition received.

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

Question—put and passed.

ADJOURNMENT.—The Honorable A. Fraser, 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 five minutes past seven o'clock until three o'clock on Wednesday the 5th instant.

ORDERS OF THE DAY.

WEDNESDAY, 5TH NOVEMBER, 1873.

Government Business.

ORDERS OF THE DAY :—

1. RAILWAY LOAN APPLICATION BILL.—To be read a second time.
2. RAILWAY LOAN BILL.—To be read a second time.
3. LAND ACT 1869 AMENDMENT BILL.—To be read a second time.
4. RAILWAY CONSTRUCTION BILL.—To be further considered in Committee.
5. EXPIRING LAW CONTINUATION BILL.—To be read a second time.
6. SHIRES STATUTE AMENDMENT BILL.—To be read a second time.
7. IMPOUNDING BILL.—Adoption of Report.
8. LIFE ASSURANCE COMPANIES BILL.—Consideration of Message from Legislative Assembly.

General Business.

ORDERS OF THE DAY :—

1. WESTERN PORT COAL MINING COMPANY'S BILL.—To be read a second time.
2. PROVIDENT SOCIETIES BILL.—To be read a second time.

TUESDAY 11TH NOVEMBER.

ORDERS OF THE DAY :—

1. REGULATION AND INSPECTION OF MINES BILL.—To be read a second time.
2. PARLIAMENT BUILDINGS (JOINT) COMMITTEE.—Adoption of Report.

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

Minutes of the Proceedings
OF THE
LEGISLATIVE COUNCIL.

WEDNESDAY, 5TH NOVEMBER, 1873.

The Council met in accordance with adjournment.

The President took the Chair.

The President read the prayer.

PETITION.—The Honorable Dr. Dobson presented a Petition from the Borough of Hotham, and under the corporate seal thereof, praying that “the Outer Circle” Line of Railway may be sanctioned.
Petition received.

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

“*Railway Loan Application Bill*”—To be read a second time.

“*Railway Loan Bill*”—To be read a second time.

“*Land Act 1869 Amendment Bill*”—To be read a second time.

RAILWAY CONSTRUCTION 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 Report of the Committee 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 Tuesday 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 :—

MR. PRESIDENT,

The Legislative Assembly return to the Legislative Council the Bill intituled “*An Act to amend the Law relating to Fisheries*,” and acquaint them that the Legislative Assembly have agreed to some of the amendments made therein by the Legislative Council, and have disagreed to others of the said amendments.

C. MAC MAHON,
Speaker.

Legislative Assembly Chamber,
Melbourne, 5th November, 1873

MR. PRESIDENT,

The Legislative Assembly transmit to the Legislative Council a Bill intituled “*An Act to amend the Law relating to the Police Force in Victoria*,” with which they desire the concurrence of the Legislative Council.

C. MAC MAHON,
Speaker.

Legislative Assembly Chamber,
Melbourne, 5th November, 1873.

MR. PRESIDENT,

The Legislative Assembly transmit to the Legislative Council a Bill intituled, “*An Act to apply a Sum out of the Consolidated Revenue to the service of the Year ending on the last Day of June One thousand eight hundred and seventy-four, and to appropriate the Supplies granted in this Session of Parliament*,” with which they desire the concurrence of the Legislative Council.

C. MAC MAHON,
Speaker.

Legislative Assembly Chamber,
Melbourne, 5th November, 1873.

FISHERIES BILL.—The Honorable A. Fraser moved, That the Message from the Legislative Assembly with this Bill be now taken into consideration.

Question—put and passed.

The Honorable A. Fraser moved, That the Council do not insist on their amendments, severally, in clauses 15, 17, and 18, with which the Legislative Assembly have not agreed.

Question—put and passed.

The Honorable A. Fraser moved, That the Council do not insist on their amendment to insert the new clause A in the Bill.

Debate ensued.

Amendment moved, by the Honorable J. O'Shanassy, That the Council do insist on the amendment.

Question—That the House do insist on the amendment—put and passed.

Ordered—That the Bill be returned to the Legislative Assembly with a Message acquainting them that the Council do not insist on some amendments, but insist on one amendment in the Bill with which the Legislative Assembly have disagreed.

POLICE FORCE REGULATION 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, on the motion of the Honorable A. Fraser, ordered to be printed, and the second reading made an Order of the Day for Tuesday the 11th instant.

APPROPRIATION 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, on the motion of the Honorable A. Fraser, ordered to be printed, and the second reading made an Order of the day for Wednesday the 12th instant.

RAILWAY LOAN APPLICATION 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.

The Honorable A. Fraser moved, That the Report be now adopted.

Question—put and passed.

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

The Honorable A. Fraser moved, That the title of the Bill be "*An Act to sanction the issue and application of certain Sums of Money from 'The Railway Loan Liquidation and Construction Account,' established under the provision of section forty-two of 33 Vict. No. 360.*"

Question—put and passed.

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

RAILWAY LOAN 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.

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

The Honorable A. Fraser moved, That the title of the Bill be "*An Act to authorize the raising of Money for Railways and for other purposes.*"

Question—put and passed.

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

POSTPONEMENT.—The following Order of the Day was postponed until Tuesday the 11th instant, then to take precedence:—

"*Land Act 1869 Amendment Bill*"—To be read a second time.

EXPIRING LAW CONTINUATION 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.

The Honorable A. Fraser moved, That the Report be now adopted.

Question—put and passed.

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

The Honorable A. Fraser moved, That the title of the Bill be "*An Act to continue an Expiring Law.*" Question—put and passed.

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

SHIRES STATUTE 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.

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.

The Honorable A. Fraser moved, That the Report be now adopted.

Question—put and passed.

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

The Honorable A. Fraser moved, That the title of the Bill be "*An Act to continue for One Year the endowment of certain Shires.*"

Question—put and passed.

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

POSTPONEMENT.—The following Order of the Day was postponed until Tuesday the 11th instant :—
"*Impounding Bill*"—Adoption of Report.

LIFE ASSURANCE COMPANIES 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 Council do not still insist on their amendments in Clauses 4, 5, and 6 of the Bill with which the Legislative Assembly have disagreed.

Debate ensued.

Question—put and passed.

The Honorable A. Fraser moved, That the Council do not still insist on their amendment to insert the new Clause A in the Bill.

Debate ensued.

Question put.

Council divided.

Contents, 4.
The Hon. A. Fraser
W. A. C. a'Beckett
J. Henty
T. T. a'Beckett (<i>Teller</i>).

Not Contents, 15.
The Hon. W. Campbell
J. O'Shanassy
J. F. Strachan
R. Simson
W. Skene
P. Russell
Dr. Hope
T. J. Sumner
W. Highett
N. Fitzgerald
W. Degraives
N. Black
J. Cumming
C. J. Jenner
R. S. Anderson (<i>Teller</i>).

The question was therefore negatived.

The Honorable J. O'Shanassy moved, That the Council do still insist on the amendment to insert the new Clause A in the Bill.

Question—put and passed.

The Honorable A. Fraser moved, That the Council do not still insist on the remaining amendments in the Bill with which the Legislative Assembly have disagreed.

Question—put and passed.

Ordered—That the Bill be returned to the Legislative Assembly with a Message acquainting them that the Council do not still insist on certain amendments in the Bill with which the Legislative Assembly have disagreed, but that they still insist on the insertion of the new Clause A in the Bill for the following reason :—The deposit of £5000 is intended to prevent the formation of new companies by professional company-makers and would offer no impediment to the formation of companies required by the public.

WESTERN PORT COAL MINING COMPANY'S BILL.—The Order of the Day for the second reading of this Bill being read, the Honorable C. J. Jenner moved, That the Bill be now read a second time.

Question—put and passed.

Bill read a second time.

The Honorable C. J. Jenner 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 C. J. Jenner 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 C. J. Jenner, was read a third time and *passed*.

The Honorable C. J. Jenner moved, That the title of the Bill be “*An Act to amend and continue an Act intituled ‘An Act to authorize the Western Port Coal Mining Company Limited to construct a Tramway or Railway, and to take and purchase certain Lands for that purpose.’*”

Question—put and passed.

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

POSTPONEMENT.—The following Order of the Day was postponed until Tuesday the 11th instant:—

“*Provident Societies Bill*”—To be read a second time.

PETITION.—The Honorable W. Highett presented a Petition signed by W. Johnson, styling himself President of the Pharmaceutical Society of Victoria, praying that a certain clause in the Provident Societies Bill may not be passed.

Petition received.

ADJOURNMENT.—The Honorable A. Fraser, 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 half-past six o'clock until half-past four o'clock on Tuesday the 11th instant.

ORDERS OF THE DAY.

TUESDAY 11TH NOVEMBER, 1873.

ORDERS OF THE DAY:—

1. LAND ACT 1869 AMENDMENT BILL.—To be read a second time.
2. REGULATION AND INSPECTION OF MINES BILL.—To be read a second time.
3. PARLIAMENT BUILDINGS (JOINT) COMMITTEE.—Adoption of Report.
4. RAILWAY CONSTRUCTION BILL.—To be read a third time.
5. POLICE FORCE REGULATION BILL.—To be read a second time.
6. IMPOUNDING BILL.—Adoption of Report.
7. PROVIDENT SOCIETIES BILL.—To be read a second time.

WEDNESDAY, 12TH NOVEMBER.

Government Business.

ORDER OF THE DAY:—

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

MEETING OF SELECT COMMITTEE.

PRINTING COMMITTEE—at a quarter-past four.

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

Minutes of the Proceedings

OF THE

LEGISLATIVE COUNCIL.

TUESDAY, 11TH NOVEMBER, 1873.

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 a communication from the Private Secretary to His Excellency the Governor, intimating that it is His Excellency's intention to proceed to the Legislative Council Chamber this day, at five o'clock p.m., for the purpose of giving the Royal Assent to certain Bills passed by the Legislative Council and Legislative Assembly.

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

1. Railways, Victorian.—Report of Board of Land and Works for Year ending 30th June, 1873.
2. Library, Public, Museums, and National Gallery of Victoria.—Accounts, 1871-2.
3. Education Act 1872.—Regulations under.

Ordered severally to lie on the Table.

PETITION.—The Honorable A. Fraser presented a Petition signed by Joseph Jennings and others, styling themselves residents in the shire and borough of Stawell, and praying that the Land Act 1869 Amendment Bill may be passed.

Petition received.

The Petition was read at the Table by the Clerk.

PETITION.—The Honorable W. Campbell presented a Petition signed by John Childe and others, styling themselves Mineowners and Managers engaged in Gold-mining operations at Stawell, and praying that certain modifications may be made in the Regulation and Inspection of Mines Bill.

Petition received and read at the Table by the Clerk ; and, on the motion of the Honorable N. Fitzgerald, ordered to be referred to the Committee to which the Bill may be referred.

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

MR. PRESIDENT,

The Legislative Assembly return to the Legislative Council the Bill intituled "*An Act to amend the Law relating to Fisheries,*" and acquaint the Legislative Council that the Legislative Assembly insist upon disagreeing with the amendment of the Legislative Council, making the period of a close season fixed by the Bill, for the following reasons :—

- (1.) That there is not sufficient information as to the proper period of the year to be declared a close season for Murray Cod.
- (2.) That the Bill contains a clause giving power to the Governor in Council to fix any time a close season, and to vary and alter the same.
- (3.) That in view of the importance of the fish known as the Murray Cod, as an article of food, and of the number of persons engaged in the trade, it would be unwise to determine by Act of Parliament any close season for that or any fish mentioned in the Schedule of the Bill until reliable information as to the habits of such fish are obtained.

C. MAC MAHON,
Speaker.

Legislative Assembly Chamber,
Melbourne, 5th November, 1873

FISHERIES BILL.—The Honorable A. Fraser moved, That the Council do not still insist on their amendment in the Bill, with which the Legislative Assembly have disagreed.
Debate ensued.

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

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

- “*An Act to enable the South Melbourne Gas Company to extend the provisions of the ‘South Melbourne Gas Company’s Act 1872,’ and to confer on the said Company additional powers, and for other purposes.*”
- “*An Act for the supervision and regulation of Workrooms and Factories, and the employment of Females therein.*”
- “*An Act to sanction the issue and application of certain Sums of Money from ‘The Railway Loan Liquidation and Construction Account,’ established under the provision of Section forty-two of 33 Vict., No. 360.*”
- “*An Act to authorize the raising of Money for Railways and for other purposes.*”
- “*An Act to continue an Expiring Law.*”
- “*An Act to continue for One Year the endowment of certain Shires.*”
- “*An Act to amend and continue an Act intituled ‘An Act to authorize the Western Port Coal Mining Company, Limited, to construct a Tramway or Railway, and to take and purchase certain Lands for that purpose.’*”

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.

“G. F. BOWEN,
“Governor.”

A Schedule of the Bills assented to was delivered to Mr. Speaker.

The Legislative Assembly withdrew.

His Excellency the Governor left the Council Chamber.

FISHERIES BILL.—Debate resumed on the question—That the Council do not still insist on their amendment in the Bill, with which the Legislative Assembly have disagreed.

Question—put and passed.

Ordered—That a Message be sent to the Legislative Assembly to acquaint them that the Council do not now insist on their amendment in the Bill.

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

MR. PRESIDENT,

The Legislative Assembly return to the Legislative Council the Bill intituled “*An Act to amend the Law relating to Life Assurance Companies,*” and acquaint them that the Legislative Assembly do not now insist in disagreeing with the amendment insisted on by the Legislative Council in this Bill to insert new clause A.

Legislative Assembly Chamber,
Melbourne, 5th November, 1873.

C. MAC MAHON,
Speaker.

POSTPONEMENT.—The following Order of the Day was postponed until after the disposal of the other Orders of the Day.

“*Land Act 1869 Amendment Bill*”—To be read a second time.

REGULATION AND INSPECTION OF MINES BILL.—The Order of the Day for the second reading of this Bill being read, the Honorable A. Fraser moved, That the Bill be now read a second time.

Debate ensued.

Question—put and passed.

Bill read a second time.

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

Question—put and passed.

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

The President left the Chair.

The Chairman of Committees reported progress, and asked leave to sit again after an adjournment during pleasure.

Ordered.

POSTPONEMENT.—The following Order of the Day was postponed until after the disposal of the other Orders of the Day:—

“*Parliament Buildings (Joint) Committee.*”—Adoption of Report.

RAILWAY CONSTRUCTION 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 A. Fraser, was read a third time and passed.

The Honorable A. Fraser moved, That the title of the Bill be “*An Act to authorize the construction of certain Lines of Railway by the State.*”

Question—put and passed.

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

At half-past six o'clock the Council adjourned during pleasure.

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

MR. PRESIDENT,

The Legislative Assembly transmit to the Legislative Council a Bill intituled, "*An Act to amend the Law relating to Dividing Fences,*" with which they desire the concurrence of the Legislative Council.

Legislative Assembly Chamber,
Melbourne, 11th November, 1873.

C. MAC MAHON,
Speaker.

FENCING 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, on the motion of the Honorable A. Fraser, ordered to be printed, and the second reading made an Order of the Day for Wednesday the 12th instant.

At a quarter to eight o'clock,

The President resumed the Chair.

REGULATION AND INSPECTION OF MINES 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.

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 Report of the Committee 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 to-morrow.

Question—put and passed.

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

MR. PRESIDENT,

The Legislative Assembly return to the Legislative Council the Bill intituled "*An Act to authorize the construction of certain Lines of Railway by the State,*" and acquaint them that the Legislative Assembly have agreed with the amendments made by the Legislative Council in this Bill.

Legislative Assembly Chamber,
Melbourne, 11th November, 1873.

C. MAC MAHON,
Speaker.

POLICE FORCE REGULATION 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.

The Honorable A. Fraser moved, That the Report be now adopted.

Question—put and passed.

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

The Honorable A. Fraser moved, That the title of the Bill be "*An Act to amend the Law relating to the Police Force in Victoria.*"

Question—put and passed.

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

IMPOUNDING BILL.—The Order of the Day for the adoption of the Report of the Committee of the whole Council on this Bill being read, the Honorable A. Fraser moved, That the Report be now adopted.

Question—put and passed.

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

Question—put and passed.

PROVIDENT SOCIETIES BILL.—The Order of the Day for the second reading of this Bill being read, the Honorable Dr. Dobson moved, That the Bill be now read a second time.

Question—put and passed.

Bill read a second time.

The Honorable Dr. Dobson 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.

POSTPONEMENTS.—The following Orders of the Day were severally postponed until Wednesday the 12th instant :—

“*Land Act 1869 Amendment Bill.*”—To be read a second time.

“*Parliament Buildings (Joint) Committee.*”—Adoption of Report.

The Council adjourned at ten minutes to eleven o'clock, until half-past four o'clock on Wednesday the 12th instant.

ORDERS OF THE DAY.

WEDNESDAY, 12TH NOVEMBER, 1873.

Government Business.

ORDERS OF THE DAY:—

1. APPROPRIATION BILL.—To be read a second time.
2. FENCING BILL.—To be read a second time.
3. REGULATION AND INSPECTION OF MINES BILL.—To be read a third time.
4. IMPOUNDING BILL.—To be read a third time.
5. PROVIDENT SOCIETIES BILL.—To be further considered in Committee.
6. LAND ACT 1869 AMENDMENT BILL.—To be read a second time.
7. PARLIAMENT BUILDINGS (JOINT) COMMITTEE.—Adoption of Report.

General Business.

NOTICES OF MOTION:—

1. The Hon. W. A. C. A'BECKETT : To move, That a Committee be appointed, with power to call for persons and papers, to enquire into the case of certain selections at Nepean, such Committee to consist of the Honorables R. Simson, W. Degraives, T. J. Sumner, P. Russell, W. Campbell, T. McKellar, and the mover; and that the third reading of the Land Act 1869 Amendment Bill be postponed till the Committee have made their report.
2. The Hon. R. SIMSON : To move, That the Surveyor-General, Mr. Skene, and the Assistant Commissioner of Lands and Survey, Mr. Hodgkinson, be summoned to the Bar of this House when the Land Bill is under consideration in Committee, and that they may be summoned to attend and give such evidence as may be required of them regarding the working of the existing Land Laws, on Tuesday the 18th November at half-past four o'clock.

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

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LEGISLATIVE COUNCIL.

WEDNESDAY, 12TH NOVEMBER, 1873.

The Council met in accordance with adjournment.

The President took the Chair.

The President read the prayer.

APPROPRIATION 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.

The Honorable J. F. Strachan moved, That the debate be adjourned until after the disposal of the remaining business on the Paper.

Question—That the debate be adjourned until after the disposal of the remaining business on the Paper—put and passed.

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

Debate ensued.

Question—put and passed.

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 with amendments.

The Honorable A. Fraser moved, That the Bill be now re-committed on Clause 7.

Question—put and passed.

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

The President left the Chair.

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

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 to-morrow.

Question—put and passed.

REGULATION AND INSPECTION OF MINES 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 A. Fraser, was read a third time and *passed*.

The Honorable A. Fraser moved, That the title of the Bill be "*An Act to provide for the regulation and inspection of Mines.*"

Question—put and passed.

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

IMPOUNDING 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 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 the Law relating to the Impounding of Cattle.*"

Question—put and passed.

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

PROVIDENT SOCIETIES 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 Dr. Dobson moved, That the Report of the Committee be now adopted.

Question—put and passed.

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

The Honorable Dr. Dobson moved, That the title of the Bill be “*An Act to legalize the formation of “Industrial and Provident Societies.”*”

Question—put and passed.

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

POSTPONEMENT.—The following Order of the Day was postponed until after the disposal of the Notices of Motion on the Business Paper.

“*Land Act 1869 Amendment Bill.*”—To be read a second time.

PARLIAMENT BUILDINGS (JOINT) COMMITTEE REPORT.—The Order of the Day for the adoption of the Report of the Committee appointed for the management and superintendence of the Parliament Buildings, being called on, the Honorable A. Fraser moved, That the Order of the Day be discharged.

Question—put and passed.

LAND LAWS, WORKING OF EXISTING.—The Honorable R. Simson, in accordance with *amended* notice, moved, That the Surveyor-General, Mr. Skene, and the Assistant Commissioner of Lands and Survey, Mr. Hodgkinson, and Messrs. Morrah and Wimble, be summoned to the Bar of this House when the Land Bill is under consideration in Committee, and that they may be summoned to attend and give such evidence as may be required of them regarding the working of the existing Land Laws, to-morrow, at half-past four o'clock.

Debate ensued.

Question—put.

Council divided.

Contents, 15.
The Hon. T. T. a'Beckett
W. A. C. a'Beckett
J. F. Strachan
R. Simson
P. Russell
W. Campbell
T. McKellar
W. Highett
Dr. Hope
T. J. Sumner
J. Cumming
W. Degraives
N. Fitzgerald
G. W. Cole
R. S. Anderson (*Teller*).

Not Contents, 4.
The Hon. J. Henty
T. F. Hamilton
Dr. Dobson
A. Fraser (*Teller*).

The question was therefore passed.

LAND ACT 1869 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.

The Honorable W. Degraives moved, That the debate be adjourned until to-morrow.

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

At half-past six o'clock the Council adjourned during pleasure.

At a quarter to eight o'clock the President resumed the Chair.

The Council adjourned at ten minutes to eight o'clock, until half-past four o'clock on Thursday the 13th instant.

NOTICE OF MOTION AND ORDERS OF THE DAY.

THURSDAY, 13TH NOVEMBER, 1873.

NOTICE OF MOTION:—

1. The Hon. W. A. C. a'BECKETT: To move, That a Committee be appointed, with power to call for persons and papers, to enquire into the case of certain selections at Nepean, such Committee to consist of the Honorables R. Simson, W. Degraives, T. J. Sumner, P. Russell, W. Campbell, T. McKellar, and the mover; and that the third reading of the Land Act 1869 Amendment Bill be postponed till the Committee have made their report.

ORDERS OF THE DAY:—

1. FENCING BILL—To be read a third time.
2. LAND ACT 1869 AMENDMENT BILL—Adjourned debate on second reading.
3. APPROPRIATION BILL.—Adjourned debate on second reading.

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

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THURSDAY, 13TH NOVEMBER, 1873.

The Council met in accordance with adjournment.

The President took the Chair.

The President read the prayer.

NEPEAN, LAND SELECTIONS AT.—The Honorable A. Fraser laid on the Table a Return to the Order of the Council, made on the 4th instant.

The Return was read at the Table by the Clerk.

The Honorable W. A. C. a'Beckett moved, That the Return be printed.

Debate ensued.

Question—put and passed.

The Honorable W. Campbell moved, That the Return be referred to the Committee to which the Land Act 1869 Amendment Bill may be referred.

Question—put and passed.

FENCING 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 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 the Law relating to Dividing Fences.*"

Question—put and passed.

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

LAND ACT 1869 AMENDMENT BILL.—The Order of the Day for the resumption of the adjourned debate on the question—That this Bill be now read a second time—being read, the debate was resumed.

Question—put and passed.

Bill read a second time.

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

Question—put and passed.

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

The President left the Chair.

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

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

Debate ensued.

Question—put and passed.

The Council adjourned at twenty minutes past ten o'clock, until two o'clock on Friday the 14th instant.

ORDERS OF THE DAY.

FRIDAY, 14TH NOVEMBER, 1873.

ORDERS OF THE DAY:—

1. LAND ACT 1869 AMENDMENT BILL.—To be further considered in Committee.
2. APPROPRIATION BILL.—Adjourned debate on second reading.

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

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FRIDAY, 14TH NOVEMBER, 1873.

The Council met in accordance with adjournment.

The President took the Chair.

The President read the prayer.

LAND ACT 1869 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.
Ordered.

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

Question—put and passed.

The Honorable A. Fraser moved, That the hour of meeting on Monday next be eleven o'clock.

Debate ensued.

Question—put and negatived.

The Honorable A. Fraser moved, That the hour of meeting on Monday next be two o'clock.

Debate ensued.

Question—put and passed.

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

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

Bill read a second time.

The Honorable 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.

The Honorable A. Fraser moved, That the report be now adopted.

Question—put and passed.

The Honorable A. Fraser moved, That the Bill be now read a third time.

Amendment moved by the Honorable N. Fitzgerald, That the third reading of the Bill be made an Order of the Day for Monday next.

Debate ensued.

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

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

ORDERS OF THE DAY.

MONDAY, 17TH NOVEMBER, 1873.

ORDERS OF THE DAY:—

1. LAND ACT 1869 AMENDMENT BILL.—To be further considered in Committee.
2. APPROPRIATION BILL.—To be read a third time.

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

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MONDAY, 17TH NOVEMBER, 1873.

The Council met in accordance with adjournment.

The President took the Chair.

The President read the prayer.

ABSENCE, LEAVE OF, CLERK OF COUNCIL.—CLERK-ASSISTANT TO TAKE HIS PLACE.—The Honorable T. T. a'Beckett, with leave of the Council, moved, without notice, That the Clerk-Assistant do perform the duties of the Clerk of the Council during his absence, and do take his chair at the Table.

Question—put and passed.

LAND ACT 1869 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 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 to-morrow.

Question—put and passed.

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

1. Census of Victoria 1871.—Part IX (A).—Occupations of the People.
2. Low Lands Commission.—Final Report. (Plans to accompany).

Ordered severally to lie on the Table.

POSTPONEMENT.—The following Order of the Day was postponed until Tuesday the 18th instant:—

“Appropriation Bill”—To be read a third time.

At a quarter past five o'clock the Council adjourned during pleasure.

At eight 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 return to the Legislative Council the Bill intituled “*An Act to legalize the formation of Industrial and Provident Societies,*” and acquaint them that the Legislative Assembly have agreed to the amendment made by the Legislative Council in this Bill.

Legislative Assembly Chamber,
Melbourne, 17th November, 1873.

C. MAC MAHON,
Speaker.

MR. PRESIDENT,

The Legislative Assembly return to the Legislative Council the Bill intituled “*An Act to provide for the Regulation and Inspection of Mines,*” and acquaint them that the Legislative Assembly have agreed to some of the amendments made by the Legislative Council in this Bill, and have disagreed to one of the said amendments.

Legislative Assembly Chamber,
Melbourne, 17th November, 1873.

C. MAC MAHON,
Speaker.

REGULATION AND INSPECTION OF MINES BILL.—The Honorable A. Fraser moved, That the Council do not insist on their amendment in clause 8, line 44, to leave out “which shall have priority over all charges not arising under the provisions of this section of whatsoever kind and whensoever enacted affecting the same.”

Debate ensued.

Amendment moved by the Honorable R. S. Anderson, That the Council do insist on the amendment for the following reason :—It is considered that the amendment will not affect the recovery of damages by persons injured through mining accidents, while its retention will prevent a breach of faith with those persons who have advanced money on the security afforded by mining property, and will facilitate the development of mining enterprise in the future, to the great advantage of the mining community and the public at large.

Debate ensued.

Question—That the Council do insist on their amendment, for the reason that it is considered that the amendment will not affect the recovery of damages by persons injured through mining accidents, while its retention will prevent a breach of faith with those persons who have advanced money on the security afforded by mining property, and will facilitate the development of mining enterprise in the future, to the great advantage of the mining community and the public at large—put and passed.

Ordered—That the Bill be returned to the Legislative Assembly with a Message acquainting them that the Council insist on their amendment for the reason above set forth.

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

MR. PRESIDENT,

The Legislative Assembly return to the Legislative Council a Bill intituled “*An Act to amend the Law relating to the Impounding of Cattle,*” and acquaint them that the Legislative Assembly have agreed to some of the amendments made by the Legislative Council in this Bill, and have agreed to one of the said amendments with amendments, and have made a consequential amendment, with which they desire the concurrence of the Legislative Council.

C. MAC MAHON,
Speaker.

Legislative Assembly Chamber,
Melbourne, 17th November, 1873.

IMPOUNDING BILL.—The Honorable A. Fraser moved, That the Council do agree to the following amendments made by the Legislative Assembly on the amendment made by the Council in clause 4, line 3, of the Bill, viz.:—

“Disagree to the omission of the words, ‘but it shall not mean any.’ Omission of the other words agreed to, and insert instead thereof, ‘pasture land nor land from which a crop shall have been harvested, save and except land sown with artificial grasses for the purpose of obtaining a crop of hay or grass seed.’”

Amendment to insert “or” disagreed with. As a consequential amendment, omit the words “with artificial grasses,” clause 4, page 2, line 4.

Question—put and passed.

Ordered—That a Message be sent to the Legislative Assembly to acquaint them that the Council have agreed to the amendments on amendment, and to the consequential amendment, made by the Legislative Assembly.

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

MR. PRESIDENT,

The Legislative Assembly return to the Legislative Council the Bill intituled “*An Act to amend the Law relating to Dividing Fences,*” and acquaint them that the Legislative Assembly have agreed to some of the amendments made by the Legislative Council in this Bill; have agreed to one of such amendments with amendments, and have made a consequential amendment, with which they desire the concurrence of the Legislative Council.

C. MAC MAHON,
Speaker.

Legislative Assembly Chamber,
Melbourne, 17th November, 1873.

FENCING BILL.—The Honorable A. Fraser moved, That the Council do agree to the amendments made by the Legislative Assembly on the amendments made by the Legislative Council in this Bill, and to the consequential amendment in Clause 2, line 1, made by the Legislative Assembly in the Bill, viz.,

After “lessees under Part II.” insert “or licensees under section forty-two”; after “licensees” insert “or lessees.” After “shall” insert “be and.” Insert at end of Amendment “and the selectors licensees or lessees thereof the proprietors of the same, and all proceedings under the said section may be commenced either within two years after the passing of this Act, or within six years after the lands of the proprietor proceeded against were first granted from the Crown or otherwise held as private property,” and, as a consequential amendment, clause 2, line 1, after “1865” insert “with the exception of section four thereof.”

Debate ensued.

Question—put and passed.

Ordered, That a Message be sent to the Legislative Assembly to acquaint them that the Council have agreed to the amendments on the amendment, and to the consequential amendment made by the Legislative Assembly in the Bill.

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

NOTICES OF MOTION AND ORDERS OF THE DAY.

TUESDAY, 18TH NOVEMBER, 1873.

NOTICES OF MOTION :—

1. The Hon. R. SIMSON : To move, That it is the opinion of this House that the Evidence taken before the Committee of the whole House on the Land Bill discloses a system of administration contrary to law, and demoralizing to the people of the colony.
2. The Hon. DR. DOBSON : To move for leave to introduce a Bill for the better administration of Justice.
3. The Hon. A. FRASER : To move, That the Report of the Parliament Buildings Committee be now considered.

ORDERS OF THE DAY :—

1. LAND ACT 1869 AMENDMENT BILL.—To be read a third time.
2. APPROPRIATION BILL.—To be read a third time.

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

Minutes of the Proceedings

OF THE

LEGISLATIVE COUNCIL.

TUESDAY, 18TH NOVEMBER, 1873.

The Council met in accordance with adjournment.

The President took the Chair.

The President read the prayer.

WRIT, RETURN OF, EASTERN PROVINCE.—The President announced to the Council that the Writ issued by him for the election of a Member for the Eastern Province in the place of the Honorable H. M. Murphy had been returned to him, and that the Returning Officer had certified "That John Alston Wallace, of 52 Bourke street east, Melbourne, landowner, was duly elected," in pursuance of the Writ.

DECLARATION OF MEMBER.—The Honorable J. Graham delivered to the Clerk the declaration required by the seventh clause of the Act 32 Victoria, No. 334, as hereunder set forth:—

"In compliance with the provisions of the Act 32 Victoria, No. 334, I, JAMES GRAHAM, 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 Two hundred and fifty 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 or reputed county of Bourke, the description of which lands and tenements are as follow:—

"Allotments Nos. 11, 12, and portion of No. 10, block No. 11, situated in Bourke, Russell, and Little Collins streets, in the City of Melbourne, with the several buildings erected thereon.

"And I further declare that such of the said lands and tenements as are situate in the municipal district of Melbourne are rated in the rate-books of such municipal district as follows:—

"Over Two hundred and fifty pounds sterling.

"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.

"JAS. GRAHAM."

PETITION.—The Honorable R. Simson presented a Petition, signed by Henry Watson, of Point Nepean, fisherman, praying that his case may be taken into consideration.

Petition received.

The Petition was read at the Table by the Clerk.

The Honorable R. Simson moved, That the Petition be printed.

Question—put and passed.

LAND ACT 1869 AMENDMENT BILL.—The Order of the Day for the third reading of this Bill being called on, the Honorable R. Simson moved, That the Order of the Day be discharged, with a view to the re-committal of the Bill.

Question—put and passed.

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

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

The President left the Chair.

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

The Honorable 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 Bill as certified was in accordance with the Bill as reported, the Bill, on the motion of the Honorable A. Fraser, was read a third time and *passed*.

The Honorable A. Fraser moved, That the title of the Bill be "*An Act to afford greater facilities to the Agricultural Classes to obtain Crown Lands by purchase, and to modify the Conditions of Licenses under, and to amend 'The Land Act 1869.'*"

Question—put and passed.

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

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

MR. PRESIDENT,

The Legislative Assembly return to the Legislative Council the Bill intituled "*An Act to provide for the Regulation and Inspection of Mines,*" and acquaint them that the Legislative Assembly do not now insist in disagreeing with the amendment insisted on by the Legislative Council in this Bill.

C. MAC MAHON,
Speaker.

Legislative Assembly Chamber,
Melbourne, 18th November, 1873.

LAND ADMINISTRATION.—The Honorable R. Simson, in accordance with notice, moved, That it is the opinion of this House that the Evidence taken before the Committee of the whole House on the Land Bill discloses a system of administration contrary to law, and demoralizing to the people of the colony.

Debate ensued.

Question—put and passed.

JUSTICE ADMINISTRATION BILL.—The Honorable Dr. Dobson, in accordance with notice, moved, That leave be given to introduce a Bill for the better administration of Justice.

Debate ensued.

Question—put and passed.

Bill brought in, and, on the motion of the Honorable Dr. Dobson, read a first time, and ordered to be printed.

PARLIAMENT BUILDINGS (JOINT) COMMITTEE.—The Honorable A. Fraser, in accordance with *amended* notice, moved, That this House would recommend the whole of the present Parliament Buildings Stables should be taken down.

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 A. Fraser, was read a third time and *passed*.

The Honorable A. Fraser moved, That the title of the Bill be "*An Act to apply a sum out of the Consolidated Revenue to the service of the year ending on the last day of June One thousand eight hundred and seventy-four, and to appropriate the Supplies granted in this Session of Parliament.*"

Question—put and passed.

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

At twenty minutes past six o'clock the Council adjourned during pleasure.

At half-past eight o'clock the President resumed the Chair.

ADJOURNMENT.—The Honorable A. Fraser, with leave of the Council, moved, without notice, That the House, at its rising this day, adjourn until Monday next, at half-past four o'clock.

Question—put and passed.

The Council adjourned at twenty minutes to nine o'clock, until half-past four o'clock on Monday the 24th instant.

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

Minutes of the Proceedings

OF THE

LEGISLATIVE COUNCIL.

MONDAY, 24TH NOVEMBER, 1873.

The Council met in accordance with adjournment.

The President took the Chair.

The President read the prayer.

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

Mining Surveyors and Registrars.—Reports for Quarter ending 30th September, 1873.

Ordered to lie on the Table.

SWEARING IN OF NEW MEMBER.—The Honorable J. A. Wallace, being introduced, took and subscribed the oath of allegiance, provided for by the thirty-second clause of the Constitution Act, and delivered to the Clerk the declaration required by the seventh clause of the Act 32 Victoria, No. 334, as hereunder set forth :—

“In compliance with the provisions of the Act 32 Victoria, No. 334, I, JOHN ALSTON WALLACE, 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 two hundred and fifty 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 Wooragee, Bright, Nepean, and Fingal, in the county or reputed counties of (unnamed) and Mornington, the description of which lands and tenements are as follow :—Six hundred and sixty-six acres of land in the parish of Wooragee, lands and dwelling houses in the parish of Bright, one hundred and sixty-two acres of land in the parish of Nepean, five hundred and sixty-five acres in the parish of Fingal, and town allotments in the townships of Beechworth and Stanley : And I further declare that such of the said lands and tenements as are situate in the municipal districts of Beechworth, Bright, and Kangarong, are rated in the rate-books of such municipal district [or districts respectively] as follows :—At over two hundred and fifty pounds per annum. 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.

“JOHN A. WALLACE.”

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

MR. PRESIDENT,

The Legislative Assembly return to the Legislative Council the Bill intituled “*An Act to afford greater facilities to the Agricultural Classes to obtain Crown Lands by purchase, and to modify the Conditions of Licenses under, and to amend ‘The Land Act 1869,’*” and acquaint them that the Legislative Assembly have agreed to some of the amendments made by the Legislative Council in this Bill, have disagreed to others of the said amendments, and have agreed to some of the amendments with amendments, with which they desire the concurrence of the Legislative Council.

C. MAC MAHON,
Speaker.

Legislative Assembly Chamber,
Melbourne, 24th November, 1873.

LAND ACT 1869 AMENDMENT BILL.—The Honorable A. Fraser moved, That this House do not insist on their amendments in the Bill with which the Legislative Assembly have not agreed, and do agree to the amendments on amendments made by the Legislative Assembly.

Amendment moved by the Honorable R. S. Simson, That the Council do insist on their amendments and disagree with the amendments on amendments as made by the Legislative Assembly.

Question—That the Council do insist on their amendments (as hereunder set forth) and disagree with the amendments on amendments as made by the Legislative Assembly—put and passed.

Clause 3, line 13, leave out “the” at end of line, and insert “a.”

” line 14, leave out “(to be certified under its seal) by” and insert “to be appointed, as provided in clause A (8), and certified by a majority of such Board upon.”

” line 15, before “Board” insert “said.”

At end of clause insert "if at any time it shall appear to the majority of the members of a Board appointed as aforesaid in accordance with clause A (8), and they shall certify that any *bonâ fide* selector has been unavoidably prevented by misfortune, or otherwise, from fulfilling the conditions set forth in his license, it shall be lawful for the Governor to issue to such licensee a new license of the same tenor, and containing the same conditions as the one the conditions of which such licensee has failed to fulfil."

Clause 4, line 8, before "board," leave out "the" and insert "a," and after "board" insert "appointed as provided in Clause A (8) and."

" line 9, leave out "under its seal" and insert "by a majority of the members thereof."

Clause 5, line 28, leave out "as nearly as may be."

Clause 6, line 42, leave out "as nearly as may be."

Clause 7, line 3, before "board" leave out "the" insert "a," and after "board" insert "appointed as provided by Clause A (8)."

" line 9, after "otherwise" insert "the Governor may grant to him," and leave out "under the seal of the Board may be granted to him."

After clause 7, insert clauses—

- Governor may appoint Boards. A. The Governor may, from time to time, whenever he shall think fit, appoint Boards ; each such Board to consist of not less than three members, one of whom only shall be an officer of the Lands department, who shall investigate all matters referred to them, as provided by this Act.
- Applications to select land submitted to Boards. B. Every application to select land under this Act shall be submitted to such a Board, and unless a majority of the members of such a Board shall certify their opinion as to the *bona fides* of an applicant, it shall not be lawful to issue to him a license under this Act.
- Boards to enquire. C. It shall be the duty of such Boards to enquire into all cases of alleged breach of conditions on the part of licensees under the existing Land Acts ; and, upon the report of a majority of any such Board, that any licensee has violated any of the conditions of his license, it shall be forfeited, and no allowance admitted for improvements, and an announcement to that effect forthwith published in the *Gazette*.
- Report of non-fulfilment of conditions to be enquired into by a Board. D. Whenever it shall be reported to the President of the Board of Land and Works that there is reason to believe that any licensee has not fulfilled any of the conditions of his license, the Governor may appoint a Board, as provided in clause A (8), to investigate the matter, and it shall be dealt with in the manner provided in clause B (9).
- Crown grant not to issue unless fulfilment of conditions certified. E. It shall not be lawful to present to the Governor for signature any Crown grant or lease, unless accompanied by a copy of a certificate of a majority of a Board appointed as provided in clause A (8), that the conditions under which the land was licensed which is the subject of the document submitted for the Governor's signature, have been complied with.
- License under 49th clause of Land Act 1869 only to be re-issued on report of a Board. F. It shall not be lawful at any time to re-issue any license under the 49th clause of the Land Act of 1869, unless it shall be certified by a majority of a Board appointed under clause A (8) of this Act that it is not probable that the land referred to in any such license will be required for any public purpose, and that no public injury is likely to result from its possession by a private individual.
- No license under this Act to issue to applicant who has not fulfilled conditions under Land Act 1869. G. It shall not be lawful to issue to any applicant, who shall previously have selected land under *The Land Act* 1869, a license under this Act unless he can show to the satisfaction of a Board appointed under clause A (8) that he had fulfilled the conditions with regard to any land of which he had been the licensee under *The Land Act* 1869, and if it shall appear at any time that any person is in occupation of land by virtue of a license under this Act which he shall have obtained by making a false statement with regard to land previously held under license by him, his license under this Act shall be forfeited.
- Appeal to Judge of County Court. H. Any applicant to select land under this Act, or any other person interested in the report of a Board appointed as aforesaid under clause A (8), shall have an appeal against such report to the judge of the county court of the district in which such person appealing may reside ; and such judge is hereby authorized to call for such evidence as he may consider necessary, and to decide either to confirm the report appealed against, or to vary it, as the justice of the case may require. The President of the Board of Land and Works shall have the like power of appeal against the report of any Board appointed under clause A (8), to the judge of the county court of the district in which the land referred to in the said report, may be situated.

Clause 10, line 25, leave out "from time to time as it may think fit."

" 12, leave out this clause.

" 13, leave out this clause.

" 14, leave out this clause.

" 15, leave out this clause.

" 16, leave out this clause.

" 19, leave out this clause.

Clause 20, line 32, leave out "Minister or person appointed by him conducting the hearing or holding the inquiry," and insert "Board appointed as provided by clause A (8)."

After clause 21 insert new clauses—

- Land Act 1869, sec. 20, I. In condition No. 4 of the 20th section of the Land Act 1869, the words "Certified under the how to be read. seal of the board or under the hand of arbitrators" shall read as follows :—Certified by a majority of a board appointed under section A (8) of this Act.
- Land Act 1869, sec. 23, J. In the third line of section 23 of the Land Act 1869, the words "the Board" shall mean a how to be read. Board appointed under section A (8) of this Act.
- Land Act 1869, sec. 24, K. Section 24 of Land Act 1869, is hereby repealed, and in lieu thereof it shall be provided repealed. as follows :—If it be proved to the satisfaction of a Board, appointed as provided

by section A (8), within sixty days after the end of the third year from the commencement of the license, that substantial and permanent improvements, of the value of one pound for every acre and fractional part of an acre of the allotment, have been made on the allotment in terms of the conditions of his license, before the end of the third year aforesaid, a certificate of the said Board to that effect shall be given to the licensee, his executors, or administrators.

Repeal of s.s. 25, 26 and 100 of Land Act 1869.

L. Sections 25, 26 and 100 of the Land Act 1869 are hereby repealed.

Land Act 1869, sec. 31, how to be read.

M. In section 31 of the Land Act 1869 the words "the Board," in lines 5, 11, and 16, shall mean a Board appointed under section A (8) of this Act.

The Honorable A. Fraser moved that certain correspondence relative to land at Point Nepean be printed, with a précis concerning selection thereat.

Question—put and passed.

The Honorable R. Simson moved, That the Evidence taken at the Bar of this House, before the Committee on the Land Act 1869 Amendment Bill, be printed, together with the Petition and Declaration of Henry Watson, relating to land at Point Nepean.

Question—put and passed.

The Honorable R. Simson moved, That the following Members be appointed a Committee to draw up reasons for insisting on the amendments, viz., the Honorables the President, T. T. a'Beckett, W. Campbell, W. Highett, T. McKellar, W. Skene, and the mover, and that the Committee retire forthwith to prepare reasons.

Question—put and passed.

The Committee retired.

The Honorable R. Simson brought up the reasons prepared by the Committee.

The reasons were read at the Table by the Clerk, as follows :—

The Council insist on the retention of the new clauses, A to G inclusive, and on the amendments consequent upon the introduction thereof for the following reasons :—

1. It appears by the evidence taken at the Bar of the House that the administrative powers given by the Land Act to the Board of Land and Works are exercised by the Minister for the time being in accordance with his own "policy," without reference to the opinions of the other members of the Board, all of whom are Government officials, and who have stated that they do not, and would not, presume to interpose objections to the action of the Minister, whatever might be the views they themselves entertained as to its legality.

2. It has been shown that these powers *have* been exercised, so as to confer on some individuals large pecuniary benefits, which it was not intended by the Land Act they should receive; and that they *might* be exercised so as to inflict on others great pecuniary losses, which it was not intended by the Land Act they should be subjected to—this House is, therefore, of opinion that the Legislature is called upon to create a Board for the administration of the Act, which shall offer some security against the subordination of its provisions to the will of any one individual uncontrolled by the opinions of persons free to exercise an independent and influential judgment on the matters brought before them.

3. That regard being had to the important public and private interests which the Board has to deal with, and to the fact that it has practically the disposal of all the lands of the colony, this House is of opinion that its decisions should be subject to revision by a court of law at the instance of the Minister, or of any person who seeks protection against what he believes to be a disregard of the conditions, or a violation of the rights which the Act has imposed or conferred.

The Council insist on striking out clauses 12, 13, 14, 15, and 16 for the following reasons :—

It has been shown by the evidence taken at the Bar of the House that the 42nd section of *The Land Act* 1865 and the 49th section of *The Land Act* 1869, which sections were by these Acts confined in their operation to localities in the neighborhood of gold-fields, and were framed for the special benefit of persons connected with mining pursuits, have, in the administration of the Land Act, been extended to places and to persons having no connection whatever with gold-fields or gold-mining, and that lands of great value have in this manner passed, at a merely nominal amount, to persons to whom it was never intended that the lands of the colony should be transferred at less than their value. This House, therefore, feels bound to abstain from giving to licensees under the above sections the advantages proposed to be conferred upon them by these clauses, and has struck them out of the Bill accordingly.

This House insists on its amendment striking out section 19, for the following reasons :—

That it purports to re-enact, but in effect extends the operation and increases the penalty of section 98 of *The Land Act* 1869, which is itself a retrospective and penal clause.

That nothing has occurred since the passing of *The Land Act* 1869 which can call for or justify any further interference with titles acquired from selectors under the Land Acts 1862 and 1865, section 7.

That the proposed re-enactment makes the penalty payable within a short fixed period, with forfeiture of land on default, allowing no extension of time for furnishing further evidence or testing the sufficiency of evidence already furnished to the Board, the Board having an arbitrary discretion to reject or to accept evidence as sufficient, and thereby an arbitrary discretion to inflict or to relieve from the penalty.

That many suits are now pending to test the legal effect of section 98 of *The Land Act* 1869, and the proposed re-enactment would injuriously affect the interests of the suitors therein, and retrospectively deal with rights under the consideration of the Supreme Court.

The Honorable R. Simson moved, That the Council adopt the reasons.

Question—put and passed.

Ordered—That the Bill be returned to the Legislative Assembly, with a Message acquainting them that the Council insist on their amendments in the Bill for the reasons set forth, and do not agree to the amendments made by the Legislative Assembly on the amendments made by the Council in the Bill.

ADJOURNMENT.—The Honorable A. Fraser, with leave of the Council, moved, without notice, That the House, at its rising this day, adjourn until half-past two o'clock to-morrow.

Question—put and passed.

The Honorable J. F. Strachan moved, That the House do now adjourn.

Question—put and negatived.

At six o'clock the Council adjourned during pleasure.

At half-past nine o'clock the President resumed the Chair.

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

MR. PRESIDENT,

The Legislative Assembly return to the Legislative Council the Bill, intituled, "*An Act to afford greater facilities to the Agricultural Classes to obtain Crown Lands by purchase, and to modify the Conditions of Licenses under, and to amend 'The Land Act 1869,'*" and acquaint them that the Legislative Assembly insist on disagreeing with the amendments in this Bill insisted on by the Legislative Council, and that the Legislative Assembly also insist in their amendments to the amendments of the Legislative Council, for the following reasons:—

That the amendments proposed by the Legislative Council would substitute for a responsible Minister irresponsible boards, and, in effect, place the administration of *The Land Act 1869* beyond the control of Parliament. While the general and unrestricted right of appeal proposed to be given in all cases and at all stages to a court of law would lead to endless and costly litigation, impose insuperable barriers in the way of selectors, frustrate the policy of settling the people on the lands, and confine the alienation of public lands to the wealthy and propertied classes.

Legislative Assembly Chamber,
Melbourne, 24th November, 1873.

C. MAC MAHON,
Speaker.

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

Question—put and passed.

The Council adjourned at ten minutes to ten o'clock, until half-past two o'clock on Tuesday the 25th instant.

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

Minutes of the Proceedings

OF THE

LEGISLATIVE COUNCIL.

TUESDAY, 25TH NOVEMBER, 1873.

The Council met in accordance with adjournment.

The President took the Chair.

The President read the prayer.

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

ROYAL ASSENT TO BILLS.—His Excellency the Governor came into the Council Chamber, and commanded the Usher to desire the attendance of the Legislative Assembly in the Council Chamber, who being come with their Speaker, he, after a Speech to His Excellency, delivered the Appropriation Bill to the Clerk of the Parliaments, who brought it to the Table.

His Excellency was pleased to assent, in Her Majesty's name, to the following Bills:—

“An Act to apply a sum out of the Consolidated Revenue to the service of the year ending on the last day of June One thousand eight hundred and seventy-four, and to appropriate the Supplies granted in this Session of Parliament.”

“An Act to amend the Law relating to Fisheries.”

“An Act to amend the Law relating to Life Assurance Companies.”

“An Act to authorize the construction of certain Lines of Railway by the State.”

“An Act to amend the Law relating to the Police Force in Victoria.”

“An Act to legalize the formation of ‘Industrial and Provident Societies.’”

“An Act to amend the Law relating to the Impounding of Cattle.”

“An Act to amend the Law relating to Dividing Fences.”

“An Act to provide for the regulation and inspection of Mines.”

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.

“G. F. BOWEN,

“Governor.”

The Clerk of the Parliaments delivered to Mr. Speaker a Schedule of the Acts assented to.

His Excellency was then pleased to speak as follows:—

MR. PRESIDENT AND HONORABLE GENTLEMEN OF THE LEGISLATIVE COUNCIL:

MR. SPEAKER AND GENTLEMEN OF THE LEGISLATIVE ASSEMBLY:

I am happy to be enabled to release you from your labors, and to offer you my acknowledgments for the diligence with which you have applied yourselves to your Parliamentary duties.

The contract between this Government and the Government of New South Wales for the payment of a fixed annual sum in lieu of the actual collection of duties on the River Murray, will, it is hoped, protect the revenue of both colonies, and remove the restrictions on trade across the border.

I congratulate you that a Mail Contract has been concluded between this Government and the Peninsular and Oriental Mail Company for the conveyance of mails between Melbourne and the United Kingdom.

MR. SPEAKER AND GENTLEMEN OF THE LEGISLATIVE ASSEMBLY:

I have to thank you on behalf of Her Majesty for the liberal supplies which you have granted for the Public Service of the year.

MR. PRESIDENT AND HONORABLE GENTLEMEN OF THE LEGISLATIVE COUNCIL:

MR. SPEAKER AND GENTLEMEN OF THE LEGISLATIVE ASSEMBLY:

I have seen with satisfaction that you have been enabled to deal with a number of questions of public interest.

It was with great pleasure that I was present at the successful completion of an important national work—the North-Eastern Railway, which has been opened for traffic to Wodonga, on the River Murray, and it is gratifying to add that the returns are remunerative, and demonstrate the wise policy of this undertaking.

I have to congratulate you on having authorized a further extension of our Railway system. It is the intention of my Advisers not only to push on with vigor the works so authorized, but to prosecute additional surveys with the view of submitting to Parliament, on a future occasion, other

proposals for Railway extension. The increasing traffic on our Railways justifies the expectation that the rapid construction of new and cheap lines among our settled population will be a financial success, will conduce to further settlement, and add to the comfort and convenience of the people.

The Act amending the Police Regulation Statute deals with a subject which has for many years urgently required consideration. Ample provision is made by this measure for the casualties incidental to the duties of the members of the police force, and for suitable pensions to them when called upon to retire in consequence of age or physical infirmity. The liberality of the Legislature, it is hoped, will make the service attractive to the most suitable persons, and tend still further to increase the efficiency of the Force.

The amendment of the Post Office Statute has enabled Victoria to join the other colonies in securing a uniform rate of postage throughout Australasia.

The Act to amend the law relating to Life Assurance Companies, being almost a transcript of the measure which has been found so beneficial in Great Britain, will, I confidently anticipate, tend to improve the character and secure the stability of such companies, and to extend the practice of life assurance throughout the community.

I am glad that you have concurred in measures settling the long vexed questions of Fencing and Impounding. I believe that these measures will materially assist those who are engaged in bringing the waste lands of the colony under cultivation, as well as prevent discord and litigation.

I have to congratulate you and the country upon the passing of a measure of so much importance to a mining community as the Bill for the Regulation of Mines and the Prevention of Mining Accidents. The want of such a measure has long been a reproach to a country in which so large a number of persons are engaged in mining pursuits. There is every reason to hope that the provisions of this measure will cause a very considerable diminution in the number of mining accidents in future.

You have affirmed in two Sessions of Parliament the urgent necessity there exists for a measure dealing with the important subject of Mining on Private Property. The undesirability of alienating auriferous lands, in the absence of special legislation dealing with them, has caused serious impediments in the way of the settlement of the people, and the want of the necessary power to enter upon private lands for mining purposes, or for the owner of such land to make a legal contract dealing with the gold under the surface, is a great obstacle to mining industry.

You have bestowed attention on the question of Law Reform; the further consideration of the measures already introduced for that purpose has been only postponed, and it will be the duty of my Advisers to bring the subject again under the attention of Parliament.

As you approved of the proposal of my Advisers to increase the area of land selection to 640 acres, it is to be regretted that this extension, which has been looked for so anxiously, has failed to obtain your legislative sanction.

An anxious desire has long been manifested by all classes of the community for a Reform of the Legislative Council and the Legislative Assembly which would ensure a fair and equitable reflex of the opinions of the people, and enable both Houses to work together.

It must be a source of regret that a measure dealing exclusively with the reform of the Legislative Assembly, which occupied the earnest attention of that Chamber for a lengthened period, and was passed by unprecedented majorities, should have been rejected without even an attempt to amend it.

My Advisers appreciate the gravity and importance of the question of Constitutional Reform, and feel that, until it has been settled, we shall not fully enjoy the benefits designed for us by our free Constitution. I trust that this paramount question, together with other questions upon which you have been unable to concur, may be settled by the opinion of the constituencies as it will be expressed at the forthcoming elections.

The various works for Water Supply are being prosecuted with vigor. Unexpected difficulties in the nature of the work have retarded the completion of the Geelong scheme, but it has so far progressed that water will be supplied this summer. In the prosecution of the Coliban scheme it was found necessary to purchase the works of the Bendigo Waterworks Company, which I believe will prove a satisfactory investment. Under the Act passed last session loans of money for local water supply have been advanced to Ballarat, Beechworth, and Chiltern, and arrangements are now being made for making similar loans to Clunes, Creswick, Wangaratta, Rutherglen, Dunolly, and Inglewood.

The Alfred Graving Dock is rapidly approaching completion, and is expected to be ready for use by the end of this year. With few exceptions, it will accommodate the largest ships afloat, and machinery has been ordered to meet all the requirements of a first-class dockyard.

Other public works are being carried on with activity, prominent among which are those at the Basin and Wharves of the Yarra, the Harbor at Belfast, the entrance to the Gippsland Lakes, the Government House, and the additions to the Custom House. The Department of Public Works expects shortly to be in a position to call for tenders for the new Government Offices and for the Supreme Court.

I now, in Her Majesty's name, declare this Parliament to be prorogued to Wednesday the 31st day of December next, and it is hereby prorogued accordingly.

Melbourne, 25th November, 1873.

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

G. W. RUSDEN,

Clerk of the Council and Clerk of the Parliaments.

SELECT COMMITTEES

APPOINTED DURING THE SESSION OF 1873.

No. 1.—SPEECH OF HIS EXCELLENCY—COMMITTEE TO PREPARE ADDRESS IN REPLY.

Appointed 13th May, 1873.

The Hon. J. Henty
W. Highett
T. F. Hamilton
Dr. Dobson

The Hon. T. T. a'Beckett
G. W. Cole
C. J. Jenner
T. J. Sumner (*Mover*).

No. 2.—ADDRESS OF CONGRATULATION TO ADMINISTRATOR OF THE GOVERNMENT.

Appointed 13th May, 1873.

The Hon. P. Russell
J. Henty
N. Fitzgerald
R. Simson

The Hon. F. Robertson
C. J. Jenner
N. Black
A. Fraser (*Mover*).

No. 3.—ELECTIONS AND QUALIFICATIONS.

Appointed (by President's Warrant) 20th May, 1873.

The Hon. Thomas Turner a'Beckett
Robert Stirling Anderson
Robert Culbertson Hope
John Cumming

The Hon. William Highett
John O'Shanassy
Philip Russell.

No. 4.—STANDING ORDERS.

Appointed 20th May, 1873.

The Hon. The President
T. T. a'Beckett
J. O'Shanassy

The Hon. Sir F. Murphy
Dr. Hope.

No. 5.—LIBRARY (JOINT).

Appointed 20th May, 1873.

The Hon. The President
Dr. Dobson
C. J. Jenner

The Hon. R. S. Anderson
J. O'Shanassy.

No. 6.—PRINTING.

Appointed 20th May, 1873.

The Hon. J. Henty
J. Cumming
F. Robertson

The Hon. W. Highett
J. F. Strachan.

No. 7.—REFRESHMENT ROOMS (JOINT).

Appointed 20th May, 1873.

The Hon. The President
P. Russell
T. F. Hamilton

The Hon. R. Simson
N. Fitzgerald.

No. 8.—PARLIAMENT BUILDINGS (JOINT).

Appointed 20th May, 1873.

The Hon. The President
N. Black
W. Degraives

The Hon. W. Campbell
A. Fraser (*Mover*).

No. 9.—MINING ON PRIVATE PROPERTY BILL.

Appointed (by Ballot) 15th July, 1873.

The Hon. T. T. a'Beckett
J. Cumming
N. Fitzgerald
W. Highett

The Hon. F. Robertson
P. Russell
H. M. Murphy (*Mover*).

No. 10.—LAND ACT 1869 AMENDMENT BILL.—COMMITTEE TO DRAW UP REASONS FOR INSISTING ON AMENDMENTS.

Appointed 24th November, 1873.

The Hon. The President
T. T. a'Beckett
W. Campbell.
W. Highett

The Hon. T. McKellar
W. Skene
R. Simson (*Mover*).

VICTORIA.

LEGISLATIVE COUNCIL.

SESSION 1873.

WEEKLY REPORT OF DIVISIONS

IN

COMMITTEE OF THE WHOLE COUNCIL.

No. 1.

Extracted from the Minutes.

TUESDAY, 7TH OCTOBER, 1873.

MINING ON PRIVATE PROPERTY BILL.—Clause 3.—The Governor in Council in the name and on behalf of Her Majesty “*may*” grant to any person subject to the provisions of this Act a lease of any mines containing gold or silver in or under any private lands (so as to bind all persons interested therein) with the right to enter and mine in or on the whole or any part of the surface of such land, and with right of access and such other rights and easements as may be necessary or convenient for the purpose of effectual mining in or upon such lands; and when any such lease shall be granted to any person other than the owner compensation for any damage shall be made as hereinafter provided.

Motion made—That after the word “*may*,” occurring in the second line of the above clause, the following words be inserted: “*as to all lands alienated before the passing of this Act with the consent in writing of the owner thereof, and as to all other lands without any such consent.*”—
(*Hon. J. F. Strachan.*)

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

Committee divided.

Contents, 10.
The Hon. The President
J. F. Strachan
R. Simpson
W. Skene
N. Black
Dr. Dobson
T. F. Hamilton
W. Campbell
W. Degraives
T. McKellar (*Teller*).

Not Contents, 8.
The Hon. T. T. a'Beckett
A. Fraser
R. S. Anderson
H. M. Murphy
P. Russell
W. Highett
J. Cumming
C. J. Jenner (*Teller*).

LEGISLATIVE COUNCIL.

SESSION 1873.

WEEKLY REPORT OF DIVISIONS

IN

COMMITTEE OF THE WHOLE COUNCIL.

No. 2.

Extracted from the Minutes.

TUESDAY, 21st OCTOBER, 1873.

No. 1.—MINING ON PRIVATE PROPERTY BILL.—Clause 3.—The Governor in Council in the name and on behalf of Her Majesty may, as to all lands alienated before the passing of this Act with the consent in writing of the owner thereof and as to all other lands without any such consent, grant to any person subject to the provisions of this Act a lease of any mines containing gold or silver in or under any private lands (so as to bind all persons interested therein) with the right to enter and mine in or on the whole or any part of the surface of such land, and with right of access and such other rights and easements as may be necessary or convenient for the purpose of effectual mining in or upon such lands: and when any such lease shall be granted to any person other than the owner compensation for any damage shall be made as hereinafter provided.

Question—That the above clause, as amended, stand part of the Bill—put.

Committee divided.

Contents, 10.

The Hon. W. Skene
The President
R. Simson
J. F. Strachan
W. Degraives
W. Campbell
N. Black
T. McKellar
G. W. Cole
Dr. Dobson (*Teller*).

Not Contents, 10.

The Hon. R. S. Anderson
A. Fraser
P. Russell
T. T. a'Beckett
J. Cumming
H. M. Murphy
J. Henty
C. J. Jenner
B. Williams
W. A. C. a'Beckett (*Teller*).

The Tellers having declared that the numbers for the Contents and for the Not Contents were respectively ten, or equal, the Chairman gave his vote with the Contents.

No. 2.—MINING ON PRIVATE PROPERTY BILL.—Clause 3.

Motion made and question put—That the Chairman report progress and ask leave to sit again this day six months.—(*Hon. Dr. Dobson*.)

Committee divided.

Contents, 11.

The Hon. W. Campbell
W. A. C. a'Beckett
J. F. Strachan
The President
W. Degraives
T. McKellar
N. Black
W. Skene
G. W. Cole
R. Simson
Dr. Dobson (*Teller*).

Not Contents, 5.

The Hon. A. Fraser
T. T. a'Beckett
J. Cumming
C. J. Jenner
H. M. Murphy (*Teller*).

LEGISLATIVE COUNCIL.

SESSION 1873.

WEEKLY REPORT OF DIVISIONS

IN

COMMITTEE OF THE WHOLE COUNCIL.

No. 3.

Extracted from the Minutes.

MONDAY, 17TH NOVEMBER, 1873.

LAND ACT 1869 AMENDMENT BILL.—Clause 5.—The Governor may subject to the same mode of application as provided by Part II. of “*The Land Act 1869*” and the Regulations thereunder grant licenses to occupy Crown lands subject to the following conditions:—

- (I.) The currency of the license shall be six years.
- (II.) The fee shall be One shilling per acre per annum payable by half-yearly instalments.
- (III.) The area shall not exceed “*six hundred and forty acres.*”
- (IV.) No more than one license shall be granted to any one person.
- (V.) And every such license shall be subject to conditions as nearly as may be similar to those provided by the twentieth section of “*The Land Act 1869*” except that the condition of cultivation shall be satisfied if one acre out of every twenty be cultivated and the condition requiring substantial and permanent improvements shall be satisfied if improvements to the value of Ten shillings for every acre shall have been made thereon before the end of the third year, and the condition of occupation shall be satisfied in the case of a licensee under the nineteenth section of the said Act of any allotment within five miles of the land held by him under this Act by residence on such allotment.

Motion made—That the words “*six hundred and forty acres,*” occurring in the sixth line of the above clause be struck out, with a view of inserting the words “*three hundred and twenty.*”—(Hon. R. Simson.)

Question—That the words proposed to be struck out be so struck out—put.

Committee divided.

Contents, 5.
The Hon. R. Simson
T. J. Sumner
W. Degraives
G. W. Cole
T. T. a'Beckett (*Teller*).

Not Contents, 9.
The Hon. W. Skene
R. S. Anderson
J. Cumming
T. F. Hamilton
J. F. Strachan
N. Fitzgerald
The President
T. McKellar
A. Fraser (*Teller*).

STATUTES OF 1 WILLIAM AND MARY, CAP. 30,
AND 5 WILLIAM AND MARY, CAP. 6.

ORDERED BY THE COUNCIL TO BE PRINTED 24TH JUNE, 1873.

1ST OF WILLIAM & MARY, CAP. 30.

An Act to repeal the Statute made in the fifth Year of King Henry the Fourth, against the multiplying Gold and Silver.

“WHEREAS by a Statute made and enacted in the Parliament held in the fifth year of the reign of King Henry the Fourth, late King of England, it was amongst other things enacted in these words, or to this effect, namely, *That none from thenceforth should use to multiply gold or silver, or use the craft of multiplication; and if any the same do, they should incur the pain of felony:* And whereas since the making of the said Statute, divers persons have by their study, industry, and learning, arrived to great skill and perfection in the art of melting and refining of metals, and otherwise improving them and their ores (which very much abound within this realm), and extracting gold and silver out of the same; but dare not exercise their said skill within this realm, for fear of falling under the penalty of the said Statute, but exercise the said Art in foreign parts to the great loss and detriment of this realm:”

5 H. 4, c. 4 repealed.

II. Be it therefore enacted by the King's and Queen's Most Excellent Majesties, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, That from henceforth the aforesaid branch, article, or sentence contained in the said Act, and every word, matter, and thing contained in the said branch or sentence, shall be repealed, annulled, revoked, and for ever made void; anything in the said Act to the contrary in any wise whatsoever notwithstanding.

III. Provided always, and be it enacted by the authority aforesaid, That all the gold and silver that shall be extracted by the aforesaid art of melting and refining of metals, and otherwise improving of them and their ores as before set forth, be from henceforth employed for no other use or uses whatsoever, but for the increase of monies; and that the place hereby appointed for the disposal thereof, shall be their Majesties' Mint within the Tower of London; at which place they are to receive the full and true value for their gold and silver so extracted from time to time, according to assay and fineness thereof; and so for any greater or lesser weight: and that none of that metal of gold and silver, so refined and extracted, be permitted to be used or disposed of in any other place or places within their Majesties' Kingdoms and Dominions.

Conditions of repeal.

IV. Provided also, and be it further enacted by the authority aforesaid, That no mine of copper, tin, iron, or lead, shall hereafter be adjudged, reputed, or taken to be a Royal mine, although gold or silver may be extracted out of the same.

Royal mine. Explained by 5 and 6 W. & M., c. 6.

5TH OF WILLIAM & MARY, CAP. 6.

An Act to prevent Disputes and Controversies concerning Royal Mines.

“WHEREAS by a Clause in one Act of Parliament made in the first Year of their Majesties' Reign, intituled, *‘An Act to repeal the Statute made in the fifth year of King Henry the Fourth, against the multiplying of Gold and Silver,’* it is amongst other things enacted, That no Mine of Tin, Copper, Iron, or Lead, shall hereafter be adjudged, reputed or taken to be a Royal Mine, although Gold or Silver may be extracted out of the same: But notwithstanding the good Provision by the said Statute to prevent the discouraging their Majesties' good Subjects, who have Mines of Copper, Tin, Iron, or Lead in their Soils, from digging and opening the same, many Doubts and Questions have arisen upon the said Statute, whereby great Suits and Troubles have arisen to many Owners and Proprietors of such Mines;” wherefore for the better explanation of the said Statute,

1 W. & M., ss. 1, c. 30.

Owners of mines shall enjoy them.

II. Be it enacted and declared by the King's and Queen's Most Excellent Majesties, by and with the Advice and Consent of the Lords Spiritual and Temporal, and the Commons in this present Parliament assembled, and by the Authority of the same, That all and every Person or Persons, being Subjects of the Crown of *England*, Bodies Politick or Corporate, that now are or hereafter shall be the owner or owners, proprietor or proprietors of any Mine or Mines within the Kingdom of *England*, Dominion of *Wales*, or Town of *Berwick upon Tweed*, wherein any Ore now is, or hereafter shall be discovered, opened, found or wrought, and in which there is Copper, Tin, Iron, or Lead, shall and may hold and enjoy the same Mine or Mines and Ore, and continue in the possession thereof, and dig and work the said Mine or Mines, or Ore, notwithstanding that such Mine or Mines, or Ore, shall be pretended or claimed to be a Royal Mine or Royal Mines; any law, usage, or custom to the contrary notwithstanding.

The King may have the ore on the rates following.

III. Provided always, and be it enacted and declared, That their Majesties, their Heirs and Successors, and all claiming any Royal mines under them, shall and may have the ore of any such mine or mines in any part of the said Kingdom of *England*, Dominion of *Wales*, or Town of *Berwick upon Tweed*, (other than tin ore in the counties of *Devon* and *Cornwal*) paying to the proprietors or owners of the said mine or mines wherein such ore is or shall be found, within thirty days after the said ore is or shall be raised and laid upon the banks of the said mine or mines, and before the same be removed from thence, the rates following (that is to say) For all ores washt, made clean, and merchantable, wherein is copper, the rate of sixteen pounds per ton; and for all ore washt, made clean, and merchantable, wherein there is tin, the rate of forty shillings per ton; and for all ore washt, made clean, and merchantable, wherein there is iron, the rate of forty shillings per ton; and for all ore washt, made clean, and merchantable, where there is lead, the rate of nine pounds per ton. And in default of payment of such respective sums as aforesaid, it shall and may be lawful for the owners and proprietors of the said mine or mines, wherein such ore is, are, or shall be found, to sell and dispose of the said ore to his and their own uses; any law, statute, or custom to the contrary notwithstanding.

The Tanners' Charters, &c., saved. See 9 Ann, c. 24, for the regulation of mine adventurers.

IV. Provided always, that nothing contained in this Act shall alter, determine, or make void the Charters granted to the tanners of *Devon* and *Cornwal*, by any of the Kings and Queens of this Realm, or any of the liberties, privileges, or franchises of the said tanners, or to alter, determine, or make void the laws, customs, or constitutions of the Stannaries of *Devon* or *Cornwal*, or any of them.

VICTORIA.

ROYAL COMMISSIONS:
CIVIL SERVICE AND MUNICIPAL INSTITUTIONS.

LAID ON THE COUNCIL TABLE BY THE HONORABLE A. FRASER, 29TH JULY, 1873, AND ORDERED
BY THE COUNCIL TO BE PRINTED, 5TH AUGUST, 1873.

REPLY to question put by the Honorable R. Simson, 4th June, 1873, for a Statement of Expenses attending the getting up of the Reports of the Royal Commissions on the Civil Service and Municipal Institutions, and the manner in which such expenses were incurred.

LEGISLATIVE COUNCIL.

A STATEMENT of the Expenses attending the getting up of the Report of the Royal Commission on the Civil Service, showing the manner in which such expenses were incurred.

Manner in which Expense was incurred.	Amount.
	£ s. d.
Printer's charges	812 19 0
Shorthand Writer's charges	*629 15 0
Clerical assistance	121 11 9
Cabhire	6 5 0
Refreshments	17 19 1
Travelling Expenses	82 19 5
Stationery	3 18 4
Refund of Expenses incurred by one of the Members in attending Meetings of the Commission	25 0 0
Remuneration to Secretary	200 ^o 0 0
Total	£1,900 7 7
* This amount has not been paid, but is set down merely for the purpose of showing the value of the services rendered	629 15 0
	£1,270 12 7

RETURN, ETC.—continued.

Name of Society, Lodge, &c.	At the end of 1872.		Name of Society, Lodge, &c.	At the end of 1872.			
	Amount of Overdraft from Benefit Fund.	Number of Financial Members.		Amount of Overdraft from Benefit Fund.	Number of Financial Members.		
	£	s. d.		£	s. d.		
M.U.I.O. OF O.F.—continued.			M.U.I.O. OF O.F.—continued.				
<i>Corio District:</i>			<i>Wimmera District:</i>				
Geelong Lodge ...	44	16 1	209	Ararat Lodge ...	40 18 5	69	
Rose of Denmark Lodge ...	14	2 6	16	Moyston Lodge ...	180 11 7	8	
Morison's Lodge ...	86	0 9	16	Total of District ...	221 10 0	77	
Ashby Lodge ...	31	10 0	36	Total of Society ...	2,774 13 0 $\frac{3}{4}$	5,821	
Total of District ...	176	9 4	277	INDEPENDENT ORDER OF ODD-FELLOWS.			
<i>Hamilton District:</i>			United Fitzclarence Lodge ...			4 10 9	80
Princess Alice Lodge ...	56	1 2	63	Enfield Lodge ...	16 3 5	29	
Duke of Edinburgh Lodge ...	7	6 9	22	Duke of Edinburgh Lodge ...	6 2 6	48	
Coleraine Lodge ...	19	11 4	38	Royal Standard Lodge ...	12 2 4	22	
Marquis of Lorne Lodge ...	8	14 8	15	Total ...	38 19 0	179	
Total of District ...	91	13 11	138	GRAND UNITED ORDER OF ODDFELLOWS.			
<i>Ovens and Murray District:</i>			Vaughan Lodge ...			4 11 1	29
Stanley Lodge ...	32	7 5 $\frac{1}{2}$	38	Southern Cross Lodge ...	83 18 11 $\frac{1}{2}$	28	
Wangaratta Lodge ...	143	3 10	13	Malmsbury Lodge ...	1 13 11 $\frac{1}{2}$	26	
Yackandandah Lodge ...	51	9 0	17	Shakespeare Lodge ...	13 5 6 $\frac{1}{2}$	23	
Prince of Wales Lodge ...	0	5 10	61	Hand of Friendship Lodge ...	52 7 9	43	
Mansfield Lodge ...	18	17 1	49	Wendouree Lodge ...	51 7 11 $\frac{1}{2}$	42	
Eldorado Lodge ...	67	12 7	79	Belvidere Lodge ...	14 12 0	40	
Avenel Lodge ...	3	4 9	17	Carlton Lodge ...	1 19 8 $\frac{1}{2}$	39	
Goulburn Valley Lodge ...	5	14 9	12	Adelphi Lodge ...	4 19 4	21	
Total of District ...	322	15 3 $\frac{1}{2}$	286	Rose of Stawell Lodge ...	3 8 11	6	
<i>Port Fairy District:</i>			Total ...			232 5 2 $\frac{1}{2}$	307
Prince Albert Lodge ...	80	12 11	101	ANCIENT ORDER OF FORESTERS.			
Belfast Lodge ...	70	2 7	43	<i>Ararat District:</i>			
Villiers Lodge ...	78	5 8 $\frac{1}{2}$	26	Court Ararat ...	11 14 10	58	
Prince Alfred Lodge ...	33	10 0 $\frac{1}{2}$	59	<i>Ballarat District:</i>			
Total of District ...	262	11 3	229	Court Unity ...	180 16 7	293	
<i>Port Phillip District:</i>			Court Western ...			27 1 1	44
Victoria Lodge ...	11	17 7	94	Court Pride of Linton ...	18 16 11 $\frac{1}{4}$	45	
Hope of Richmond Lodge ...	37	18 0	101	Court Merry Foresters ...	62 13 0	59	
Cornucopia Lodge ...	3	5 0 $\frac{1}{2}$	21	Court Star of the West ...	11 0 1	39	
Yarra Yarra Lodge ...	15	10 3	39	Court Royal Foresters ...	9 19 10 $\frac{3}{4}$	32	
Kilmore Lodge ...	1	2 3	53	Court Tuaggra ...	18 12 5	75	
Industry Lodge ...	11	14 8	182	Court Egerton ...	46 0 10 $\frac{1}{4}$	21	
Northcote Lodge ...	2	17 8	28	Total ...	375 0 10 $\frac{1}{4}$	608	
Albert Lodge ...	8	19 7	68	<i>Grenville District:</i>			
Studley Lodge ...	17	6 10 $\frac{1}{2}$	61	Court Good Intent ...	7 15 9	103	
Gellibrand Lodge ...	12	17 8	80	<i>Melbourne District:</i>			
La Trobe Lodge ...	22	14 3	55	Court Tarnagulla ...	5 1 3	26	
Upper Goulburn Lodge ...	80	6 9	18	<i>Ovens and Murray District:</i>			
Mitchell Lodge ...	18	0 2	33	Court Wangaratta ...	50 19 1 $\frac{1}{2}$	20	
Prospectors Lodge ...	1	9 2	24	Court Robin Hood ...	1 7 1 $\frac{1}{2}$	130	
Romsey Lodge ...	20	0 2	34	Court Little John ...	41 1 11 $\frac{1}{2}$	40	
Total of District ...	266	0 1	891	Total ...	93 8 2 $\frac{1}{4}$	190	
<i>South Melbourne District:</i>			<i>Portland District:</i>				
Emerald Hill Lodge ...	24	16 8 $\frac{1}{2}$	215	Court Prince Alfred ...	28 3 1	36	
<i>Talbot District:</i>			<i>Warrnambool District:</i>				
Alexandra Lodge ...	14	7 9	56	Court Warrnambool ...	9 10 0 $\frac{1}{2}$	98	
Avoca Lodge ...	29	7 3	77	Court Allan's Forest ...	21 7 3	17	
Carisbrook Lodge ...	33	17 11 $\frac{1}{2}$	27	Court Tower Hill ...	1 14 1 $\frac{1}{2}$	15	
Total of District ...	77	12 11 $\frac{1}{2}$	160	Total ...	32 11 5	130	
<i>Warrnambool District:</i>			<i>Wimmera District:</i>				
Victoria Lodge ...	48	12 2	192	Court Wimmera ...	0 4 6	18	
Woodford Lodge ...	1	8 0	33	UNITED ANCIENT ORDER OF DRUIDS.			
Allansford Lodge ...	3	16 4	24	Phoenix Lodge ...	18 3 4	22	
Garvoc Lodge ...	11	15 5	18	Southern Cross Lodge ...	8 15 11	54	
Total of District ...	65	11 11	267	Total ...	26 19 3	76	

RETURN, ETC.—*continued.*

Name of Society, Lodge, &c.	At the end of 1872.		Name of Society, Lodge, &c.	At the end of 1872.	
	Amount of Overdraft from Benefit Fund.	Number of Financial Members.		Amount of Overdraft from Benefit Fund.	Number of Financial Members.
	£	s. d.		£	s. d.
INDEPENDENT ORDER OF RECHABITES.			S. OF T.—<i>continued.</i>		
Pioneer Tent	5	13 3½	228	Victoria Grand Division :	
Enterprise Tent	5	19 3½	188	Corio Division	33 18 11
Victoria Tent	14	9 11	130	Warrnambool Division	5 17 1
Rose of Denmark Tent	8	8 3	149	Star of the West Division	0 14 6
Excelsior Tent	2	18 2	151	Queenscliff Division	2 11 0
Albert Tent	17	11 10½	28	Star of Hope Division	0 14 9
Rescue Tent	1	17 11½	21	Mount Rouse Division	30 2 1
Perseverance Tent	0	10 3	86	Total	73 18 4
St. Arnaud Tent	14	10 5	41		279
Progress Tent	5	4 8	30	ORDER OF ST. ANDREW.	
Moynes Tent	0	16 6	16	Eaglehawk Lodge	8 15 18
Alliance Tent	14	17 7	43	Moonee Ponds Lodge	2 9 7
Duke of Edinburgh Tent	1	13 7½	16	North Richmond Lodge	13 6 2½
Royal Alfred Tent	11	7 10	45	Sandhurst Lodge	51 13 8
Speedwell Tent	3	2 11	54	Waverley Lodge	0 16 0
Father Mathew Tent	0	15 9	30	Total	77 1 4½
Lady Bay Tent	17	9 5½	21		218
Southern Cross Tent	19	18 10	43	ORDER OF ST. ANDREW, SCOT-TISH CONSTITUTION.	
Ebenezer Tent	16	0 9	6	Wood's Point Lodge	15 14 3
Triumph Tent	1	16 3¼	6	Sir Walter Scott Lodge	8 3 9
Hope of Australia Tent	0	19 11	33	Waverley Lodge	11 4 1
Raglan Tent	1	11 3	2	Total	35 2 1
Home of the Free Tent	2	1 6	3		114
Malmsbury Tent	0	12 4	24	ST. PATRICK'S SOCIETY.	
Paragon Tent	9	15 8	7	Melbourne	754 5 3
Pride of the Yarra Tent	0	2 6	8	Mansfield	5 19 3
Doncaster Tent	1	19 8	6	Total	760 4 6
Laurel Tent	7	3 2	66		316
Royal Norwood Tent	4	0 7	35	HIBERNIAN AUSTRALASIAN CATHOLIC BENEFIT SOCIETY.	
Ark of Peace Tent	17	1 4	17	Castlemaine Branch	49 2 9
Hope of Dandenong Tent	1	6 4	17	Golden Point Branch	17 17 10
The Wonder Tent	2	4 0	10	Hawthorn Branch	10 6 9
Rising Sun Tent	15	3 3	14	Bungaree Branch	7 18 9½
Hope of Yackandandah Tent	1	1 7	18	Total	85 6 1½
Total	230	6 8¼	1,592		152
				VICTORIAN NATIVES ASSOCIATION	29 16 0
SONS OF TEMPERANCE.					41
<i>Ballarat Grand Division :</i>				PROTESTANT ALLIANCE FRIENDLY SOCIETY.	
Pioneer Division	12	18 3	81	Hanover Lodge	26 0 8
Star of the East Division	14	5 4	40	Standard Lodge	12 10 7
Good Samaritan Division	13	1 1½	16	Total	38 11 3
Hope of Talbot Division	9	14 0½	63		125
Maryborough Division	13	13 4½	20	UNITED ORDER OF ST. GEORGE.	
Star of Amherst Division	7	3 7¾	21	Pioneer Lodge	14 1 6½
Victoria Division	21	2 3	28	Total of all the above Societies	£5,090 8 4½
Total	91	18 0	269		10,753
<i>Melbourne Grand Division :</i>					
Excelsior Division	15	12 6	50		
Royal Victoria Division	10	13 6½	11		
Total	26	6 0½	61		

N.B.—The following Lodges, Courts, &c., have, up to the present period, sent in no returns, or only incomplete returns, for the year 1872; it is therefore impossible to say whether they have overdrawn from their benefit fund for the purposes of management or not :—

Independent Order of Odd Fellows.

Fitzroy Lodge.
Hotham Union Lodge.
Prince of Wales Lodge.

Camperdown Lodge.
On dit Lodge.
St. George Lodge.

Columbia Lodge.
Bannockburn Lodge.
Philanthropic Lodge.

Ancient Order of Foresters—Ballarat District.

Court Talbot. | Court Welcome.

Ancient Order of Foresters—Bendigo District.

Court Alexandra. | Court Lockwood. | Court Campaspe.

Ancient Order of Foresters—Melbourne District.

Court Happy Home.
Court Friar Tuck.
Court Castlemaine.
Court Pride of Richmond.
Court Rising Sun.
Court Kew.

Court Forest Home.
Court Dandenong.
Court Cranbourne.
Court Muckleford.
Court Violet Grove.
Court Alpine.

Court Arthur Seat.
Court Ballan.
Court Thorncombe.
Court Forest Oak.
Court Jika Jika.

Ancient Order of Foresters—Portland District.

Court Tranquillity.

United Ancient Order of Druids.

Royal Oak No. 10 Lodge.
Victoria Lodge.

Britannia Lodge.
Boadicea Lodge.
Salisbury Lodge.

Mona Lodge.
Greensborough Lodge.

Ancient Order of Shepherds.

Prince of Wales Sanctuary.
Barwon Rise Sanctuary.

Robin Hood Sanctuary.
Duke of Edinburgh Sanctuary.

Independent Order of Rechabites.

Mount Alexander Tent.
Excelsior No. 13 Tent.
Heales's Tent.
Victoria Tent.
Star of the West Tent.
Fidelity Tent.
Smeaton Rescue Tent.
Prince of Wales Tent.
Guildford Tent.

Healesville Tent.
Hope of Seymour Tent.
Murray Valley Tent.
Star of Wallan Wallan Tent.
Fern-tree Tent.
Victory Tent.
Reform Tent.
Hope of Epping Tent.
Rose of Moltka Tent.

Sandford and Wannan Tent.
Mount Battery Tent.
Anchor of Hope Tent.
Ark of Safety Tent.
John Gough Tent.
Glen Iris Tent.
Flower of the Forest Tent.
Child of Providence Tent.
Gisborne Tent.

Sons of Temperance—Ballarat Grand Division.

Ballarat Division.
Excelsior Division.
Fryers Division.

Chewton Division.
Hope of Chepstowe Division.
Star of the Valley Division.

Royal Sceptre Division.
Ballanee Division.
Speedwell Division.

Sons of Temperance—Melbourne Grand Division.

Star of Kingston Division.

Order of St. Andrew.

Collingwood Lodge.
Duke of Edinburgh Lodge.
Emerald Hill Lodge.
Hotham Lodge.

Kilmore Lodge.
Lord Seafield Lodge.
Morang Lodge.
Preston Lodge.

Richmond Lodge.
Victoria Lodge.
Williamstown Lodge.

*St. Patrick's Society—Walhalla.**Hibernian Australasian Catholic Benefit Society.*

Sandhurst Branch.
Hotham Branch.
Heidelberg Branch.
Essendon Branch.
Brighton Branch.
Carlton Branch.
Fryerstown Branch.
Sandon Branch.
Broadmeadows Branch.
Daylesford Branch.
Epping Branch.

Echuca Branch.
Seymour Branch.
Nagambie Branch.
Malsbury Branch.
Ballarat Branch.
Sebastopol Branch.
Moorabool Branch.
Learmonth Branch.
Smythesdale Branch.
Buninyong Branch.
Clunes Branch.
Woodford Branch.

Talbot Branch.
Koroit Branch.
Belfast Branch.
Yambuk Branch.
Ararat Branch.
Maryborough Branch.
Wangaratta Branch.
Beechworth Branch.
Benalla Branch.
Eldorado Branch.
Stawell Branch.

Protestant Alliance Society.

Perseverance Lodge.
Cosmopolitan Lodge.
Corio Lodge.
British Lodge.
City of Ballarat Lodge.

Clunes Lodge.
Britannia City Lodge.
Prahran Lodge.
Victoria Lodge.
Buninyong Lodge.

Rose of Australia Lodge.
Daylesford Lodge.
Queen Victoria Lodge.
Emerald Hill Lodge.
Hope Lodge.

WILLIAM HENRY ARCHER,
Registrar-General.

Registrar-General's Office,
Melbourne, 21st July, 1873.

1873.

VICTORIA.

SCAB IN SEYMOUR AND MANSFIELD DISTRICTS.

RETURN TO AN ORDER OF THE LEGISLATIVE COUNCIL.

THE HONORABLE P. RUSSELL.—22ND JULY, 1873.

LAI'D UPON THE COUNCIL TABLE BY THE HONORABLE A. FRASER, 29TH JULY, 1873, AND ORDERED
BY THE COUNCIL TO BE PRINTED, 5TH AUGUST, 1873.

“ALL Reports and Correspondence in the possession of the Chief Inspector of Stock relating to the
disease in sheep called Scab, in the Seymour and Mansfield districts.”

SEYMOUR DISTRICT.

Mr. Inspector Stephen's returns of duties performed, for the months of April, May, and June, 1873, respectively; Mr. Inspector Stephen's letters (181, 185, 192), dated respectively 7th April, 1873, and 20th May, 1873; also Mr. Sullivan's letter of 1st April, 1873, to Mr. Lloyd Jones, in connection with Mr. Stephen's letter of 20th May, 1873.

MANSFIELD DISTRICT.

Mr. Inspector McWilliam's returns of duties performed, for the months of April, May, and June, 1873; Mr. Inspector McWilliam's letter of 2nd June, accompanying his May return.

(Signed) E. M. CURR.

17th July, 1873.

For sheep in quarantine and under licence in both the Seymour and Mansfield districts, see annexed return of the various districts of the colony.

RETURN OF DUTIES PERFORMED IN THE SEYMOUR SCAB DISTRICT DURING THE MONTH OF APRIL, 1873, BY W. H. STEPHEN, INSPECTOR OF SHEEP.

List of all Squatting Runs inspected.	List of all Freehold Lands inspected.	Names of Sheepowners.
Avenel ... ..	...	Lloyd Jones.
Wanganbehan ... ..	...	Isaac Younghusband.
Seven-creeks ... ..	...	Ditto.
Killeen ... ..	...	Ditto.
Baily Hill ... ..	...	Ditto.
Wombat Hill ... ..	...	Ditto.
Honeysuckle South ... ..	...	Ditto.
	Farm, Craijulee ...	Geo. Morison.
	„ Lissennelly...	John Blayney.
	„	Thos. F. Griffiths.

Number of travelling sheep destroyed—Nil.

- „ sheep destroyed on runs—Nil.
 „ days travelling, and miles travelled—16 days; 278 miles.
 „ sheep inspected—26,300.
 „ sheep found infected, and without a licence—78.
 „ owners licensed, and number fined—Nil.
 „ sheep now under licence in my district—Nil.
 „ sheep now in quarantine in my district—115,000.

Dates of last and next proposed meeting of Board of Advice, and names of members present at last—26th March; 28th May. Meeting on 30th April lapsed; only Mr. Grattan, the chairman, attended.

(Signed) W. H. STEPHEN, Inspector of Sheep.

Date—2nd May, 1873.

INSPECTION OF LICENSED RUNS.				INSPECTION OF RUNS IN QUARANTINE.			
Names of Runs.	Dates of First Licences.	Dates of renewed Licences.	Result of Inspections.	Names of Runs.	Dates when placed in Quarantine.	General Remarks as to their Condition.	
Nil	Nil	Nil	Nil	Avenel	1871. 19th August	} Found no scab on these stations, but am not assured they are clean.	
				Wanganbehan ...	„		
				Killeen, Baily Hill...	„		
				Wombat, Honeysuckle	„		
APPLICATIONS FOR CLEAN CERTIFICATES UNDER CLAUSE 44.				APPLICATIONS FOR RELEASES FROM QUARANTINE.			
Names of Applicants.	Names of Runs.	Dates of Last Dipping.	How dealt with.	Names of Applicants.	Names of Runs.	Dates of Last Dipping.	How dealt with.
Nil	Nil	Nil	Nil	William Ford Geo. Morison Jno. Blayney Geo. Coombs	Tabilk Estate Craijulee ... Lissennelly Farm on Mangalore	} See Note }	Delayed in consequence of no meeting of the Board on the 30th April.
APPLICATIONS FOR ADMISSION OF SHEEP INTO CLEAN DISTRICTS.				APPLICATIONS FOR ADMISSION OF SHEEP INTO QUARANTINE DISTRICTS.			
Names of Applicants.	Where Sheep Depasturing.	To be removed to.	How dealt with.	Names of Applicants.	Where Sheep Depasturing.	To be removed to.	How dealt with.
Archd. Ross ...	Torrumbarry	Warrenbayne	Granted.	Nil	Nil	Nil	Nil

NOTE.—The sheep on these farms have not been scabby for years, but the country was quarantined by my predecessor.

RETURN OF DUTIES PERFORMED IN THE SEYMOUR SCAB DISTRICT DURING THE MONTH OF
MAY, 1873, BY W. H. STEPHEN, INSPECTOR OF SHEEP.

List of all Squatting Runs inspected.	List of all Freehold Lands inspected.	Names of Sheepowners.
Upotipotpon	Turnbull Brothers.
Honeysuckle North	John Ralston.
Tarcomb	Younghusband and Company.
Dropmore	Campbell Brothers.
Habbies Home	Gideon Stewart, Executors of.
Glenlyon	Ditto.
Rocky Passes	Ditto.
	Cobblestock ...	Guild Brothers.

Number of travelling sheep destroyed—Nil.

- „ sheep destroyed on runs—Nil.
- „ days travelling, and miles travelled—19 days ; 439 miles.
- „ sheep inspected—34,000.
- „ sheep found infected, and without a licence—Nil ; nil.
- „ owners licensed, and number fined—Nil ; nil.
- „ sheep now under licence in my district—Nil.
- „ sheep now in quarantine in my district—115,000.

Dates of last and next proposed meeting of Board of Advice, and names of members present at last—9th May ;
25th June ; Messrs. Grattan, Turnbull, Ryan, McMillan, and Ralston.

(Signed) W. H. STEPHEN, Inspector of Sheep.

Date—2nd June, 1873.

INSPECTION OF LICENSED RUNS.				INSPECTION OF RUNS IN QUARANTINE.			
Names of Runs.	Dates of First Licences.	Dates of renewed Licences.	Result of Inspections.	Names of Runs.	Dates when placed in Quarantine.	General Remarks as to their Condition.	
Nil	Nil	Nil	Nil	Tarcomb ... Habbies Home, Glenlyon ... Rocky Passes ...	1871. 28th August. 27th July ... „	} Apparently free from scab.	
APPLICATIONS FOR CLEAN CERTIFICATES UNDER CLAUSE 44.				APPLICATIONS FOR RELEASES FOR QUARANTINE.			
Names of Applicants.	Names of Runs.	Dates of Last Dipping.	How dealt with.	Names of Applicants.	Names of Farms.	Date of Last Dipping.	How dealt with.
Nil	Nil	Nil	Nil	W. Ford ... Geo. Morison ... J. Morison ... T. F. Griffiths ... John Blayney ... Geo. Coombs ...	Tabilk estate Craijulee farm ... Woodburn — farm ... Lissennelly — farm ...	} Sheep never have been dipped on these farms	Approved of.
APPLICATIONS FOR ADMISSION OF SHEEP INTO CLEAN DISTRICTS.				APPLICATIONS FOR ADMISSION OF SHEEP INTO QUARANTINE DISTRICTS.			
Names of Applicants.	Where Sheep Depasturing.	To be removed to.	How dealt with.	Names of Applicants.	Where Sheep Depasturing.	To be removed to.	How dealt with.
Nil	Nil	Nil	Nil	Rowe and Stodart	Kanambra (late Miller's ponds)	Longwood Township	Refused.

RETURN OF DUTIES PERFORMED IN THE SEYMOUR SCAB DISTRICT DURING THE MONTH OF
JUNE, 1873, BY W. H. STEPHEN, INSPECTOR OF SHEEP.

List of all Squatting Runs inspected.	List of all Freehold Lands inspected.	Names of Sheepowners.
Nil	Nil	Nil

Was subpoenaed to attend the Supreme Court, Melbourne, as a witness in the case *Lyon v. Australian Agency Company*, and was detained till the 28th June from the 7th.

Number of travelling sheep destroyed—Nil.

- „ sheep destroyed on runs—Nil.
- „ days travelling, and miles travelled—Nil.
- „ sheep inspected—Nil.
- „ sheep found infected, and without a licence—Nil.
- „ owners licensed, and number fined—Nil.
- „ sheep now under licence in my district—Nil.
- „ sheep now in quarantine in my district—126,000.

Dates of last and next proposed meeting of Board of Advice, and names of members present at last.—Was unable to attend the Board Meeting on the 25th instant ; next meeting will be held on 30th July.

(Signed) W. H. STEPHEN, Inspector of Sheep.

Date—30th June, 1873.

INSPECTION OF LICENSED RUNS.				INSPECTION OF RUNS IN QUARANTINE.		
Names of Runs.	Dates of First Licences.	Dates of renewed Licences.	Result of Inspections.	Names of Runs.	Dates when placed in Quarantine.	General Remarks as to their Condition.
Nil	Nil	Nil	Nil	Nil	Nil	Nil

APPLICATIONS FOR CLEAN CERTIFICATES UNDER CLAUSE 44.				APPLICATIONS FOR RELEASES FROM QUARANTINE.			
Names of Applicants.	Names of Runs.	Dates of Last Dipping.	How dealt with.	Names of Applicants.	Names of Runs.	Dates of Last Dipping.	How dealt with.
Nil	Nil	Nil	Nil	Nil	Nil	Nil	Nil

APPLICATIONS FOR ADMISSION OF SHEEP INTO CLEAN DISTRICTS.				APPLICATIONS FOR ADMISSION OF SHEEP INTO QUARANTINE DISTRICTS.			
Names of Applicants.	Where Sheep Depasturing.	To be removed to.	How dealt with.	Names of Applicants.	Where Sheep Depasturing.	To be removed to.	How dealt with.
Patrick Ryan	Benalla Station.	Goomalibee Station.	Granted.	Nil	Nil	Nil	Nil

RETURN OF DUTIES PERFORMED IN THE MANSFIELD SCAB DISTRICT DURING THE MONTH OF
APRIL, 1873, BY W. H. McWILLIAM, INSPECTOR OF SHEEP.

List of all Squatting Runs Inspected.	List of all Freehold Lands inspected.	Names of Sheepowners.
Barjarg ... ..	...	David Clifton.
Eglinton ... ..	...	Henry Johnson.
Killingworth	Farm on	Michael Kelly.
Ditto	Ditto	D. McLeish, sen.
Ditto	Ditto	D. McLeish, jun.
Ditto	Ditto	Thos. Kelly.
Cathkin ... ..	...	Grant and Lamont.
Miller's Ponds ... ..	...	Rowe and Stodart.
Eildon ... ..	...	Alexr. Thom.

Number of travelling sheep destroyed—Nil.

” sheep destroyed on runs—Nil.

” days travelling, and miles travelled—15 ; 310.

” sheep inspected—39,000.

” sheep found infected and without a licence—Nil.

” owners licensed, and number fined—Nil ; one fined.

” sheep now under licence in my district—Nil.

” sheep now in quarantine in my district—146,500.

Dates of last and next proposed meeting of Board of Advice, and names of members present at last—4th March ; 6th May ; Jas. Forsyth and E. Tolmie.

(Signed)

WM. H. McWILLIAM, Inspector of Sheep.

Date—

INSPECTION OF LICENSED RUNS.				INSPECTION OF RUNS IN QUARANTINE.		
Names of Runs.	Dates of First Licences.	Dates of renewed Licences.	Result of Inspections.	Names of Runs.	Dates when placed in Quarantine.	General Remarks as to their Condition.
Nil	Nil	Nil	Nil	Eglinton	November 1871	Sheep recently dipped for scab.
				Killingworth, Eildon, Cathkin, Miller's Ponds } }	”	Satisfactory ; sheep looking well and clean at present.

APPLICATIONS FOR CLEAN CERTIFICATES UNDER CLAUSE 44.				APPLICATIONS FOR RELEASES FROM QUARANTINE.			
Names of Applicants.	Names of Runs.	Date of Last Dipping.	How dealt with.	Names of Applicants.	Names of Runs.	Dates of Last Dipping.	How dealt with.
Messrs. Rowe and Stodart	Miller's Ponds and Gobur	January 1873	Inspection not completed.	M. Kelly	Farm on Muddy Creek	Not dipped for two years	} To be considered at next meeting of Board of Advice.
				S. Wilson	Borodomanin	Decbr. 1872	
				R. Underwood	Lamburn	Not dipped for years	
				A. T. Taylor	Ayerarby	No sheep on ground	

APPLICATIONS FOR ADMISSION OF SHEEP INTO CLEAN DISTRICTS.				APPLICATIONS FOR ADMISSION OF SHEEP INTO QUARANTINE DISTRICTS.			
Names of Applicants.	Where Sheep Depasturing.	To be removed to.	How dealt with.	Names of Applicants.	Where Sheep Depasturing.	To be removed to.	How dealt with.
W. McKellar...	Emu Plains	Lima	} Granted. Forwarded to Inspector at Benalla.	Nil	Nil	Nil	Nil
J. Frost	Barjarg	Benalla					

RETURN OF FINES INFLICTED DURING THE MONTH OF APRIL, 1873, IN THE MANSFIELD SCAB DISTRICT.

Person Fined.	Date of Fine.	By what Bench.	Offence.	Amount of Fine.	Remarks.
Henry Johnson	29th April ...	Alexandra	Breach of Sec. 33 ...	£ s. d. 83 18 0	The sheep in this case are kept on the Eglinton Run, and during my inspection in March were found infected in one paddock.
Ditto	Ditto	Ditto	Breach of Sec. 35, not giving notice to owner of adjoining run.	10 0 0	
				93 18 0	

Date—1st May, 1873.

(Signed)

WM. H. McWILLIAM, Inspector of Sheep.

RETURN OF DUTIES PERFORMED IN THE MANSFIELD SCAB DISTRICT DURING THE MONTH OF
MAY, 1873, BY W. H. McWILLIAM, INSPECTOR OF SHEEP.

List of all Squatting Runs inspected.	List of all Freehold Lands inspected.	Names of Sheepowners.
Miller's Ponds and Gobur	Rowe and Stodart.
Mount Pleasant	D. McKenzie.
Riversdale, No. 1	Thos. Murray.
Riversdale, No. 2	S. Allardyce.
Wappan	Executors of late John Bon.
Preston	G. Fitzmaurice.

Number of travelling sheep destroyed—Nil.

” sheep destroyed on runs—Nil.

” days travelling, and miles travelled—16 ; 320.

” sheep inspected—60,000.

” sheep found infected, and without a licence—Nil.

” owners licensed, and number fined—Nil.

” sheep now under licence in my district—Nil.

” sheep now in quarantine in my district—154,000.

Dates of last and next proposed meeting of Board of Advice, and names of members present at last—10th May ;
3rd June ; A. Chenery and J. Forsyth.

(Signed)

WM. H. McWILLIAM, Inspector of Sheep.

Date—2nd June, 1873.

INSPECTION OF LICENSED RUNS.				INSPECTION OF RUNS IN QUARANTINE.		
Names of Runs.	Dates of First Licences.	Dates of renewed Licences.	Result of Inspections.	Names of Runs.	Dates when placed in Quarantine.	General Remarks as to their Condition.
Nil	Nil	Nil	Nil	Miller's Ponds, Gobur. Mount Pleasant ... Riversdale and Wappan.	1871. October ... ” ... ” ...	} Inspection satisfactory ; sheep on these runs all apparently clean.

APPLICATIONS FOR CLEAN CERTIFICATES UNDER CLAUSE 44.				APPLICATIONS FOR RELEASES FROM QUARANTINE.			
Names of Applicants.	Names of Runs.	Dates of Last Dipping.	How dealt with.	Names of Applicants.	Names of Runs.	Date of Last Dipping.	How dealt with.
Rowe and Stodart.	Miller's Ponds and Gobur.	1872. December...	} Recommended at last meeting of Board and granted.	S. Wilson ... R. Underwood A. Taylor ... M. Kelly ...	Borodomanin Muddy Ck. A. Farm on ,, ” ”	1872. December... Not for years ” ”	Postponed. Granted. ” ”

APPLICATIONS FOR ADMISSION OF SHEEP INTO CLEAN DISTRICTS.				APPLICATIONS FOR ADMISSION OF SHEEP INTO QUARANTINE DISTRICTS.			
Names of Applicants.	Where Sheep Depasturing.	To be removed to.	How dealt with.	Names of Applicants.	Where Sheep Depasturing.	To be removed to.	How dealt with.
James McKellar	Lima ...	Benalla ...	} Forwarded to Inspector McEachern.	Rowe and Stodart. J. Gray ... Underwood...	Gobur ... Cathkin ... Flowerdale	Longwood Alexandra MuddyCreek	Recommended. Granted. ”

Mansfield, 2nd June, 1873.

SIR,

I have the honor to forward monthly return of duties for last month, and to state in connection therewith that I found all the sheep, on the different runs inspected, in a very satisfactory state—no dipping required, and the sheep to all appearance clean.

I have the honor to be, Sir,
Your obedient Servant,

E. M. Curr, Esq.,
Chief Inspector of Stock, Melbourne.

WM. H. McWILLIAM.

RETURN OF DUTIES PERFORMED IN THE MANSFIELD SCAB DISTRICT DURING THE MONTH OF JUNE, 1873, BY W. H. McWILLIAM, INSPECTOR OF SHEEP.

List of all Squatting Runs inspected.	List of all Freehold Lands inspected.	Names of Sheepowners.
Cathkin	Grant and Lamond.
Eglinton	Henry Johnston.
Riversdale, No. 1	Thomas Murray.
Eildon	Alexr. Thom.
Thornton	John Barnwell.
Barjarg	— Byrnes.

Number of travelling sheep destroyed—Nil.
 „ sheep destroyed on runs—Nil.
 „ days travelling, and miles travelled—13 ; 370.
 „ sheep inspected—34,000.
 „ sheep found infected and without a licence—Nil.
 „ owners licensed, and number fined—Nil.
 „ sheep now under licence in my district—Nil.
 „ sheep now in quarantine in my district—154,000.

Dates of last and next proposed meeting of Board of Advice, and names of members present at last—10th May ; 1st July ; James Forsyth, A. Chenery.

(Signed)

WM. H. McWILLIAM, Inspector of Sheep.

Date—30th June, 1873.

INSPECTION OF LICENSED RUNS.				INSPECTION OF RUNS IN QUARANTINE.			
Names of Runs.	Dates of First Licences.	Dates of renewed Licences.	Result of Inspections.	Names of Runs.	Dates when placed in Quarantine.	General Remarks as to their Condition.	
Nil	Nil	Nil	Nil	Cathkin, Eglinton ...	1871. October	} Very satisfactory at present, no symptoms of infection on any of the Runs.	
				Thornton, Eildon ...	„		
				Riversdale ...	„		
APPLICATIONS FOR CLEAN CERTIFICATES UNDER CLAUSE 44.				APPLICATIONS FOR RELEASES FROM QUARANTINE.			
Names of Applicants.	Names of Runs.	Dates of Last Dipping.	How dealt with.	Names of Applicants.	Names of Runs.	Dates of Last Dipping.	How dealt with.
Nil	Nil	Nil	Nil	Rowe and Stodart	Miller's Ponds and Gobur	1872. December	} To be considered at next meeting of Board.
APPLICATIONS FOR ADMISSION OF SHEEP INTO CLEAN DISTRICTS.				APPLICATIONS FOR ADMISSION OF SHEEP INTO QUARANTINE DISTRICTS.			
Names of Applicants.	Where Sheep Depasturing.	To be removed to.	How dealt with.	Names of Applicants.	Where Sheep Depasturing.	To be removed to.	How dealt with.
Nil	Nil	Nil	Nil	Thomas Murray	Melbourne District	Riversdale	Granted.

Avenel, 1st April, 1873.

DEAR MR. JONES,

When mustering horses in Cameron's Wells paddock to-day, I, by chance, found 79 of Younghusband's sheep there all by themselves ; they must have got in last night. I brought them to the yard and examined them carefully with Harry Arthur. We found one of them with a small spot of scab on the back. I have sent for Stephen to come and see them, also the 2S sheep I have at Upton.

I have not time to say more before the mail closes, but will write you all particulars to-morrow.

Yours faithfully,

H. E. SULLIVAN.

Will Mr. Stephen give his immediate attention to this matter.—JOHN HUNTER KERR, in the absence of the Chief Inspector.

Noted and returned.—W. H. STEPHEN.—3/4/73.

Longwood, 7th April, 1873.

SIR,

In accordance with a circular from the Chief Inspector, relative to granting permits to dip as a precaution, I beg to inform you that I have granted a permit to Mr. Lloyd Jones to dip, as a precaution, 10,000 sheep on his Upton and Mangalore runs; he having found a scabby sheep, belonging to Mr. Younghusband, in his Cameron's Wells paddock, on Mangalore, and others of the same brand on Upton.

I examined all Mr. Jones's sheep last month and found no scab; and consider it absolutely necessary these sheep, for which I granted a permit, should be dipped before the weather breaks, as it would be almost impossible then to make a thorough muster.

I have the honor to be, Sir,
Your obedient Servant,
W. H. STEPHEN,
Inspector of Sheep.

John Hunter Kerr, Esq.,
In the absence of the Chief Inspector of Sheep.

Seymour, 20th May, 1873.

SIR,

Referring to my letter of the 7th April last, relative to Mr. Sullivan, manager for Mr. Lloyd Jones, at Avenel, having found 78 sheep of Mr. Younghusband's, one of which was scabby, in one of Mr. Jones's paddocks, known as "Cameron's Wells."

I beg to inform you that I have since inspected the sheep on Mr. Younghusband's stations, and, having found no scab on any of them, it is not my intention to prosecute in this case, unless directed to do so, as I consider I should fail in obtaining a conviction against Mr. Younghusband.

I have the honor to be, Sir,
Your obedient servant,
W. H. STEPHEN.

John Hunter Kerr, Esq.,
In the absence of the Chief Inspector of Sheep.

RETURN OF SHEEP IN QUARANTINE AND UNDER LICENCE IN THE VARIOUS DISTRICTS OF THE COLONY, UNDER "THE SCAB ACT 1870," AT THE 30TH JUNE, 1873.

In Quarantine.				Under Licence.	
Districts.				Numbers.	Numbers.
Ballarat	...	...	...	...	...
Beechworth	...	...	...	...	...
Benalla	...	...	...	20,000	...
Geelong	...	...	...	...	...
Gippsland	...	...	...	...	...
Hamilton	...	...	...	32,000	...
Hexham	...	...	...	7,000	...
Kilmore	...	...	...	16,000	...
Melbourne	...	...	...	...	3,827
Mansfield	...	...	...	154,000	...
Seymour	...	...	...	126,000	...
Sandhurst	...	...	...	38,000	...
Wimmera	...	...	...	...	...
				393,000	3,827

Melbourne, 17th July, 1873.

EDMD. M. CURR,
Chief Inspector of Sheep

1873.
—
VICTORIA.

COALFIELDS OF VICTORIA:
REPORT ON.

LAI D ON THE COUNCIL TABLE BY THE HONORABLE A. FRASER, AND ORDERED BY THE COUNCIL
TO BE PRINTED 12TH AUGUST, 1873.

By Authority:
JOHN FERRES, GOVERNMENT PRINTER, MELBOURNE.

REPORT (No. 1)

ON

THE COALFIELDS OF VICTORIA,*

BY

JOHN MACKENZIE, F.G.S.,

GOVERNMENT EXAMINER OF COALFIELDS, NEW SOUTH WALES.

* The sections are being engraved.

SCOTT'S HOTEL,
Melbourne, 28th July 1873.

SIR,

Herewith I have the honor to forward you my Report on the places I have inspected in the South-Eastern District of Victoria.

2. I shall be obliged by your informing me whether the Honorable the Minister for Mines wishes me to examine any other districts.

I have the honor to be,

Sir,

Your most obedient servant,

JOHN MACKENZIE,

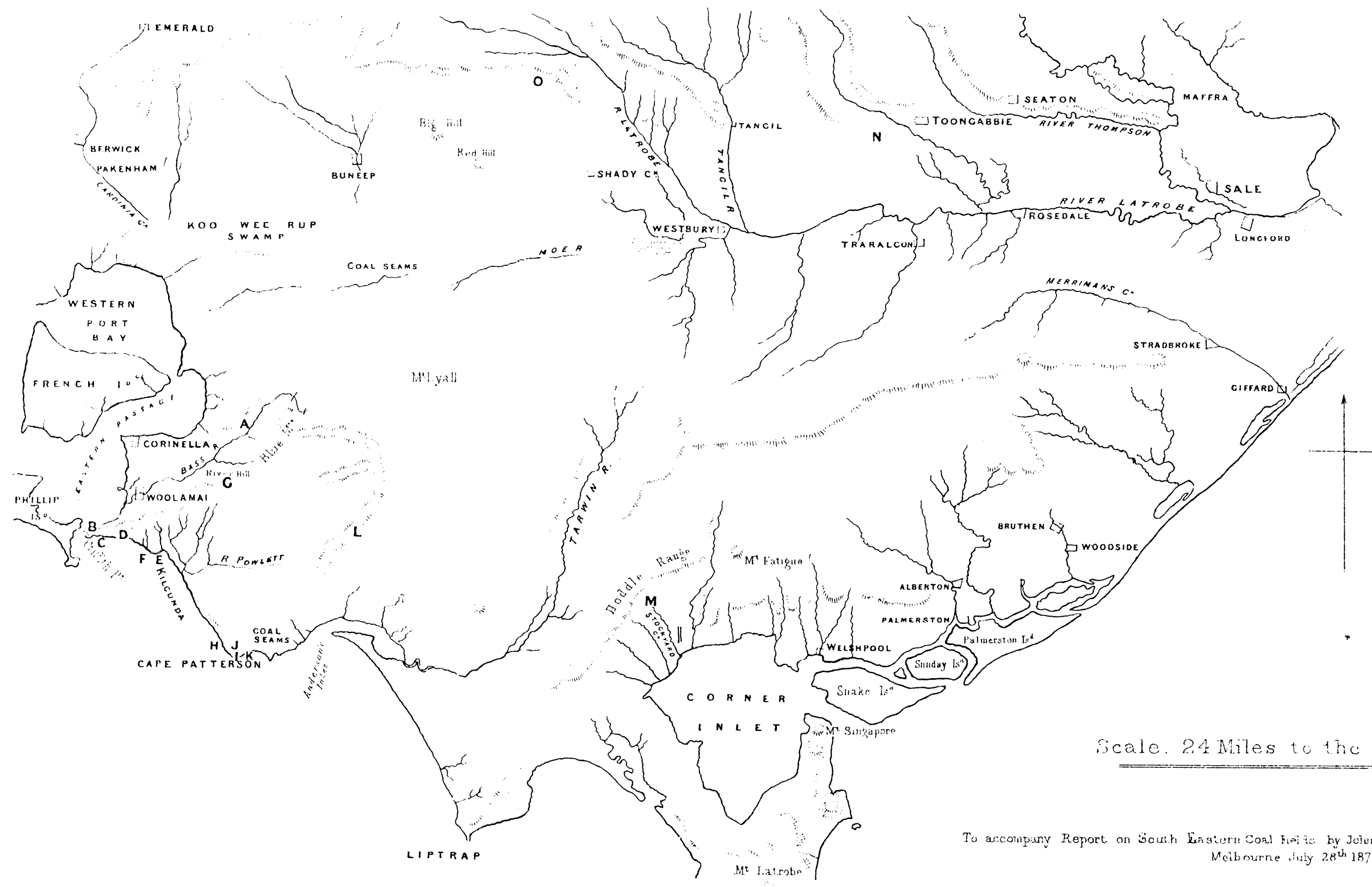
Examiner of Coalfields.

R. BROUGH SMYTH, Esq, F.G.S.,

&c., &c.,

Secretary for Mines.

PLAN.



Scale. 24 Miles to the Inch.

To accompany Report on South Eastern Coal Fields by John Mackenzie F.G.S.
Melbourne July 28th 1873.

Section 3.

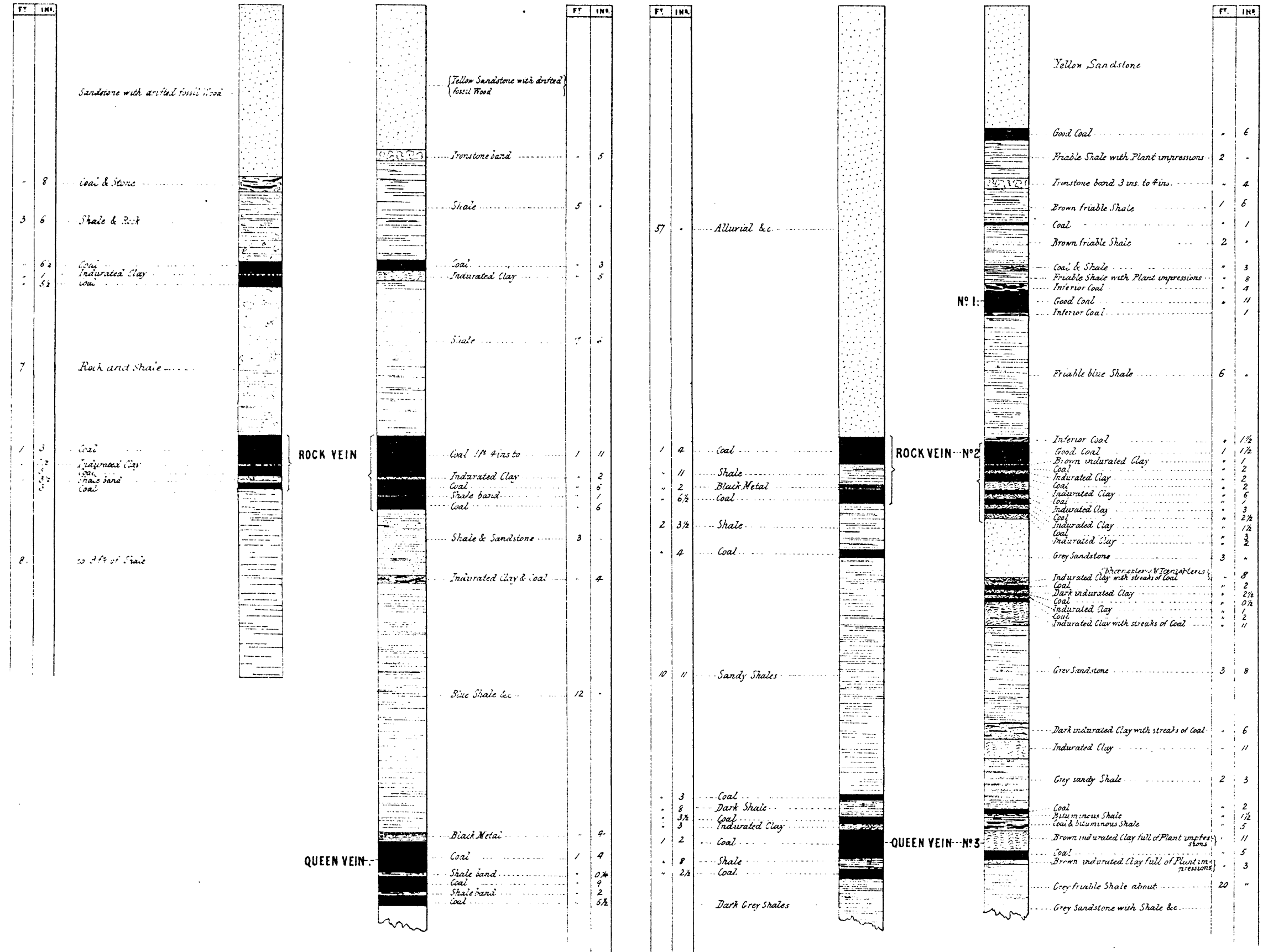
VERTICAL SECTIONS placed in juxtaposition, for the purpose of illustrating that the seams of Coal proved in three different places at Cape Patterson are only the outcrops of the same seams of Coal; and that those at Sandy Water Holes are identical with the Cape Patterson Rock & Queen veins

SECTION taken at K on plan at Cape Patterson 1/4 mile from I.

SECTION taken at I on plan at Cape Patterson 1/4 of a mile from K.

SECTION of Davis shaft J on plan at Cape Patterson

SECTION showing the strata and seams of Coal on M^r Turnbull's property at the Sandy Water Holes D on plan about 11 miles North West of Section at I on plan.



R E P O R T .

To the Honorable Angus Mackay, M.P., Minister for Mines.

Melbourne, 28th July 1873.

SIR,

In accordance with your request and with the permission of the Honorable the Minister for Lands, I have visited and examined the coal and strata at The Bass, Griffith's Point, Blue Mountains, Sandy Waterholes, Kilcunda, Cape Patterson, Strelezki near Anderson's Inlet, Stockyard Creek at Corner Inlet, Traralgon, and Crossover. I have now the honor to submit the following Report thereon.

THE BASS.

A shaft has been sunk on the river bank (see A on plan), and some coal said to have been found in it, but owing to its being half-full of water I was unable to see the strata sunk through.

I examined both sides of the river near the shaft, and could observe no trace of coal. Several days rain prevented my seeing the rock in the bed of the creek, where Mr. Krausé informed me there was a small vein or patch of coal, and I could not hear of any regular SEAM of coal having been discovered.

GRIFFITH'S POINT.

In this district I examined the cliff sections and position of the old shafts sunk for coal. The carboniferous strata, where the shaft lettered B on plan has been sunk, and a small vein of coal found, are lying at an angle of 75°, and no workable seam of coal exists there. It is, in my opinion, only a waste of money to sink or bore further in this locality.

At C on plan the strata dips north-east, and has been bored through to a depth of eight hundred and fifty feet below the sea-level, and no coal seam found. From here to the Sandy Waterholes (see letter D on plan), a distance of about 2½ miles, a constantly ascending series of beds, consisting of conglomerates, sandstones, and shales, with drifted pieces of fossil wood, junks and streaks of coal and carbonaceous matter are exposed in natural sections in the cliffs, but in which there are no regular SEAMS of coal.

It is therefore useless to look for, or to expect to find, any workable seams below those exposed in the cliffs at the Sandy Waterholes and Griffith's Point, as the cliff sections and borings show us that there are none.

SANDY WATERHOLES.

On Mr. Turnbull's land (see letter D on plan) there are seams of coal exposed in natural cliff sections as shown on section I.

These are regular seams of coal extending over a considerable area, and I believe them to be identical in geological position with those commonly called the Rock and Queen veins at Cape Patterson, and that it is here where they first make their appearance above the sea-level again on the coast west of I on plan, near Cape Patterson.

The coal is of very good quality, but it is very much disturbed by faults and dips at an inclination of 21° towards the north-east.

The only workable portion of the No. 1 seam is eleven inches of good coal (see section No. I.), and this is too thin to be of any commercial value.

No. 2 measures thirteen and a half inches of good coal (see section); and if it had been formed with a better roof, and had been lying at a less angle, it might possibly have been worked by holing in the three inches of coal lying about two feet below.

KILCUNDA.

I was accompanied in my inspection of this mine by Messrs. Krausé, Watson, and Thomas. Six different measurements taken in the main heading gave twenty inches as the average thickness of the seam of coal at E on plan. At F on plan, about one-quarter of a mile south-west of the main heading, it is two feet in thickness.

The dip is about 8° to the north-east, and two faults have been proved, one of one hundred and twenty feet, and another of twenty feet.

The coal produced is bright, bituminous, and non-caking, and the Coal Board's estimate of fifteen inches of good or round coal is, I consider, a very liberal one, and quite as much as it will yield.

The seam extends over a large area, and I believe it to be identical with the one found at the Blue Mountain and Strelzki ranges, and on the sea coast west of the Rock and Queen veins (see letter H). It has a bad roof, is disturbed by faults, and near the latter, as is usually the case, the greater part of the coal is very soft, and has an irregular cleavage, and when exposed to the weather decrepitates. In my opinion, it will be impossible to mine it at such a price as will enable the proprietors to compete with the New South Wales or other intercolonial coal in the Melbourne market. The following is a section of this mine :—

Yellow sandstone.					ft.	in.
Gray and blue shale	...	...	...	...	10	0
Coal (average of six measurements) ..	...	...	...	...	1	8
Floor—Indurated clay.						

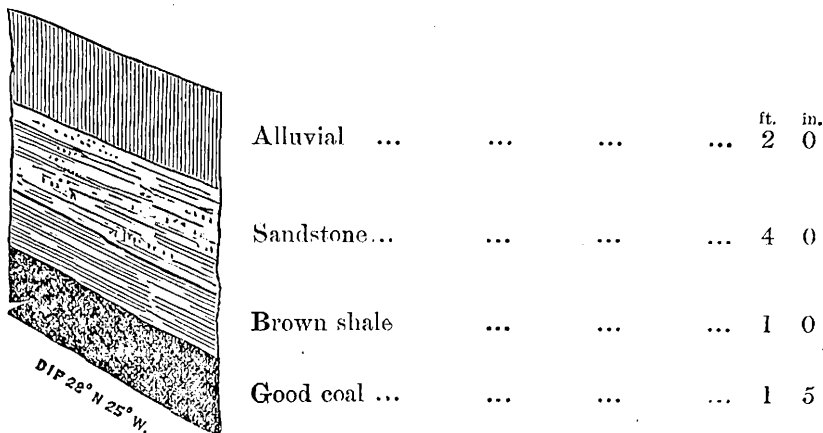
I annex drawings showing how this coal is worked, and the Newcastle coal in New South Wales. (See sketch section page 11.)

BLUE MOUNTAIN.

At a height of about three hundred and ten feet above the sea-level a seventeen-inch seam of coal (see G on plan) is to be seen outcropping in the side of a creek. It

lies at an inclination of 28°, dips north 25° west, has brown sandstones and shales above it, similar to those at Kilcunda, and is, I believe, identical in geological position with the twenty-inch coal at that place. I consequently infer that no other thicker seam of coal is likely to be found at a workable depth in this locality. (See general section No. 2.)

It is too thin to be of any commercial value in such a position. The following is its section :—



CAPE PATTERSON.

Here I find the coal measures intersected by numerous basaltic dykes and faults, and the dip changing in inclination and direction at very short distances.

The undulating or folding nature of the strata exposes the basset edges of two seams of coal, exceeding one foot in thickness, in three different places, at short distances apart. These might make it appear to a casual observer that they were the outcrops of three others, although they are really only the same again appearing at the surface of the ground.

Their measurements are shown in vertical section No. 3.

I believe the Rock and Queen veins are identical in geological position with those before mentioned, exposed in natural cliff sections on Mr. Turnbull's land at the Sandy Waterholes.

The quality of the coal is good, but the faulty nature of the ground, the irregular and constantly changing dip, the thinness of the beds of coal, and distance from a shipping port, prevent its being worked at a profit.

The average of three different measurements of the Rock vein only gives two feet four inches of coal, which is divided by two bands of clay, &c. And the average of three measurements of the Queen vein gives two feet two and three-quarter inches of coal, intersected by no less than three bands of shale, &c., although the Rock vein has been called and reported to be a four-foot coal, and the Queen vein a three-foot six-inch seam of coal.

The numerous boreholes put down in this locality have proved beyond doubt that there are no other payable seams of coal likely to be found at a workable depth here.

STRELEZKI (McCALL AND Co.'s LEASE).

In a creek on these ranges, and at a height of about six hundred and sixty feet above the level of the sea, a seam of good coal is to be seen exposed. The sandstones and shales lying over it are similar to those at Kilcunda and the Blue Mountain, and I believe it to be the same coal as is found there.

The following is a section of it at L on plan:—

	ft.	in.	ft.	in.
Alluvial	2	0		
Shale	2	0		
Coal	0	8	...	0 8
Indurated clay	0	8		
Coal	1	3	...	1 3
Band	0	1		
Coal	0	5	...	0 5
			2 4 of coal.	

The coal and strata are lying nearly horizontal, having only a very slight inclination or dip towards the north-west. This coal has a friable shale roof, which would make it expensive and difficult to work, and as the owners of the lease have never attempted to work it, but are boring below, in hopes of finding a more workable seam, I presume that they, like myself, do not consider that it could be worked to a profit.

On the 28th ultimo the lessees had bored a distance of two hundred and fifty-six feet below the above-mentioned coal, and the borer told me that the strata gone through consisted of sandstones, with gray and blue shales, and no coal.

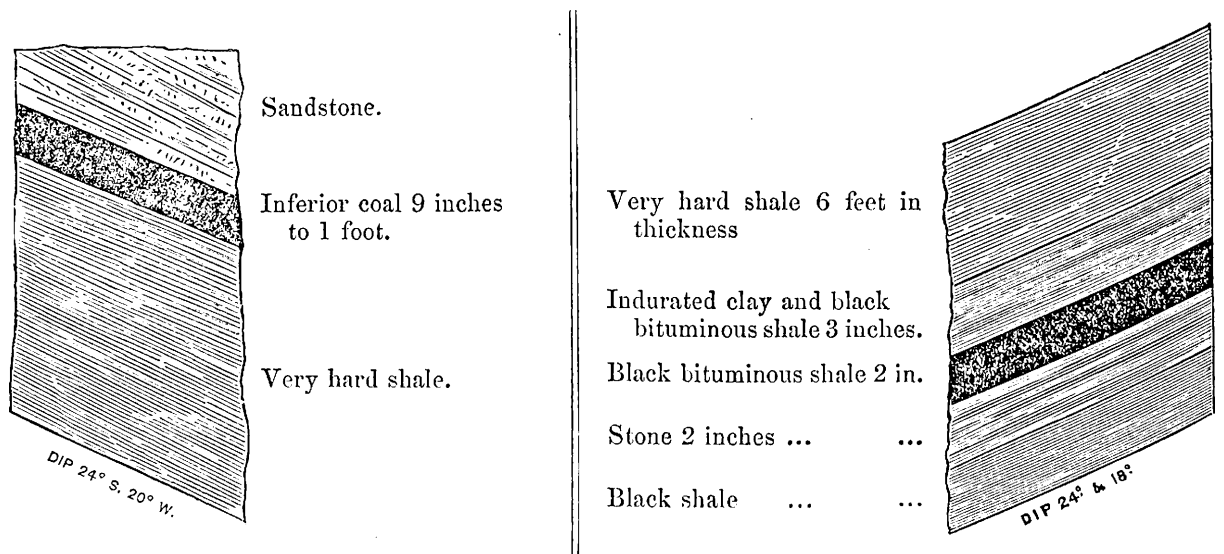
My opinion is that they will have to bore *at least* twelve hundred feet before any other *regular seams* of coal will be met with, and that they would then intersect those identical with the Rock and Queen veins at Cape Patterson. (See general section No. 2.)

The rocks now being bored through at this place will probably have junks and pieces of coal in them similar to those seen on the coast between Sandy Waterholes and Kilecunda, and if any should be found, a seam of coal will appear to have been struck, and will no doubt be recorded as such.

STOCKYARD CREEK (HILL'S PROSPECTING LEASE).

A very thin and inferior coal is outcropping in one place on a creek on this lease, and a thin stratum of bituminous shale in another.

The latter was described to me by those interested in it as a valuable seam of coal. The deposits lie at an angle of 18° to 24°, and rest on silurian rocks, which are to be seen about a quarter of a mile lower down the creek. The following is their measurement (see letter M on plan):—



How any one having the slightest pretensions to a knowledge of coal mining could ever look upon these as workable seams of coal I am at a loss to understand,

for of all the reported discoveries of coal I have ever seen, here or elsewhere, during the last twenty-five years, I never saw one of less promise.

TRARALGON (N on plan).

I was accompanied in my examination of the coal discoveries here by Mr. Krausé, Dr. Simmons (one of the Coal Committee), and Mr. Duncan Campbell. At the time of my inspection, and previous to it, there was heavy rain, which made my examination rather difficult.

I looked at the place where the coal had been found, and on proceeding a short distance higher up the creek I saw the same strata and coal exposed in a natural section above the bed of the creek.

There was one layer of coal two inches in thickness, and another ten inches of shale and coal.

This appears to be the north-easterly edge of the Western Port and Cape Patterson coal basin, and the shales here contain similar fossil flora.

Thick beds of conglomerates, sandstones, and shales, with no workable coal seams in them, are to be seen rising from under this coal as you ascend the creek, and they rest on silurian rocks. Therefore no workable coal seams will be found by boring or sinking below the bed of the creek where the shaft was sunk.

Whether the three hundred or four hundred feet of sandstones and shales, &c., in the ranges over where the shaft was sunk contain any workable coal, it is impossible to say for certain without provings being made.

But I think that, if they did contain any thick or workable seams of coal, we should have seen some pieces or trace of it in walking round the ranges. We discovered none.

CROSSOVER (O on plan).

Having given my knee-joint a very severe wrench through a buggy accident, whilst proceeding on my journey here, I was unable to examine all the different outcrops of lignite and brown coal in this locality, as it was impossible to go to two of them without walking several miles through a scrubby country, which I was then unable to do.

I therefore left instructions for specimens and sections to be procured me from the two places I was unable to visit, and engaged two men to further test the nature of the brown coal in the drive I inspected.

After receiving the specimens and measurements I hope to be able to form an opinion as to the value of these deposits.

To summarize the remarks made in the foregoing Report, I may briefly state that, having given the whole subject my very best consideration, I have arrived at the following conclusions :—

- 1st. That it is useless to expend any further sums of money in searching for payable seams of coal in The Bass, Griffith's Point, Western Port, Cape Patterson, Strelezki, or Stockyard Creek districts.

- 2nd. That the Kilcunda, Blue Mountain, or Strelezki seam of coal might be sought for and opened out in the ranges east and north of Messrs. McCall and Co.'s lease at Strelezki, proving it at intervals of a few miles apart to determine the thickness.
- 3rd. That the country might be examined between the above-mentioned ranges and the River La Trobe, or north-easterly and north-westerly edge of the coal basin, to see whether the Rock or Queen veins, or their equivalents, rise to the surface again in this direction, and are of any value. Such an exploration can only be properly and efficiently carried out by your Mining department, and under a responsible person. The very excellent and valuable geological maps prepared by the late Director-General of the Geological Survey, and the more recent maps published by your present Secretary for Mines, R. Brough Smyth, Esq., F.G.S., are proofs beyond dispute that you will, by this means, have the work done in the best and most efficient manner possible.

I cannot conclude this Report without expressing my thanks to Mr. Krausé for his valuable assistance in conducting me to many of the places herein referred to, which were very difficult of access ; and also for his kind attention to me personally when I met with the accident at Moe ; also to Mr. Murray, for his kind attention and assistance at Cape Patterson and the neighbourhood.

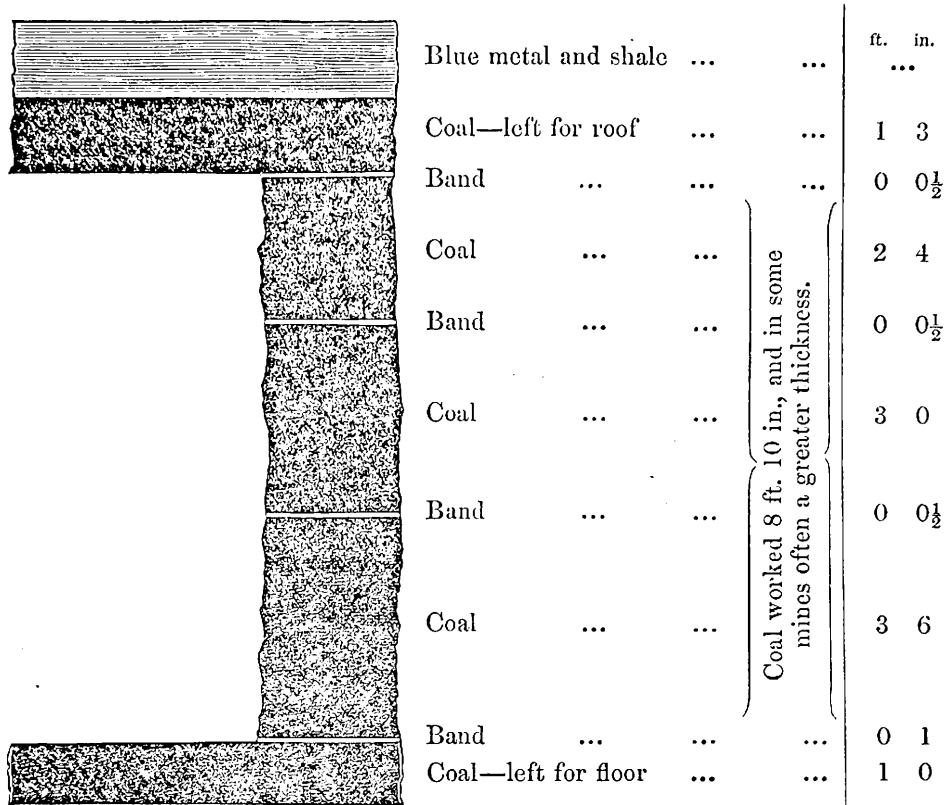
I have the honor to be, Sir,
Your most obedient servant,

JOHN MACKENZIE, F.G.S.,

Government Examiner of Coalfields, New South Wales.

SKETCH SHOWING THE SEAM OF COAL WORKED AT NEWCASTLE, IN NEW SOUTH WALES.

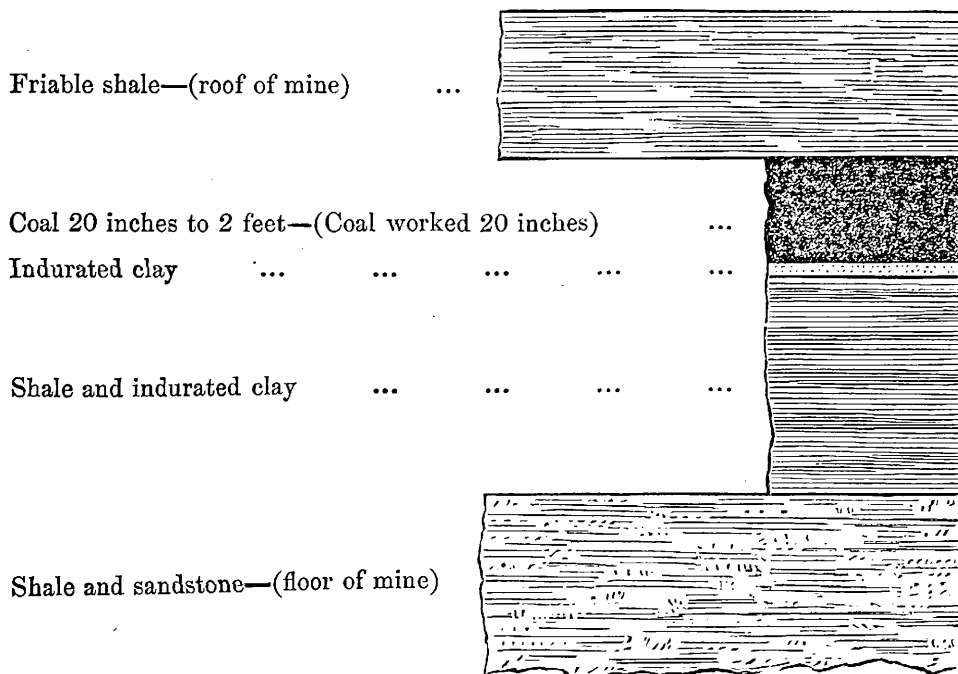
By JOHN MACKENZIE, F.G.S., Examiner of Coalfields.



AVERAGE DIP ABOUT 3°.

SKETCH SHOWING THE SEAM OF COAL NOW BEING OPENED OUT AT KILCUNDA, WESTERN PORT, VICTORIA.

By JOHN MACKENZIE, F.G.S., Examiner of Coalfields.



DIP OF COAL AND STRATA 8°.

SUPREME COURT OF JUDICATURE ACT 1873.

(36 & 37 VICT. CAP. 66.)

LAI D ON THE COUNCIL TABLE BY THE HONORABLE A. FRASER, AND ORDERED BY THE COUNCIL TO BE PRINTED 30TH OCTOBER 1873.

CHAPTER 66.

An Act for the constitution of a Supreme Court, and for other purposes relating to the better Administration of Justice in England; and to authorize the transfer to the Appellate Division of such Supreme Court of the Jurisdiction of the Judicial Committee of Her Majesty's Privy Council. A.D. 1873. [5th August 1873.]

WHEREAS it is expedient to constitute a Supreme Court, and to make provision for the better administration of justice in England:

And whereas it is also expedient to alter and amend the law relating to the Judicial Committee of Her Majesty's Privy Council:

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Preliminary.

1. This Act may be cited for all purposes as the "Supreme Court of Judicature Act, 1873." Short title.
2. This Act, except any provision thereof which is declared to take effect on the passing of this Act, shall commence and come into operation on the second day of November 1874. Commencement of Act.

PART I.

Constitution and Judges of Supreme Court.

3. From and after the time appointed for the commencement of this Act, the several Courts herein-after mentioned, (that is to say,) The High Court of Chancery of England, the Court of Queen's Bench, the Court of Common Pleas at Westminster, the Court of Exchequer, the High Court of Admiralty, the Court of Probate, the Court for Divorce and Matrimonial Causes, and the London Court of Bankruptcy, shall be united and consolidated together, and shall constitute, under and subject to the provisions of this Act, one Supreme Court of Judicature in England. Union of existing Courts into one Supreme Court.

4. The said Supreme Court shall consist of two permanent Divisions, one of which, under the name of "Her Majesty's High Court of Justice," shall have and exercise original jurisdiction, with such appellate jurisdiction from inferior Courts as is herein-after mentioned, and the other of which, under the name of "Her Majesty's Court of Appeal," shall have and exercise appellate jurisdiction, with such original jurisdiction as herein-after mentioned as may be incident to the determination of any appeal. Division of Supreme Court into a Court of original and a Court of appellate jurisdiction.

5. Her Majesty's High Court of Justice shall be constituted as follows:—The first Judges thereof shall be the Lord Chancellor, the Lord Chief Justice of England, the Master of the Rolls, the Lord Chief Justice of the Common Pleas, the Lord Chief Baron of the Exchequer, the several Vice-Chancellors of the High Court of Chancery, the Judge of the Court of Probate, and of the Court for Divorce and Matrimonial Causes, the several Puisne Justices of the Courts of Queen's Bench and Common Pleas respectively, the several Junior Barons of the Court of Exchequer, and the Judge of the High Court of Admiralty, except such, if any, of the aforesaid Judges as shall be appointed ordinary Judges of the Court of Appeal. Constitution of High Court of Justice.

Subject to the provisions herein-after contained, whenever the office of a Judge of the said High Court shall become vacant, a new Judge may be appointed thereto by Her Majesty, by Letters Patent. All persons to be hereafter appointed to fill the places of the Lord Chief Justice of England, the Master of the Rolls, the Lord Chief Justice of the Common Pleas, and the Lord Chief Baron, and their successors respectively, shall continue to be appointed to the same respective offices, with the same precedence, and by the same respective titles, and in the same manner, respectively, as heretofore. Every Judge who shall be

appointed to fill the place of any other Judge of the said High Court of Justice shall be styled in his appointment "Judge of Her Majesty's High Court of Justice," and shall be appointed in the same manner in which the Puisne Justices and Junior Barons of the Superior Courts of Common Law have been heretofore appointed: Provided always, that if at the commencement of this Act the number of Puisne Justices and Junior Barons who shall become Judges of the said High Court shall exceed twelve in the whole, no new Judge of the said High Court shall be appointed in the place of any such Puisne Justice or Junior Baron who shall die or resign while such whole number shall exceed twelve, it being intended that the permanent number of Judges of the said High Court shall not exceed twenty-one.

All the Judges of the said Court shall have in all respects, save as in this Act is otherwise expressly provided, equal power, authority, and jurisdiction; and shall be addressed in the manner which is now customary in addressing the Judges of the Superior Courts of Common Law.

The Lord Chief Justice of England for the time being shall be President of the said High Court of Justice in the absence of the Lord Chancellor.

6. Her Majesty's Court of Appeal shall be constituted as follows:—There shall be five ex officio Judges thereof, and also so many ordinary Judges (not exceeding nine at any one time) as Her Majesty shall from time to time appoint. The ex officio Judges shall be the Lord Chancellor, the Lord Chief Justice of England, the Master of the Rolls, the Lord Chief Justice of the Common Pleas, and the Lord Chief Baron of the Exchequer. The first ordinary Judges of the said Court shall be the existing Lords Justices of Appeal in Chancery, the existing salaried Judges of the Judicial Committee of Her Majesty's Privy Council, appointed under the "Judicial Committee Act, 1871," and such three other persons as Her Majesty may be pleased to appoint by Letters Patent; such appointment may be made either within one month before or at any time after the day appointed for the commencement of this Act, but if made before shall take effect at the commencement of this Act.

Besides the said ex officio Judges and ordinary Judges, it shall be lawful for Her Majesty (if she shall think fit), from time to time to appoint, under Her Royal Sign Manual, as additional Judges of the Court of Appeal, any persons who, having held in England the office of a Judge of the Superior Courts of Westminster hereby united and consolidated, or of Her Majesty's Supreme Court hereby constituted, or in Scotland the office of Lord Justice General or Lord Justice Clerk, or in Ireland the office of Lord Chancellor or Lord Justice of Appeal, or in India the office of Chief Justice of the High Court of Judicature at Fort William in Bengal, or Madras, or Bombay, shall respectively signify in writing their willingness to serve as such additional Judges in the Court of Appeal. No such additional Judge shall be deemed to have undertaken the duty of sitting in the Court of Appeal when prevented from so doing by attendance in the House of Lords, or on the discharge of any other public duty, or by any other reasonable impediment.

The ordinary and additional Judges of the Court of Appeal shall be styled Lords Justices of Appeal. All the Judges of the said Court shall have, in all respects, save as in this Act is otherwise expressly mentioned, equal power, authority, and jurisdiction.

Whenever the office of an ordinary Judge of the Court of Appeal becomes vacant, a new Judge may be appointed thereto by Her Majesty by Letters Patent.

The Lord Chancellor for the time being shall be President of the Court of Appeal.

7. The office of any Judge of the said High Court of Justice, or of the said Court of Appeal, may be vacated by resignation in writing, under his hand, addressed to the Lord Chancellor, without any deed of surrender; and the office of any Judge of the said High Court shall be vacated by his being appointed a Judge of the said Court of Appeal. The said Courts respectively shall be deemed to be duly constituted during and notwithstanding any vacancy in the office of either of such Courts.

8. Any barrister of not less than ten years' standing shall be qualified to be appointed a Judge of the said High Court of Justice; and any person who if this Act had not passed would have been qualified by law to be appointed a Lord Justice of the Court of Appeal in Chancery, or has been a Judge of the High Court of Justice of not less than one year's standing, shall be qualified to be appointed an ordinary Judge of the said Court of Appeal: Provided, that no person appointed a Judge of either of the said Courts shall henceforth be required to take, or to have taken, the degree of Serjeant-at-Law.

9. All the Judges of the High Court of Justice, and of the Court of Appeal respectively, shall hold their offices for life, subject to a power of removal by Her Majesty, on an address presented to Her Majesty by both Houses of Parliament. No Judge of either of the said Courts shall be capable of being elected to or of sitting in the House of Commons. Every Judge of either of the said Courts (other than the Lord Chancellor) when he enters on the execution of his office, shall take, in the presence of the Lord Chancellor, the oath of allegiance, and judicial oath as defined by the Promissory Oaths Act, 1868. The oaths to be taken by the Lord Chancellor shall be the same as heretofore.

10. The ex officio Judges of the Court of Appeal shall rank in the Supreme Court in the order of their present respective official precedence. The other Judges (whether ordinary or additional) of the Court of Appeal shall rank in the Supreme Court, if Peers or Privy Councillors, in the order of their respective precedence; and the rest of the Judges of the Court of Appeal shall rank according to the priority of their respective appointments to be Judges thereof.

The Judges of the High Court of Justice, who are not also Judges of the Court of Appeal, shall rank next after the Judges of the Court of Appeal, and among themselves (subject to the provisions hereinafter contained as to existing Judges) according to the priority of their respective appointments.

11. Every existing Judge, who is by this Act made a Judge of the High Court of Justice or an ordinary Judge of the Court of Appeal, shall, as to tenure of office, rank, title, salary, pension, patronage, and powers of appointment or dismissal, and all other privileges and disqualifications, remain in the same condition as if this Act had not passed; and, subject to the change effected in their jurisdiction and duties by or in pursuance of the provisions of this Act, each of the said existing Judges shall be capable of performing and liable to perform all duties which he would have been capable of performing or liable to perform in pursuance of any Act of Parliament, law, or custom if this Act had not passed. No Judge appointed before the passing of this Act shall be required to act under any Commission of Assize, Nisi Prius, Oyer and Terminer, or Gaol Delivery, unless he was so liable by usage or custom at the commencement of this Act.

Service as a Judge in the High Court of Justice, or in the Court of Appeal, shall, in the case of an existing Judge, for the purpose of determining the length of service entitling such Judge to a pension on

Constitution of
Court of Appeal.

Vacancies by re-
signation of
Judges and
effect of vacan-
cies generally.

Qualifications of
Judges.
Not required to
be Serjeants-at-
Law.

Tenure of office
of Judges, and
oaths of office.
Judges not to sit
in the House of
Commons.

Precedence of
Judges.

Saving of rights
and obligations
of existing
Judges.

his retirement, be deemed to be a continuation of his service in the Court of which he is a Judge at the time of the commencement of this Act.

12. If, in any case not expressly provided for by this Act, a liability to any duty, or any authority or power, not incident to the administration of justice in any Court, whose jurisdiction is transferred by this Act to the High Court of Justice, shall have been imposed or conferred by any statute, law, or custom upon the Judges or any Judge of any of such Courts, save as herein-after mentioned, every Judge of the said High Court shall be capable of performing and exercising, and shall be liable to perform and empowered to exercise every such duty, authority, and power, in the same manner as if this Act had not passed, and as if he had been duly appointed the successor of a Judge liable to such duty, or possessing such authority or power, before the passing of this Act. Any such duty, authority, or power, imposed or conferred by any statute, law, or custom, in any such case as aforesaid, upon the Lord Chancellor, the Lord Chief Justice of England, the Master of the Rolls, the Lord Chief Justice of the Common Pleas, or the Lord Chief Baron, shall continue to be performed and exercised by them respectively, and by their respective successors, in the same manner as if this Act had not passed.

Provisions for extraordinary duties of Judges of the former Courts.

13. Subject to the provisions in this Act contained with respect to existing Judges, there shall be paid the following salaries, which shall in each case include any pension granted in respect of any public office previously filled by him, to which the judge may be entitled ;

Salaries of future Judges.

To the Lord Chancellor, the sums hitherto payable to him ;

To the Lord Chief Justice of England, the Master of the Rolls, the Lord Chief Justice of the Common Pleas, and the Lord Chief Baron of the Exchequer, the same annual sums which the holders of those offices now respectively receive ;

To each of the ordinary Judges of the Court of Appeal ; and,

To each of the other Judges of the High Court of Justice, the sum of five thousand pounds a year.

No salary shall be payable to any additional Judge of the Court of Appeal appointed under this Act ; but nothing in this Act shall in any way prejudice the right of any such additional Judge to any pension to which he may be by law entitled.

14. Her Majesty may, by Letters Patent, grant to any Judge of the High Court of Justice, or to any ordinary Judge of the Court of Appeal who has served for fifteen years as a Judge in such Courts, or either of them, or who is disabled by permanent infirmity from the performance of the duties of his office, a pension, by way of annuity, to be continued during his life :

Retiring pensions of future Judges of High Court of Justice, and ordinary Judges of Court of Appeal.

In the case of the Lord Chief Justice of England, the Master of the Rolls, the Lord Chief Justice of the Common Pleas, and the Lord Chief Baron of the Exchequer, the same amount of pension which at present might under the same circumstances be granted to the holder of the same office :

In the case of any ordinary Judge of the Court of Appeal, or any other Judge of the High Court of Justice, the same amount of pension which at present might, under the same circumstances, be granted to a Puisne Justice of the Court of Queen's Bench.

15. Subject to the provisions in this Act contained with respect to existing Judges, the salaries, allowances, and pensions payable to the Judges of the High Court of Justice, and the ordinary Judges of the Court of Appeal respectively, shall be charged on and paid out of the Consolidated Fund of the United Kingdom of Great Britain and Ireland, or the growing produce thereof : such salaries and pensions shall grow due from day to day, but shall be payable to the persons entitled thereto, or to their executors or administrators, on the usual quarterly days of payment, or at such other periods in every year as the Treasury may from time to time determine.

Salaries and pensions how to be paid.

PART II.

Jurisdiction and Law.

16. The High Court of Justice shall be a Superior Court of Record, and, subject as in this Act mentioned, there shall be transferred to and vested in the said High Court of Justice the jurisdiction which, at the commencement of this Act, was vested in, or capable of being exercised by, all or any of the Courts following ; (that is to say,)

Jurisdiction of High Court of Justice.

(1.) The High Court of Chancery, as a Common Law Court as well as the Court of Equity, including the jurisdiction of the Master of Rolls, as a Judge or Master of the Court of Chancery, and any jurisdiction exercised by him in relation to the Court of Chancery as a Common Law Court ;

(2.) The Court of Queen's Bench ;

(3.) The Court of Common Pleas at Westminster ;

(4.) The Court of Exchequer, as a Court of Revenue, as well as a Common Law Court ;

(5.) The High Court of Admiralty ;

(6.) The Court of Probate ;

(7.) The Court for Divorce and Matrimonial Causes ;

(8.) The London Court of Bankruptcy ;

(9.) The Court of Common Pleas at Lancaster ;

(10.) The Court of Pleas at Durham ;

(11.) The Courts created by Commissions of Assize, of Oyer and Terminer, and of Gaol Delivery, or any of such Commissions :

The jurisdiction by this Act transferred to the High Court of Justice shall include (subject to the exceptions herein-after contained) the jurisdiction which, at the commencement of this Act, was vested in, or capable of being exercised by, all or any one or more of the Judges of the said Courts, respectively, sitting in Court or Chambers, or elsewhere, when acting as Judges or a Judge, in pursuance of any statute, law, or custom, and all powers given to any such Court, or to any such Judges or Judge, by any statute ; and also all ministerial powers, duties, and authorities, incident to any and every part of the jurisdictions so transferred.

Jurisdiction not transferred to High Court.

Act,—

17. There shall not be transferred to or vested in the said High Court of Justice, by virtue of this

- (1.) Any appellate jurisdiction of the Court of Appeal in Chancery, or of the same Court sitting as a Court of Appeal in Bankruptcy :
- (2.) Any jurisdiction of the Court of Appeal in Chancery of the County Palatine of Lancaster :
- (3.) Any jurisdiction usually vested in the Lord Chancellor or in the Lords Justices of Appeal in Chancery, or either of them, in relation to the custody of the persons and estates of idiots, lunatics, and persons of unsound mind :
- (4.) Any jurisdiction vested in the Lord Chancellor in relation to grants of Letters Patent, or the issue of commissions or other writings, to be passed under the Great Seal of the United Kingdom :
- (5.) Any jurisdiction exercised by the Lord Chancellor in right of or on behalf of Her Majesty as visitor of any College, or of any charitable or other foundation :
- (6.) Any jurisdiction of the Master of the Rolls in relation to records in London or elsewhere in England.

Jurisdiction transferred to Court of Appeal.

18. The Court of Appeal established by this Act shall be a Superior Court of Record, and there shall be transferred to and vested in such Court all jurisdiction and powers of the Courts following ; (that is to say,)

- (1.) All jurisdiction and powers of the Lord Chancellor and of the Court of Appeal in Chancery, in the exercise of his and its appellate jurisdiction, and of the same Court as a Court of Appeal in Bankruptcy :
- (2.) All jurisdiction and powers of the Court of Appeal in Chancery of the county palatine of Lancaster, and all jurisdiction and powers of the Chancellor of the duchy and county palatine of Lancaster when sitting alone or apart from the Lords Justices of Appeal in Chancery as a Judge of re-hearing or appeal from decrees or orders of the Court of Chancery of the county palatine of Lancaster :
- (3.) All jurisdiction and powers of the Court of the Lord Warden of the Stannaries assisted by his assessors, including all jurisdiction and powers of the said Lord Warden when sitting in his capacity of Judge :
- (4.) All jurisdiction and powers of the Court of Exchequer Chamber :
- (5.) All jurisdiction vested in or capable of being exercised by Her Majesty in Council, or the Judicial Committee of Her Majesty's Privy Council, upon appeal from any judgment or order of the High Court of Admiralty, or from any order in lunacy made by the Lord Chancellor, or any other person having jurisdiction in lunacy.

Appeals from High Court.

19. The said Court of Appeal shall have jurisdiction and power to hear and determine Appeals from any judgment or order, save as herein-after mentioned, of Her Majesty's High Court of Justice, or of any Judges or Judge thereof, subject to the provisions of this Act, and to such Rules and Orders of Court for regulating the terms and conditions on which such Appeals shall be allowed, as may be made pursuant to this Act.

For all the purposes of and incidental to the hearing and determination of any Appeal within its jurisdiction, and the amendment, execution, and enforcement of any judgment or order made on any such Appeal, and for the purpose of every other authority expressly given to the Court of Appeal by this Act, the said Court of Appeal shall have all the power, authority, and jurisdiction by this Act vested in the High Court of Justice.

No appeal from High Court or Court of Appeal to House of Lords, or Judicial Committee.

20. No error or appeal shall be brought from any judgment or order of the High Court of Justice, or of the Court of Appeal, nor from any judgment or order, subsequent to the commencement of this Act, of the Court of Chancery of the county palatine of Lancaster, to the House of Lords or to the Judicial Committee of Her Majesty's Privy Council; but nothing in this Act shall prejudice any right existing at the commencement of this Act to prosecute any pending writ of error or appeal, or to bring error or appeal to the House of Lords or to Her Majesty in Council, or to the Judicial Committee of the Privy Council, from any prior judgment or order of any Court whose jurisdiction is hereby transferred to the High Court of Justice or to the Court of Appeal.

Power to transfer jurisdiction of Judicial Committee by Order in Council.

21. It shall be lawful for Her Majesty, if she shall think fit, at any time hereafter by Order in Council to direct that all Appeals and Petitions whatsoever to Her Majesty in Council which according to the laws now in force ought to be heard by or before the Judicial Committee of Her Majesty's Privy Council, shall, from and after a time to be fixed by such Order, be referred for hearing to and be heard by Her Majesty's Court of Appeal; and from and after the time fixed by such Order, all such Appeals and Petitions shall be referred for hearing to and be heard by the said Court of Appeal accordingly, and shall not be heard by the said Judicial Committee; and for all the purposes of and incidental to the hearing of such Appeals or Petitions, and the reports to be made to Her Majesty thereon, and all Orders thereon to be afterwards made by Her Majesty in Council, and also for all purposes of and incidental to the enforcement of any such Orders as may be made by the said Court of Appeal or by Her Majesty, pursuant to this section (but not for any other purpose), all the power, authority, and jurisdiction now by law vested in the said Judicial Committee shall be transferred to and vested in the said Court of Appeal.

The Court of Appeal, when hearing any appeals in Ecclesiastical Causes which may be referred to it in manner aforesaid, shall be constituted of such and so many of the Judges thereof, and shall be assisted by such assessors being Archbishops or Bishops of the Church of England, as Her Majesty, by any General Rules made with the advice of the Judges of the said Court, or any five of them (of whom the Lord Chancellor shall be one), and of the Archbishops and Bishops who are members of Her Majesty's Privy Council, or any two of them (and which General Rules shall be made by Order in Council), may think fit to direct: Provided that such rule shall be laid before each House of Parliament within forty days of the making of the same, if Parliament be then sitting, or if not, then within forty days of the commencement of the then next ensuing session; and if an address is presented to Her Majesty by either House of Parliament within the next subsequent forty days on which the said House shall have sat, praying that any such rules may be annulled, Her Majesty may thereupon by Order in Council annul the same; and the rules so annulled shall thenceforth become void and of no effect, but without prejudice to the validity of any proceedings which may in the meantime have been taken under the same.

22. From and after the commencement of this Act the several jurisdictions which by this Act are transferred to and vested in the said High Court of Justice and the said Court of Appeal respectively shall cease to be exercised, except by the said High Court of Justice and the said Court of Appeal respectively, as provided by this Act; and no further or other appointment of any Judge to any Court whose jurisdiction is so transferred shall be made except as provided by this Act: Provided, that in all causes, matters, and proceedings whatsoever which shall have been fully heard, and in which judgment shall not have been given, or having been given shall not have been signed, drawn up, passed, entered, or otherwise perfected at the time appointed for the commencement of this Act, such judgment, decree, rule, or order may be given or made, signed, drawn up, passed, entered, or perfected respectively, after the commencement of this Act, in the name of the same Court, and by the same judges and officers, and generally in the same manner, in all respects as if this Act had not passed; and the same shall take effect, to all intents and purposes, as if the same had been duly perfected before the commencement of this Act; and every judgment, decree, rule, or order of any Court whose jurisdiction is hereby transferred to the said High Court of Justice or the said Court of Appeal, which shall have been duly perfected at any time before the commencement of this Act, may be executed and enforced, and, if necessary, amended or discharged by the said High Court of Justice and the said Court of Appeal respectively, in the same manner as if it had been a judgment, decree, rule, or order of the said High Court or of the said Court of Appeal; and all causes, matters, and proceedings whatsoever, whether Civil or Criminal, which shall be pending in any of the Courts whose jurisdiction is so transferred as aforesaid at the commencement of this Act, shall be continued and concluded, as follows (that is to say), in the case of proceedings in Error or on Appeal, or of proceedings before the Court of Appeal in Chancery, in and before Her Majesty's Court of Appeal; and, as to all other proceedings, in and before Her Majesty's High Court of Justice. The said Courts respectively shall have the same jurisdiction in relation to all such causes, matters, and proceedings as if the same had been commenced in the said High Court of Justice, and continue therein (or in the said Court of Appeal, as the case may be) down to the point at which the transfer takes place; and, so far as relates to the form and manner of procedure, such causes, matters, and proceedings, or any of them, may be continued and concluded, in and before the said Courts respectively, either in the same or the like manner as they would have been continued and concluded in the respective Courts from which they shall have been transferred as aforesaid, or according to the ordinary course of the said High Court of Justice and the said Court of Appeal respectively (so far as the same may be applicable thereto), as the said Courts respectively may think fit to direct.

23. The jurisdiction by this Act transferred to the said High Court of Justice and the said Court of Appeal respectively shall be exercised (so far as regards procedure and practice) in the manner provided by this Act, or by such Rules and Orders of Court as may be made pursuant to this Act; and where no special provision is contained in this Act or in any such Rules or Orders of Court with reference thereto, it shall be exercised as nearly as may be in the same manner as the same might have been exercised by the respective Courts from which such jurisdiction shall have been transferred, or by any of such Courts.

24. In every civil cause or matter commenced in the High Court of Justice law and equity shall be administered by the High Court of Justice and the Court of Appeal respectively according to the Rules following:

- (1.) If any plaintiff or petitioner claims to be entitled to any equitable estate or right, or to relief upon any equitable ground against any deed, instrument, or contract, or against any right, title, or claim whatsoever asserted by any defendant or respondent in such cause or matter, or to any relief founded upon a legal right, which heretofore could only have been given by a Court of Equity, the said Courts respectively, and every Judge thereof, shall give to such plaintiff or petitioner such and the same relief as ought to have been given by the Court of Chancery in a suit or proceeding for the same or the like purpose properly instituted before the passing of this Act.
- (2.) If any defendant claims to be entitled to any equitable estate or right, or to relief upon any equitable ground against any deed, instrument, or contract, or against any right, title, or claim asserted by any plaintiff or petitioner in such cause or matter, or alleges any ground of equitable defence to any claim of the plaintiff or petitioner in such cause or matter, the said Courts respectively, and every Judge thereof, shall give to every equitable estate, right, or ground of relief so claimed, and to every equitable defence so alleged, such and the same effect, by way of defence against the claim of such plaintiff or petitioner as the Court of Chancery ought to have given if the same or the like matters had been relied on by way of defence in any suit or proceeding instituted in that Court for the same or the like purpose before the passing of this Act.
- (3.) The said Courts respectively, and every judge thereof, shall also have power to grant to any defendant in respect of any equitable estate or right, or other matter of equity, and also in respect of any legal estate, right, or title claimed or asserted by him, all such relief against any plaintiff or petitioner as such defendant shall have properly claimed by his pleading, and as the said Courts respectively, or any judge thereof, might have granted in any suit instituted for that purpose by the same defendant against the same plaintiff or petitioner; and also all such relief relating to or connected with the original subject of the cause or matter, and in like manner claimed against any other person, whether already a party to the same cause or matter or not, who shall have been duly served with notice in writing of such claim pursuant to any Rule of Court or any Order of the Court, as might properly have been granted against such person if he had been made a defendant to a cause duly instituted by the same defendant for the like purpose; and every person served with any such notice shall thenceforth be deemed a party to such cause or matter, with the same rights in respect of his defence against such claim, as if he had been duly sued in the ordinary way by such defendant.
- (4.) The said Courts respectively, and every judge thereof, shall recognise and take notice of all equitable estates, titles and rights, and all equitable duties and liabilities appearing incidentally in the course of any cause or matter, in the same manner in which the Court of Chancery would have recognised and taken notice of the same in any suit or proceeding duly instituted therein before the passing of this Act.

Transfer of
pending busi-
ness.

Rules as to exer-
cise of jurisdic-
tion.

Law and equity
to be concu-
rently adminis-
tered.

- (5.) No cause or proceeding at any time pending in the High Court of Justice, or before the Court of Appeal, shall be restrained by prohibition or injunction ; but every matter of equity on which an injunction against the prosecution of any such cause or proceeding might have been obtained if this Act had not passed, either unconditionally or on any terms or conditions, may be relied on by way of defence thereto : Provided always, that nothing in this Act contained shall disable either of the said Courts from directing a stay of proceedings in any cause or matter pending before it if it shall think fit ; and any person, whether a party or not to any such cause or matter, who would have been entitled, if this Act had not passed, to apply to any Court to restrain the prosecution thereof, or who may be entitled to enforce, by attachment or otherwise, any Judgment, Decree, Rule, or Order, contrary to which all or any part of the proceedings in such cause or matter may have been taken, shall be at liberty to apply to the said Courts respectively, by motion in a summary way, for a stay of proceedings in such cause or matter, either generally, or so far as may be necessary for the purposes of justice ; and the Court shall thereupon make such Order as shall be just.
- (6.) Subject to the aforesaid provisions for giving effect to equitable rights and other matters of equity in manner aforesaid, and to the other express provisions of this Act, the said Courts respectively, and every Judge thereof, shall recognise and give effect to all legal claims and demands, and all estates, titles, rights, duties, obligations, and liabilities existing by the Common Law or by any custom, or created by any Statute, in the same manner as the same would have been recognised and given effect to if this Act had not passed by any of the Courts whose jurisdiction is hereby transferred to the said High Court of Justice.
- (7.) The High Court of Justice and the Court of Appeal respectively, in the exercise of the jurisdiction vested in them by this Act in every cause or matter pending before them respectively, shall have power to grant, and shall grant, either absolutely or on such reasonable terms and conditions as to them shall seem just, all such remedies whatsoever as any of the parties thereto may appear to be entitled to in respect of any and every legal or equitable claim properly brought forward by them respectively in such cause or matter ; so that, as far as possible, all matters so in controversy between the said parties respectively may be completely and finally determined, and all multiplicity of legal proceedings concerning any of such matters avoided.

25. And whereas it is expedient to take occasion of the union of the several Courts whose jurisdiction is hereby transferred to the said High Court of Justice to amend and declare the Law to be hereafter administered in England as to the matters next hereinafter mentioned : Be it enacted as follows :

- (1.) In the administration by the Court of the assets of any person who may die after the passing of this Act, and whose estate may prove to be insufficient for the payment in full of his debts and liabilities, the same rules shall prevail and be observed as to the respective rights of secured and unsecured creditors, and as to debts and liabilities provable, and as to the valuation of annuities and future or contingent liabilities, respectively, as may be in force for the time being under the law of bankruptcy with respect to the estates of persons adjudged bankrupt ; and all persons who in any such case would be entitled to prove for and receive dividends out of the estate of any such deceased person may come in under the decree or order for the administration of such estate and make such claims against the same as they may respectively be entitled to by virtue of this Act.
- (2.) No claim of a cestui que trust against his trustee for any property held on an express trust, or in respect of any breach of such trust, shall be held to be barred by any Statute of Limitations.
- (3.) An estate for life without impeachment of waste shall not confer or be deemed to have conferred upon the tenant for life any legal right to commit waste of the description known as equitable waste, unless an intention to confer such right shall expressly appear by the instrument creating such estate.
- (4.) There shall not, after the commencement of this Act, be any merger by operation of law only of any estate, the beneficial interest in which would not be deemed to be merged or extinguished in equity.
- (5.) A mortgagor entitled for the time being to the possession or receipt of the rents and profits of any land as to which no notice of his intention to take possession or to enter into the receipt of the rents and profits thereof shall have been given by the mortgagee, may sue for such possession, or for the recovery of such rents or profits, or to prevent or recover damages in respect of any trespass or other wrong relative thereto, in his own name only, unless the cause of action arises upon a lease or other contract made by him jointly with any other person.
- (6.) Any absolute assignment, by writing under the hand of the assignor (not purporting to be by way of charge only), of any debt or other legal chose in action, of which express notice in writing shall have been given to the debtor, trustee, or other person from whom the assignor would have been entitled to receive or claim such debt or chose in action, shall be, and be deemed to have been effectual in law (subject to all equities which would have been entitled to priority over the right of the assignee if this Act had not passed), to pass and transfer the legal right to such debt or chose in action from the date of such notice, and all legal and other remedies for the same, and the power to give a good discharge for the same, without the concurrence of the assignor : Provided always, that if the debtor, trustee, or other person liable in respect of such debt or chose in action shall have had notice that such assignment is disputed by the assignor or any one claiming under him, or of any other opposing or conflicting claims to such debt or chose in action, he shall be entitled, if he think fit, to call upon the several persons making claim thereto to interplead concerning the same, or he may, if he think fit, pay the same into the High Court of Justice under and in conformity with the provisions of the Acts for the relief of trustees.
- (7.) Stipulations in contracts, as to time or otherwise, which would not before the passing of this Act have been deemed to be or to have become of the essence of such contracts in a Court of Equity, shall receive in all Courts the same construction and effect as they would have heretofore received in equity.

Rules of law upon certain points.

Administration of assets of insolvent estates.

Statutes of Limitation inapplicable to express trusts.

Equitable waste.

Merger.

Suits for possession of land by mortgagors.

Assignment of debts and choses in action.

Stipulations not of the essence of contracts.

- (8.) A mandamus or an injunction may be granted or a receiver appointed by an interlocutory Order of the Court in all cases in which it shall appear to the Court to be just or convenient that such Order should be made ; and any such Order may be made either unconditionally or upon such terms and conditions as the Court shall think just ; and if an injunction is asked, either before, or at, or after the hearing of any cause or matter, to prevent any threatened or apprehended waste or trespass, such injunction may be granted, if the Court shall think fit, whether the person against whom such injunction is sought is or is not in possession under any claim of title or otherwise, or (if out of possession) does or does not claim a right to do the act sought to be restrained under any colour of title ; and whether the estates claimed by both or by either of the parties are legal or equitable. Injunctions and receivers.
- (9.) In any cause or proceeding for damages arising out of a collision between two ships, if both ships shall be found to have been in fault, the rules hitherto in force in the Court of Admiralty, so far as they have been at variance with the Rules in force in the Courts of Common Law, shall prevail. Damages by collisions at sea.
- (10.) In questions relating to the custody and education of infants the Rules of Equity shall prevail. Infants.
- (11.) Generally in all matters not herein-before particularly mentioned, in which there is any conflict or variance between the Rules of Equity and the Rules of the Common Law with reference to the same matter, the Rules of Equity shall prevail. Cases of conflict not enumerated.

PART III.

Sittings and Distribution of Business.

26. The Division of the legal year into terms shall be abolished so far as relates to the administration of justice ; and there shall no longer be terms applicable to any sitting or business of the High Court of Justice, or of the Court of Appeal, or of any Commissioners to whom any jurisdiction may be assigned under this Act ; but in all other cases in which, under the law now existing, the terms into which the legal year is divided are used as a measure for determining the time at or within which any act is required to be done, the same may continue to be referred to for the same or the like purpose, unless and until provision is otherwise made by any lawful authority. Subject to Rules of Court, the High Court of Justice and the Court of Appeal, and the Judges thereof respectively, or any such Commissioners as aforesaid, shall have power to sit and act, at any time, and at any place, for the transaction of any part of the business of such Courts respectively, or of such Judges or Commissioners, or for the discharge of any duty which by any Act of Parliament, or otherwise, is required to be discharged during or after term. Abolition of terms.

27. Her Majesty in Council may from time to time, upon any report or recommendation of the Judges by whose advice Her Majesty is herein-after authorized to make rules before the commencement of this Act, and after the commencement of this Act upon any report or recommendation of the Council of Judges of the Supreme Court herein-after mentioned, with the consent of the Lord Chancellor, make, revoke, or modify, orders regulating the vacations to be observed by the High Court of Justice and the High Court of Appeal, and in the offices of the said Courts respectively ; and any Order in Council made pursuant to this section shall, so long as it continues in force, be of the same effect as if it were contained in this Act ; and Rules of Court may be made for carrying the same into effect in the same manner as if such Order in Council were part of this Act. In the meantime, and subject thereto, the said vacations shall be fixed in the same manner, and by the same authority, as if this Act had not passed. This section shall come into operation immediately upon the passing of this Act. Vacations.

28. Provision shall be made by Rules of Court for the hearing in London or Middlesex, during vacation by Judges of the High Court of Justice and the Court of Appeal respectively, of all such applications as may require to be immediately or promptly heard. Sittings in vacation.

29. Her Majesty, by commission of assize or by any other commission, either general or special, may assign to any Judge or Judges of the High Court of Justice or other persons usually named in commissions of assize, the duty of trying and determining within any place or district specially fixed for that purpose by such commission, any causes or matters, or any questions or issues of fact or of law, or partly of fact and partly of law, in any cause or matter depending in the said High Court, or the exercise of any civil or criminal jurisdiction capable of being exercised by the said High Court ; and any commission so granted by Her Majesty shall be of the same validity as if it were enacted in the body of this Act ; and any Commissioner or Commissioners appointed in pursuance of this section shall, when engaged in the exercise of any jurisdiction assigned to him or them in pursuance of this Act, be deemed to constitute a Court of the said High Court of Justice ; and, subject to any restrictions or conditions imposed by Rules of Court and to the power of transfer, any party to any cause or matter involving the trial of a question or issue of fact, or partly of fact and partly of law, may, with the leave of the Judge or Judges to whom or to whose division the cause or matter is assigned, require the question or issue to be tried and determined by a Commissioner or Commissioners as aforesaid, or at sittings to be held in Middlesex or London as herein-after in this Act mentioned, and such question or issue shall be tried and determined accordingly. Jurisdiction of Judges of High Court on circuit.

A cause or matter not involving any question or issue of fact may be tried and determined in like manner with the consent of all the parties thereto.

30. Subject to Rules of Court, sittings for the trial by jury of causes and questions or issues of fact shall be held in Middlesex and London, and such sittings shall, so far as is reasonably practicable, and subject to vacations, be held continuously throughout the year by as many Judges as the business to be disposed of may render necessary. Any Judge of the High Court of Justice sitting for the trial of causes and issues in Middlesex or London, at any place heretofore accustomed, or to be hereafter determined by Rules of Court, shall be deemed to constitute a Court of the said High Court of Justice. Sittings for trial by jury in London and Middlesex.

31. For the more convenient despatch of business in the said High Court of Justice (but not so as to prevent any Judge from sitting whenever required in any Divisional Court, or for any Judge of a different Division from his own,) there shall be in the said High Court five Divisions consisting of Divisions of the High Court of Justice.

such number of Judges respectively as herein-after mentioned. Such five Divisions shall respectively include, immediately on the commencement of this Act, the several Judges following; (that is to say,)

- (1.) One Division shall consist of the following Judges; (that is to say,) The Lord Chancellor, who shall be President thereof, the Master of the Rolls, and the Vice-Chancellors of the Court of Chancery, or such of them as shall not be appointed ordinary Judges of the Court of Appeal:
- (2.) One other Division shall consist of the following Judges; (that is to say,) The Lord Chief Justice of England, who shall be President thereof, and such of the other Judges of the Court of Queen's Bench as shall not be appointed ordinary Judges of the Court of Appeal:
- (3.) One other Division shall consist of the following Judges; (that is to say,) The Lord Chief Justice of the Common Pleas, who shall be President thereof, and such of the other Judges of the Court of Common Pleas as shall not be appointed ordinary Judges of the Court of Appeal:
- (4.) One other Division shall consist of the following Judges; (that is to say,) The Lord Chief Baron of the Exchequer, who shall be President thereof, and such of the other Barons of the Court of Exchequer as shall not be appointed ordinary Judges of the Court of Appeal:
- (5.) One other Division shall consist of two Judges who, immediately on the commencement of this Act, shall be the existing Judge of the Court of Probate and of the Court for Divorce and Matrimonial Causes and the existing Judge of the High Court of Admiralty, unless either of them is appointed an ordinary Judge to the Court of Appeal. The existing Judge of the Court of Probate shall (unless so appointed) be the President of the said Division, and subject thereto the Senior Judge of the said Division, according to the order of Precedence under this Act, shall be President.

The said five Divisions shall be called respectively the Chancery Division, the Queen's Bench Division, the Common Pleas Division, the Exchequer Division, and the Probate, Divorce, and Admiralty Division.

Any deficiency of the number of five Judges for constituting, in manner aforesaid, immediately on the commencement of this Act, any one or more of the Queen's Bench, Common Pleas, and Exchequer Divisions, may be supplied by the appointment, under Her Majesty's Royal Sign Manual, either before or after the time fixed for the commencement of this Act, of one of the Puisne Justices or Junior Barons of any superior Court of Common Law from which no Judge may be so appointed as aforesaid to the Court of Appeal, to be a Judge of any Division in which such deficiency would otherwise exist. And any deficiency of the number of three Vice-Chancellors or of the two Judges of the Probate and Admiralty Divisions at the time of the commencement of this Act may be supplied by the appointment of a new Judge in his place in the same manner as if a vacancy in such office had occurred after the commencement of this Act.

Any Judge of any of the said Divisions may be transferred by Her Majesty, under Her Royal Sign Manual, from one to another of the said Divisions.

Upon any vacancy happening among the Judges of the said High Court, the Judge appointed to fill such vacancy shall, subject to the provisions of this Act, and to any Rules of Court which may be made pursuant thereto, become a member of the same Division to which the Judge whose place has become vacant belonged.

32. Her Majesty in Council may from time to time, upon any report or recommendation of the Council of Judges of the Supreme Court herein-after mentioned, order that any reduction or increase in the number of Divisions of the High Court of Justice, or in the number of the Judges of the said High Court who may be attached to any such Division, may, pursuant to such report or recommendation, be carried into effect; and may give all such further directions as may be necessary or proper for that purpose, and such Order may provide for the abolition on vacancy of the distinction of the offices of any of the following Judges, namely, the Chief Justice of England, the Master of the Rolls, the Chief Justice of the Common Pleas, and the Chief Baron of the Exchequer, which may be reduced, and of the salaries, pensions, and patronage attached to such offices, from the offices of the other Judges of the High Court of Justice, notwithstanding anything in this Act relating to the continuance of such offices, salaries, pensions, and patronage; but no such Order of Her Majesty in Council shall come into operation until the same shall have been laid before each House of Parliament for thirty days on which that House shall have sat, nor if, within such period of thirty days, an address is presented to Her Majesty by either House of Parliament, praying that the same may not come into operation. Any such Order, in respect whereof no such address shall have been presented to Her Majesty, shall, from and after the expiration of such period of thirty days, be of the same force and effect as if it had been herein expressly enacted: Provided always, that the total number of the Judges of the Supreme Court shall not be reduced or increased by any such Order.

33. All causes and matters which may be commenced in, or which shall be transferred by this Act to, the High Court of Justice, shall be distributed among the several Divisions and Judges of the said High Court, in such manner as may from time to time be determined by any Rules of Court, or Orders of Transfer, to be made under the authority of this Act; and in the meantime, and subject thereto, all such causes and matters shall be assigned to the said Divisions respectively, in the manner herein-after provided. Every document by which any cause or matter may be commenced in the said High Court shall be marked with the name of the Division, or with the name of the Judge, to which or to whom the same is assigned.

34. There shall be assigned (subject as aforesaid) to the Chancery Division of the said Court:

- (1.) All causes and matters pending in the Court of Chancery at the commencement of this Act:
- (2.) All causes and matters to be commenced after the commencement of this Act, under any Act of Parliament by which exclusive jurisdiction, in respect to such causes or matters has been given to the Court of Chancery, or to any Judges or Judge thereof respectively, except Appeals from County Courts:
- (3.) All causes and matters for any of the following purposes:
 - The administration of the estates of deceased persons;
 - The dissolution of partnerships or the taking of partnership or other accounts;
 - The redemption or foreclosure of mortgages;
 - The raising of portions, or other charges on land;
 - The sale and distribution of the proceeds of property subject to any lien or charge;

Power to alter Divisions by Order in Council.

Rules of Court to provide for distribution of business.

Assignment of certain business to particular Divisions of High Court, subject to Rules.

The execution of trusts, charitable or private ;
 The rectification, or setting aside, or cancellation of deeds or other written instruments ;
 The specific performance of contracts between vendors and purchasers of real estates, including contracts for leases ;
 The partition or sale of real estates ;
 The wardship of infants and the care of infants' estates.

There shall be assigned (subject as aforesaid) to the Queen's Bench Division of the said Court :

- (1.) All causes and matters, civil and criminal, pending in the Court of Queen's Bench at the commencement of this Act :
- (2.) All causes and matters, civil and criminal, which would have been within the exclusive cognizance of the Court of Queen's Bench in the exercise of its original jurisdiction, if this Act had not passed.

There shall be assigned (subject as aforesaid) to the Common Pleas Division of the said Court :

- (1.) All causes and matters pending in the Court of Common Pleas at Westminster, the Court of Common Pleas at Lancaster, and the Court of Pleas at Durham, respectively, at the commencement of this Act :
- (2.) All causes and matters which would have been within the exclusive cognizance of the Court of Common Pleas at Westminster, if this Act had not passed.

There shall be assigned (subject as aforesaid) to the Exchequer Division of the said Court :

- (1.) All causes and matters pending in the Court of Exchequer at the commencement of this Act :
- (2.) All causes and matters which would have been within the exclusive cognizance of the Court of Exchequer, either as a Court of Revenue or as a Common Law Court, if this Act had not passed :
- (3.) All matters pending in the London Court of Bankruptcy at the commencement of this Act :
- (4.) All matters to be commenced after the commencement of this Act under any Act of Parliament by which exclusive jurisdiction in respect to such matters has been given to the London Court of Bankruptcy.

There shall be assigned (subject as aforesaid) to the Probate, Divorce, and Admiralty Division of the said High Court :

- (1.) All causes and matters pending in the Court of Probate, or in the Court for Divorce and Matrimonial Causes, or in the High Court of Admiralty, at the commencement of this Act :
- (2.) All causes and matters which would have been within the exclusive cognizance of the Court of Probate, or the Court for Divorce and Matrimonial Causes, or of the High Court of Admiralty, if this Act had not passed.

35. Subject to any Rules of Court, and to the provisions hereinbefore contained, and to the power of transfer, every person by whom any cause or matter may be commenced in the said High Court of Justice shall assign such cause or matter to one of the Divisions of the said High Court, not being the Probate, Divorce, and Admiralty Division thereof, as he may think fit, by marking the document by which the same is commenced, with the name of such Division, and giving notice thereof to the proper officer of the Court ; provided that all interlocutory and other steps and proceedings in or before the said High Court, in any cause or matter subsequent to the commencement thereof, shall be taken (subject to any Rules of Court and to the power of transfer) in the Division of the said High Court to which such cause or matter is for the time being attached ; provided also, that if any plaintiff or petitioner shall at any time assign his cause or matter to any Division of the said High Court to which, according to the Rules of Court or the provisions of this Act, the same ought not to be assigned, the Court, or any Judge of such Division, upon being informed thereof, may, on a summary application, at any stage of the cause or matter, direct the same to be transferred to the Division of the said Court to which, according to such rules or provisions, the same ought to have been assigned, or he may, if he think it expedient so to do, retain the same in the Division in which the same was commenced ; and all steps and proceedings whatsoever taken by the plaintiff or petitioner, or by any other party in any such cause or matter, and all orders made therein by the Court or any Judge thereof before any such transfer, shall be valid and effectual to all intents and purposes in the same manner as if the same respectively had been taken and made in the proper Division of the said Court to which such cause or matter ought to have been assigned.

Option for any Plaintiff (subject to Rules) to choose in what Division he will sue.

36. Any cause or matter may at any time, and at any stage thereof, and either with or without application from any of the parties thereto, be transferred by such authority and in such manner as Rules of Court may direct, from one Division or Judge of the High Court of Justice to any other Division or Judge thereof, or may by the like authority be retained in the Division in which the same was commenced, although such may not be the proper Division to which the same cause or matter ought, in the first instance, to have been assigned.

Power of transfer.

37. Subject to any arrangements which may be from time to time made by mutual agreement between the Judges of the said High Court, the sittings for trials by jury in London and Middlesex, and the sittings of Judges of the said High Court under Commissions of Assize, Oyer and Terminer, and Gaol Delivery, shall be held by or before Judges of the Queen's Bench, Common Pleas, or Exchequer Division of the said High Court ; provided that it shall be lawful for Her Majesty, if she shall think fit, to include in any such commission any Ordinary Judge of the Court of Appeal or any Judge of the Chancery Division to be appointed after the commencement of this Act, or any Serjeant-at-Law, or any of her Majesty's Counsel learned in the law, who, for the purposes of such Commission, shall have all the power, authority, and jurisdiction of a Judge of the said High Court.

Sittings in London and Middlesex and on Circuits.

38. The Judges to be placed on the rota for the trial of election petitions for England in each year, under the provisions of the "Parliamentary Elections Act, 1868," shall be selected out of the Judges of the Queen's Bench, Common Pleas, and Exchequer Divisions of the High Court of Justice in such manner as may be provided by any Rules of Court to be made for that purpose ; and in the meantime, and subject thereto, shall be selected out of the Judges of the said Queen's Bench, Common Pleas, and Exchequer Divisions of the said High Court, by the Judges of such Divisions respectively, as if such Divisions had been named instead of the Courts of Queen's Bench, Common Pleas, and Exchequer Divisions respectively, in such last-mentioned Act : Provided that the Judges who, at the commencement of this Act, shall be upon the rota for the trial of such petitions during the then current year, shall continue upon such rota until the end of such year, in the same manner as if this Act had not passed.

Rota of Judges for election petitions.

39. Any Judge of the said High Court of Justice may, subject to any Rules of Court, exercise in Court or in Chambers all or any part of the jurisdiction by this Act vested in the said High Court, in all such causes and matters, and in all such proceedings in any causes or matters, as before the passing of this Act might have been heard in Court or in Chambers respectively, by a single Judge of any of the Courts whose jurisdiction is hereby transferred to the said High Court, or as may be directed or authorized to be so heard by any Rules of Court to be hereafter made. In all such cases, any Judge sitting in Court shall be deemed to constitute a Court.

40. Such causes and matters as are not proper to be heard by a single Judge shall be heard by Divisional Courts of the said High Court of Justice, which shall for that purpose exercise all or any part of the jurisdiction of the said High Court. Any number of such Divisional Courts may sit at the same time. A Divisional Court of the said High Court of Justice shall be constituted by two or three, and no more, of the Judges thereof; and, except when through pressure of business or any other cause it may not conveniently be found practicable, shall be composed of three such Judges. Every Judge of the said High Court shall be qualified and empowered to sit in any of such Divisional Courts. The President of every such Divisional Court of the High Court of Justice shall be the senior Judge of those present, according to the order of their precedence under this Act.

41. Subject to any Rules of Court, and in the meantime until such Rules shall be made, all business belonging to the Queen's Bench, Common Pleas, and Exchequer Divisions respectively of the said High Court, which, according to the practice now existing in the Superior Courts of Common Law, would have been proper to be transacted or disposed of by the Court sitting in Banc, if this Act had not passed, may be transacted and disposed of by Divisional Courts, which shall, as far as may be found practicable and convenient, include one or more Judge or Judges attached to the particular Division of the said Court to which the cause or matter out of which such business arises has been assigned; and it shall be the duty of every Judge of such last-mentioned Division, and also of every other Judge of the High Court who shall not for the time being be occupied in the transaction of any business specially assigned to him, or in the business of any other Divisional Court, to take part, if required, in the sittings of such Divisional Courts as may from time to time be necessary for the transaction of the business assigned to the said Queen's Bench, Common Pleas, and Exchequer Divisions respectively; and all such arrangements as may be necessary or proper for that purpose, or for constituting or holding any Divisional Courts of the said High Court of Justice for any other purpose authorized by this Act, and also for the proper transaction of that part of the business of the said Queen's Bench, Common Pleas, and Exchequer Divisions respectively, which ought to be transacted by one or more Judges not sitting in a Divisional Court, shall be made from time to time under the direction and superintendence of the Judges of the said High Court; and in case of difference among them, in such manner as a majority of the said Judges, with the concurrence of the Lord Chief Justice of England, shall determine.

42. Subject to any Rules of Court, and in the meantime until such Rules shall be made, all business arising out of any cause or matter assigned to the Chancery or Probate, Divorce, and Admiralty Division of the said High Court shall be transacted and disposed of in the first instance by one Judge only, as has been heretofore accustomed in the Court of Chancery, the Court of Probate and for Divorce and Matrimonial Causes, and the High Court of Admiralty respectively; and every cause or matter which at the commencement of this Act, may be depending in the Court of Chancery, the Court of Probate and for Divorce and Matrimonial Causes, and the High Court of Admiralty respectively, shall (subject to the power of transfer) be assigned to the same Judge in or to whose Court the same may have been depending or attached at the commencement of this Act; and every cause or matter which after the commencement of this Act may be commenced in the Chancery Division of the said High Court shall be assigned to one of the Judges thereof, by marking the same with the name of such of the said Judges as the plaintiff or petitioner (subject to the power of transfer) may in his option think fit: Provided that (subject to any Rules of Court, and to the power of transfer, and to the provisions of this Act as to trial of questions or issues by Commissioners, or in Middlesex or London,) all causes and matters which, if this Act had not passed, would have been within the exclusive cognizance of the High Court of Admiralty, shall be assigned to the present Judge of the said Admiralty Court during his continuance in office as a Judge of the High Court.

43. Divisional Courts may be held for the transaction of any part of the business assigned to the said Chancery Division, which the Judge, to whom such business is assigned, with the concurrence of the President of the same Division, deems proper to be heard by a Divisional Court.

44. Divisional Courts may be held for the transaction of any part of the business assigned to the Probate, Divorce, and Admiralty Division of the said High Court, which the Judges of such Division, with the concurrence of the President of the said High Court, deem proper to be heard by a Divisional Court. Any cause or matter assigned to the said Probate, Divorce, and Admiralty Division may be heard at the request of the President of such Division, with the concurrence of the President of the said High Court, by any other Judge of the said High Court.

45. All Appeals from Petty or Quarter Sessions, from a County Court, or from any other inferior Court, which might before the passing of this Act have been brought to any Court or Judge whose jurisdiction is by this Act transferred to the High Court of Justice, may be heard and determined by Divisional Courts of the said High Court of Justice, consisting respectively of such of the Judges thereof as may from time to time be assigned for that purpose, pursuant to Rules of Court, or (subject to Rules of Court) as may be so assigned according to arrangements made for the purpose by the Judges of the said High Court. The determination of such Appeals respectively by such Divisional Courts shall be final unless special leave to appeal from the same to the Court of Appeal shall be given by the Divisional Court by which any such appeal from an inferior Court shall have been heard.

46. Subject to any rules of Court, any Judge of the said High Court, sitting in the exercise of its jurisdiction elsewhere than in a Divisional Court, may reserve any case, or any point in a case, for the consideration of a Divisional Court, or may direct any case, or point in a case, to be argued before a Divisional Court; and any Divisional Court of the said High Court shall have power to hear and determine any such case or point so reserved or so directed to be argued.

47. The jurisdiction and authorities in relation to questions of law arising in criminal trials which are now vested in the Justices of either Bench and the Barons of the Exchequer by the Act of the session of the eleventh and twelfth years of the reign of Her present Majesty, chapter seventy-eight, intituled, "An Act for the further amendment of the administration of the Criminal Law," or any Act amending the

Powers of one or more Judges not constituting a Divisional Court.

Divisional Courts of the High Court of Justice.

Divisional Courts for business of Queen's Bench, Common Pleas, and Exchequer Divisions.

Distribution of business among the Judges of the Chancery and Probate, Divorce, and Admiralty Divisions of the High Court.

Divisional Courts for business of the Chancery Division.

Divisional Courts for business belonging to the Division.

Appeals from inferior Courts to be determined by Divisional Courts.

Cases and points may be reserved for or directed to be argued before Divisional Courts.

Provision for Crown cases reserved.

same, shall and may be exercised after the commencement of this Act by the Judges of the High Court of Justice, or five of them at the least, of whom the Lord Chief Justice of England, the Lord Chief Justice of the Common Pleas, and the Lord Chief Baron of the Exchequer, or one of such chiefs at least, shall be part. The determination of any such question by the Judges of the said High Court in manner aforesaid shall be final and without appeal; and no appeal shall lie from any judgment of the said High Court in any criminal cause or matter, save for some error of law apparent upon the record, as to which no question shall have been reserved for the consideration of the said Judges under the said Act of the eleventh and twelfth years of Her Majesty's reign.

48. Every motion for a new trial of any cause or matter on which a verdict has been found by a jury, or by a Judge without a jury, and every motion in arrest of judgment, or to enter judgment non obstante veredicto, or to enter a verdict for plaintiff or defendant, or to enter a nonsuit, or to reduce damages, shall be heard before a Divisional Court; and no appeal shall lie from any judgment founded upon and applying any verdict unless a motion has been made or other proceeding taken before a Divisional Court to set aside or reverse such verdict, or the judgment, if any, founded thereon, in which case an appeal shall lie to the Court of Appeal from the decision of the Divisional Court upon such motion or other proceeding.

49. No order made by the High Court of Justice or any Judge thereof, by the consent of parties, or as to costs only, which by law are left to the discretion of the Court, shall be subject to any appeal, except by leave of the Court or Judge making such order.

50. Every order made by a Judge of the said High Court in Chambers, except orders made in the exercise of such discretion as aforesaid, may be set aside or discharged upon notice by any Divisional Court, or by the Judge sitting in Court, according to the course and practice of the Division of the High Court to which the particular cause or matter in which such order is made may be assigned; and no appeal shall lie from any such order, to set aside or discharge which no such motion has been made, unless by special leave of the Judge by whom such order was made, or of the Court of Appeal.

51. Upon the request of the Lord Chancellor, it shall be lawful for any Judge of the Court of Appeal, who may consent so to do, to sit and act as a Judge of the said High Court or to perform any other official or ministerial acts for or on behalf of any Judge absent from illness or any other cause, or in the place of any Judge whose office has become vacant, or as an additional Judge of any Division; and while so sitting and acting any such Judge of the Court of Appeal shall have all the power and authority of a Judge of the said High Court.

52. In any cause or matter pending before the Court of Appeal, any direction incidental thereto, not involving the decision of the appeal, may be given by a single Judge of the Court of Appeal; and a single Judge of the Court of Appeal may at any time during vacation make any interim order to prevent prejudice to the claims of any parties pending an appeal, as he may think fit; but every such order made by a single Judge may be discharged or varied by the Court of Appeal, or a Divisional Court thereof.

53. Every appeal to the Court of Appeal shall be heard or determined either by the whole Court, or by a Divisional Court consisting of any number, not less than three, of the Judges thereof. Any number of such Divisional Courts may sit at the same time. Any appeal which for any reason may be deemed fit to be re-argued before decision, or to be re-heard before final judgment, may be so re-argued or re-heard before a greater number of Judges, if the Court of Appeal think fit so to direct.

54. No Judge of the said Court of Appeal shall sit as a Judge on the hearing of an appeal from any judgment or order made by himself, or made by any Divisional Court of the High Court of which he was himself a member.

55. All such arrangements as may be necessary or proper for the transaction of the business from time to time pending before the Court of Appeal, and for constituting and holding Divisional Courts thereof, shall be made by and under the direction of the President and the other ex officio and ordinary Judges of the said Court of Appeal; and if Her Majesty shall be pleased by Order in Council to direct that the hearing of such Appeals and petitions to Her Majesty in Council as herein-before mentioned shall be referred to the said Court of Appeal, not less than one Divisional Court of the said Court of Appeal shall sit throughout the year (except during vacations) for the hearing of such of the appeals and petitions so referred as may from time to time be depending and ready for hearing, which Divisional Court shall be composed (as far as may be found practicable) of Judges of the Court of Appeal who are also members of Her Majesty's Privy Council; and any member of Her Majesty's Privy Council who, having held the office of a Judge in the East Indies or in any of Her Majesty's dominions beyond the seas, shall have been appointed by Her Majesty, under the Acts relating to the Judicial Committee of the Privy Council, to attend the sittings of the said Judicial Committee, may attend the sittings of any such Divisional Court of the Court of Appeal; and with respect to the place of sitting of any such last-mentioned Divisional Court, and any attendance or service therein, or in aid of the proceedings thereof, which may be required from the Registrar or any other officer of Her Majesty's Privy Council, all such arrangements as may be necessary or proper shall be made by the Lord Chancellor, as President of the Court of Appeal, with the concurrence of the President for the time being of Her Majesty's Privy Council; and the President of Her Majesty's Privy Council shall from time to time give such directions to the Registrar and other officers of the said Privy Council as may be necessary or proper for the purpose of carrying such last-mentioned arrangements into effect.

PART IV.

Trial and Procedure.

56. Subject to any Rules of Court and to such right as may now exist to have particular cases submitted to the verdict of a jury, any question arising in any cause or matter (other than a criminal proceeding by the Crown) before the High Court of Justice or before the Court of Appeal, may be referred by the Court or by any Divisional Court or Judge before whom such cause or matter may be pending, for inquiry and report to any official or special Referee, and the report of any such Referee may be adopted wholly or partially by the Court, and may (if so adopted) be enforced as a judgment by the Court. The High Court or the Court of Appeal may also, in any such cause or matter as aforesaid in which it may think it expedient so to do, call in the aid of one or more assessors specially qualified, and try and hear such cause

or matter wholly or partially with the assistance of such assessors. The remuneration, if any, to be paid to such special Referees or assessors shall be determined by the Court.

Power to direct trials before Referees.

57. In any cause or matter (other than a criminal proceeding by the Crown) before the said High Court, in which all parties interested who are under no disability consent thereto, and also without such consent in any such cause or matter requiring any prolonged examination of documents or accounts, or any scientific or local investigation which cannot, in the opinion of the Court or a Judge, conveniently be made before a jury, or conducted by the Court through its other ordinary officers, the Court or a Judge may at any time, on such terms as may be thought proper, order any question or issue of fact or any question of account arising therein to be tried either before an official Referee, to be appointed as herein-after provided, or before a special Referee to be agreed on between the parties; and any such special Referee so agreed on shall have the same powers and duties and proceed in the same manner as an official Referee. All such trials before Referees shall be conducted in such manner as may be prescribed by Rules of Court, and subject thereto in such manner as the Court or Judge ordering the same shall direct.

Power of Referees and effect of their findings.

58. In all cases of any reference to or trial by Referees under this Act the Referees shall be deemed to be officers of the Court, and shall have such authority for the purpose of such reference or trial as shall be prescribed by Rules of Court or (subject to such Rules) by the Court or Judge ordering such reference or trial; and the report of any Referee upon any question of fact on any such trial shall (unless set aside by the Court) be equivalent to the verdict of a jury.

Powers of Court with respect to proceedings before Referees.

59. With respect to all such proceedings before Referees and their Reports, the Court or such Judge as aforesaid shall have, in addition to any other powers, the same or the like powers as are given to any Court whose jurisdiction is hereby transferred to the said High Court with respect to references to arbitration and proceedings before arbitrators and their awards respectively, by the Common Law Procedure Act, 1854.

Her Majesty may establish District Registries in the country for the Supreme Court.

60. And whereas it is expedient to facilitate the prosecution in country districts of such proceedings as may be more speedily, cheaply, and conveniently carried on therein, it shall be lawful for Her Majesty, by Order in Council, from time to time to direct that there shall be District Registrars in such places as shall be in such order mentioned for districts to be thereby defined, from which writs of summons for the commencement of actions in the High Court of Justice may be issued, and in which such proceedings may be taken and recorded as are herein-after mentioned; and Her Majesty may thereby appoint that any Registrar of any County Court, or any Registrar or Prothonotary or District Prothonotary of any local Court whose jurisdiction is hereby transferred to the said High Court of Justice, or from which an appeal is hereby given to the said Court of Appeal, or any person who, having been a District Registrar of the Court of Probate, or of the Admiralty Court, shall under this Act become and be a District Registrar of the said High Court of Justice, or who shall hereafter be appointed such District Registrar, shall and may be a District Registrar of the said High Court for the purpose of issuing such writs as aforesaid, and having such proceedings taken before him as are herein-after mentioned. This section shall come into operation immediately upon the passing of this Act.

Seals of District Registries.

61. In every such District Registry such seal shall be used as the Lord Chancellor shall from time to time, either before or after the time fixed for the commencement of this Act, direct, which seal shall be impressed on every writ and other document issued out of or filed in such District Registry, and all such writs and documents, and all exemplifications and copies thereof, purporting to be sealed with the seal of any such District Registry, shall in all parts of the United Kingdom be received in evidence without further proof thereof.

Powers of District Registrars.

62. All such district Registrars shall have power to administer oaths and perform such other duties in respect of any proceedings pending in the said High Court of Justice or in the said Court of Appeal as may be assigned to them from time to time by Rules of Court, or by any special order of the Court.

Fees to be taken by District Registrars.

63. The Lord Chancellor, with the sanction of the Treasury, may, either before or after the commencement of this Act, fix, and may afterwards, with the like sanction, from time to time alter a Table of Fees to be taken by such District Registrars in respect of all business to be done under this Act; and such fees shall be received and collected by stamps, denoting in each case the amount of the fee payable. The provisions of the "Courts of Justice (Salaries and Funds) Act, 1869," as to fees to be taken by stamps, shall apply to the fees to be received and collected by stamps under this Act.

Proceedings to be taken in District Registries.

64. Subject to the Rules of Court in force for the time being, writs of summons for the commencement of actions in the High Court of Justice shall be issued by the District Registrars when thereunto required; and unless any order to the contrary shall be made by the High Court of Justice, or by any Judge thereof, all such further proceedings, including proceedings for the arrest or detention of a ship, her tackle, apparel, furniture, cargo, or freight, as may and ought to be taken by the respective parties to such action in the said High Court down to and including entry for trial, or (if the plaintiff is entitled to sign final judgment or to obtain an order for an account by reason of the non-appearance of the defendant) down to and including final judgment, or an order for an account, may be taken before the District Registrar, and recorded in the District Registry, in such manner as may be prescribed by Rules of Court; and all such other proceedings in any such action as may be prescribed by Rules of Court shall be taken and if necessary may be recorded in the same District Registry.

Power for Court to remove proceedings from District Registries.

65. Any party to an action in which a writ of summons shall have been issued from any such District Registry shall be at liberty at any time to apply, in such manner as shall be prescribed by Rules of Court, to the said High Court, or to a Judge in Chambers of the Division of the said High Court to which the action may be assigned, to remove the proceedings from such District Registry into the proper Office of the said High Court; and the Court or Judge may, if it be thought fit, grant such application, and in such case the proceedings and such original documents, if any, as may be filed therein shall upon receipt of such order be transmitted by the District Registrar to the proper Office of the said High Court, and the said action shall thenceforth proceed in the said High Court in the same manner as if it had been originally commenced by a writ of summons issued out of the proper Office in London; or the Court or Judge, if it be thought right, may thereupon direct that the proceedings may continue to be taken in such District Registry.

Accounts and inquiries may be referred to District Registrars.

66. It shall be lawful for the Court, or any Judge of the Division to which any cause or matter pending in the said High Court is assigned, if it shall be thought fit, to order that any books or documents may be produced, or any accounts taken or inquiries made, in the office of or by any such District Registrar as

aforesaid; and in any such case the District Registrar shall proceed to carry all such directions into effect in the manner prescribed; and in any case in which any such accounts or inquiries shall have been directed to be taken or made by any District Registrar, the report in writing of such District Registrar as to the result of such accounts or inquiries may be acted upon by the Court, as to the Court shall seem fit.

67. The provisions contained in the fifth, seventh, eighth, and tenth sections of the County Courts Acts, 1867, shall apply to all actions commenced or pending in the said High Court of Justice in which any relief is sought which can be given in a County Court.

68. Subject to the provisions of this Act, Her Majesty may, at any time before the commencement of this Act, by and with the advice of the Lord Chancellor, the Lord Chief Justice of England, and the other Judges of the several Courts intended to be united and consolidated by this Act, or of the greater number of them, (of whom the Lord Chancellor and the Lord Chief Justice of England shall be two,) cause to be prepared Rules, in this Act referred to as Rules of Court, providing as follows:

- (1.) For the regulation of the sittings of the High Court of Justice and the Court of Appeal, and of any Divisional or other Courts thereof respectively, and of the Judges of the said High Court sitting in Chambers;
- (2.) For the regulation of Circuits, including the times and places at which they are to be holden and the business to be transacted thereat;
- (3.) For the regulation of all matters consistent with or not expressly determined by the Rules contained in the Schedule hereto, which, under and for the purposes of such last-mentioned Rules, require to be, or conveniently may be defined or regulated by further Rules of Court;
- (4.) And, generally, for the regulation of any matters relating to the practice and procedure of the said Courts respectively, or to the duties of the officers thereof, or to the costs of proceedings therein, or to the conduct of civil or criminal business coming within the cognizance of the said Courts respectively, for which provision is not expressly made by this Act or by the Rules contained in the Schedule hereto.

All Rules of Court made in pursuance of this section shall be laid before each House of Parliament withing forty days next after the same are made, if Parliament is then sitting, or if not, within forty days after the then next meeting of Parliament; and if an address is presented to Her Majesty by either of the said Houses, within the next subsequent forty days on which the said House shall have sat, praying that any such Rules may be annulled, Her Majesty may thereupon by Order in Council annul the same; and the Rules so annulled shall thenceforth become void and of no effect, but without prejudice to the validity of any proceedings which may in the meantime have been taken under the same. This section shall come into operation immediately on the passing of this Act.

69. The Rules contained in the Schedule to this Act (which shall be read and taken as part of this Act) shall come into operation immediately on the commencement of this Act, and, as to all matters to which they extend, shall thenceforth regulate the proceedings in the High Court of Justice and the Court of Appeal respectively, unless and until, by the authority herein-after in that behalf provided, any of them may be altered or varied; but such Rules, and also all Rules to be made before the commencement of this Act, as herein-before mentioned, shall for all the purposes of this Act be Rules of Court capable of being annulled or altered by the same authority by which any other Rules of Court may be made, altered, or annulled after the commencement of this Act.

70. All Rules and Orders of Court which shall be in force in the Court of Probate, the Court for Divorce and Matrimonial Causes, the Admiralty Court, and the London Court of Bankruptcy respectively at the time of the commencement of this Act, except so far as they are hereby expressly varied, shall remain and be in force in the High Court of Justice and in the Court of Appeal respectively in the same manner in all respects as if they had been contained in the Schedule to this Act until they shall respectively be altered or annulled by any Rules of Court made after the commencement of this Act.

71. Subject to any Rules of Court to be made under and by virtue of this Act, the practice and procedure in all criminal causes and matters whatsoever in the High Court of Justice and in the Court of Appeal respectively, including the practice and procedure with respect to Crown Cases Reserved, shall be the same as the practice and procedure in similar causes and matters before the passing of this Act.

72. Nothing in this Act or in the Schedule hereto, or in any Rules of Court to be made by virtue hereof, save as far as relates to the power of the Court for special reasons to allow depositions or affidavits to be read, shall affect the mode of giving evidence by the oral examination of witnesses in trials by jury, or the Rules of Evidence, or the law relating to jurymen or juries.

73. Save as by this Act, or by any Rules of Court (whether contained in the Schedule to this Act, or to be made under the authority thereof), is or shall be otherwise provided, all forms and methods of procedure which at the commencement of this Act were in force in any of the Courts whose jurisdiction is hereby transferred to the said High Court, and to the said Court of Appeal, respectively, under or by virtue of any law, custom, General Orders, or Rules whatsoever, and which are not inconsistent with this Act or with any Rules contained in the said Schedule or to be made by virtue of this Act, may continue to be used and practised in the said High Court of Justice, and the said Court of Appeal, respectively, in such and the like cases, and for such and the like purposes, as those to which they would have been applicable in the respective Courts of which the jurisdiction is so transferred, if this Act had not passed.

74. From and after the commencement of this Act, the Supreme Court may at any time, with the concurrence of a majority of the Judges thereof present at any meeting for that purpose held (of which majority the Lord Chancellor shall be one), alter or annul any Rules of Court for the time being in force, or make any new Rules of Court, for the purpose of regulating all such matters of practice and procedure in the Supreme Court, or relating to the suitors or officers of the said Court, or otherwise, as under the provisions of this Act are or may be regulated by rules of Court: Provided, that any Rule made in the exercise of this power, whether for altering or annulling any then existing Rule, or for any other purpose, shall be laid before both Houses of Parliament, within the same time, and in the same manner and with the same effect in all respects, as is herein-before provided with respect to the said Rules to be made before the commencement of this Act, and may be annulled and made void in the same manner as such last-mentioned Rules.

75. A Council of the Judges of the Supreme Court, of which due notice shall be given to all the said Judges, shall assemble once at least in every year, on such day or days as shall be fixed by the Lord

30 & 31 Vict. c. 142. ss. 5, 7, 8, and 10 to extend to actions in High Court.

Rules of Court may be made by Order in Council before commencement of the Act.

Rules to be laid before Parliament, and may be annulled on address from either House.

Rules in Schedule to regulate procedure till changed by other rules after commencement of Act.

Rules of Probate, Divorce, Admiralty, and Bankruptcy Courts to be Rules of the High Court.

Criminal procedure subject to future Rules, to remain unaltered.

Act not to affect rules of evidence or juries.

Saving of existing procedure of Courts when not inconsistent with this Act or Rules.

Power to make and alter Rules after commencement of Act.

Councils of Judges to consider procedure and administration of justice.

Chancellor, with the concurrence of the Lord Chief Justice of England, for the purpose of considering the operation of this Act and of the Rules of Court for the time being in force, and also the working of the several offices and the arrangements relative to the duties of the officers of the said Courts respectively, and of inquiring and examining into any defects which may appear to exist in the system of procedure or the administration of the law in the said High Court of Justice or the said Court of Appeal, or in any other Court from which any appeal lies to the said High Court or any Judge thereof, or to the said Court of Appeal: And they shall report annually to one of Her Majesty's Principal Secretaries of State what (if any) amendments or alterations it would in their judgment be expedient to make in this Act, or otherwise relating to the administration of justice, and what other provisions (if any) which cannot be carried into effect without the authority of Parliament it would be expedient to make for the better administration of justice. Any Extraordinary Council of the said Judges may also at any time be convened by the Lord Chancellor.

Acts of Parliament relating to former Courts to read as applying to Courts under this Act.

76. All Acts of Parliament relating to the several Courts and Judges, whose jurisdiction is hereby transferred to the said High Court of Justice and the said Court of Appeal respectively, or wherein any of such Courts or Judges are mentioned or referred to, shall be construed and take effect, so far as relates to anything done or to be done after the commencement of this Act, as if the said High Court of Justice or the said Court of Appeal, and the Judges thereof, respectively, as the case may be, had been named therein instead of such Courts or Judges whose jurisdiction is so transferred respectively; and in all cases not hereby expressly provided for in which, under any such Act, the concurrence or the advice or consent of the Judge or any Judges, or of any number of the Judges, of any one or more of the Courts whose jurisdiction is hereby transferred to the High Court of Justice is made necessary to the exercise of any power or authority capable of being exercised after the commencement of this Act, such power or authority may be exercised by and with the concurrence, advice, or consent of the same or a like number of Judges of the said High Court of Justice; and all general and other Commissions, issued under the Acts relating to the Central Criminal Court or otherwise, by virtue whereof any judges of any of the Courts whose jurisdiction is so transferred may, at the commencement of this Act, be empowered to try, hear, or determine any causes or matters, criminal or civil, shall remain and be in full force and effect, unless and until they shall respectively be in due course of law revoked or altered.

PART V.

Officers and Offices.

Transfer of existing staff of officers to Supreme Court.

77. The Queen's Remembrancer, and all Masters, Secretaries, Registrars, Clerks of Records and Writs, Associates, Prothonotaries, Chief and other Clerks, Commissioners to take oaths or affidavits, Messengers, and other officers and assistants at the time of the commencement of this Act attached to any Court or Judge whose jurisdiction is hereby transferred to the High Court, or to the Court of Appeal, and also all Registrars, Clerks, officers, and other persons at the time of the commencement of this Act engaged in the preparation of commissions or writs, or in the registration of judgments or any other ministerial duties in aid of, or connected with, any Court, the jurisdiction of which is hereby transferred to the said Courts respectively, shall, from and after the commencement of this Act, be attached to the Supreme Court, consisting of the said High Court of Justice and the said Court of Appeal: Provided, that all the duties with respect to Appeals from the Court of Chancery of the County Palatine of Lancaster which are now performed by the Clerk of the Council of the Duchy of Lancaster shall be performed by the Registrars, Taxing Masters, and other officers by whom like duties are discharged in the Supreme Court; and the said Clerk of the Council of the Duchy of Lancaster shall not be an officer attached to the said Court.

The officers so attached shall have the same rank and hold their offices by the same tenure and upon the same terms and conditions, and receive the same salaries, and, if entitled to pensions, be entitled to the same pensions, as if this Act had not passed, and any such officer who is removable by the Court to which he is now attached shall be removable by the Court to which he shall be attached under this Act, or by the majority of the Judges thereof.

The existing Registrars and Clerks to the Registrars in the Chancery Registrars' office shall retain any right of succession secured to them by Act of Parliament, so as to entitle them in that office, or in any substituted office, to the succession to appointments with similar or analogous duties and with equivalent salaries.

The business to be performed in the High Court of Justice and in the Court of Appeal respectively, or in any Divisional or other Court thereof, or in the chambers of any Judge thereof, other than that performed by the Judges, shall be distributed among the several officers attached to the Supreme Court by this section in such manner as may be directed by Rules of Court; and such officers shall perform such duties in relation to such business as may be directed by Rules of Court, with this qualification, that the duties required to be performed by any officer shall be the same, or duties analogous to those which he performed previously to the passing of this Act; and, subject to such Rules of Court, all such officers respectively shall continue to perform the same duties, as nearly as may be, in the same manner as if this Act had not passed.

All Secretaries, Clerks, and other officers attached to any existing Judge who under the provisions of this Act shall become a Judge of the High Court of Justice, or of the Court of Appeal, shall continue attached to such Judge and shall perform the same duties as those which they have hitherto performed, or duties analogous thereto; and all such last-mentioned officers shall have the same rank and hold their offices by the same tenure, and upon the same terms and conditions, and receive the same salaries, and, if entitled to pensions, be entitled to the same pensions, as if this Act had not passed: Provided that the Lord Chancellor may, with the consent of the Treasury, increase the salary of any existing officer whose duties are increased by reason of the passing of this Act.

Upon the occurrence of a vacancy in the office of any officer coming within the provisions of this section, the Lord Chancellor, with the concurrence of the Treasury, may, in the event of such office being considered unnecessary, abolish the same, or may reduce the salary, or alter the designation or duties

thereof, notwithstanding that the patronage thereof may be vested in an existing Judge. Nothing in this Act contained shall interfere with the office of Marshal attending any Commissioner of Assize.

78. The existing Queen's Counsel of the County Palatine of Lancaster shall for the future have the same precedence in the County, and the existing Prothonotaries and District Prothonotaries, and other officers of the Court of Common Pleas at Lancaster and the Court of Pleas at Durham respectively, and their successors, shall (subject to Rules of Court) perform the same or the like duties and exercise the same or the like powers and authorities in respect of all causes and matters depending in those Courts respectively at the commencement of this Act, and also in respect of all causes and matters which may afterwards be commenced in the High Court of Justice in the manner heretofore practised in the said Court of Common Pleas at Lancaster and the said Court of Pleas at Durham respectively, as at the commencement of this Act may lawfully be performed and exercised by them respectively under any Acts of Parliament for the time being in force with respect to the said last-mentioned Courts respectively, or under any other authority; and all powers in respect of any such Prothonotaries, District Prothonotaries, or other officers of the Court of Common Pleas at Lancaster, which at the commencement of this Act may be vested by law in the Chancellor of the Duchy and County Palatine of Lancaster, under any such Act of Parliament or otherwise, and to which the concurrence of any other authority may not be required, shall and may be exercised after the commencement of this Act by the Lord Chancellor; and all the powers of making or publishing any general rules or orders with respect to the powers or duties of such Prothonotaries, District Prothonotaries, or other officers of the said Court of Common Pleas at Lancaster or the said Court of Pleas at Durham, or with respect to the business of the said Court respectively, or with respect to any fees to be taken therein, or otherwise with reference thereto, which under any such Act as aforesaid or otherwise by law may be vested in the Chancellor of the Duchy and County Palatine of Lancaster, with the concurrence of any Judges or Judge, or in any other authority, shall be exercised after the commencement of this Act in the manner hereby provided with respect to Rules of Court to be made under this Act, and (in all cases in which the sanction of the Treasury is now required) with the sanction of the Treasury; and all provisions made by any such Acts as aforesaid, or otherwise, for or with respect to the remuneration of any such Prothonotaries, District Prothonotaries, or other officers as aforesaid, shall remain and be in full force and effect until the same shall be altered under the provisions of this Act, or otherwise by lawful authority.

Officers of Courts of Pleas at Lancaster and Durham.

79. Each of the Judges of the High Court of Justice, and of the Ordinary Judges of the Court of Appeal, appointed respectively after the commencement of this Act, and also such of the Ordinary Judges of the Court of Appeal as have no similar officers at the time of the commencement of this Act, shall have such officers as herein-after mentioned, who shall be attached to his person as such Judge, and appointed and removable by him at his pleasure, and who shall respectively receive the salaries herein-after mentioned; (that is to say,)

Personal officers of future Judges.

To the Lord Chief Justice of England, the Master of the Rolls, the Lord Chief Justice of the Common Pleas, and the Lord Chief Baron of the Exchequer, respectively, there shall be attached a Secretary, whose salary shall be five hundred pounds per annum, a Principal Clerk, whose salary shall be four hundred pounds per annum, and a Junior Clerk, whose salary shall be two hundred pounds per annum. To each of the other Judges of the High Court of Justice, and to each of the Ordinary Judges of the Court of Appeal, there shall be attached a Principal Clerk, whose salary shall be four hundred pounds per annum, and, in the case of the Judges of the High Court of Justice, a Junior Clerk, whose salary shall be two hundred pounds per annum.

Such one or more of the officers so attached to each of the said Judges, as such Judge shall think fit, shall be required, while in attendance on such Judge, to discharge, without further remuneration, the duties of Crier in Court or on Circuit, or of Usher or Train Bearer. The duties of Chamber Clerks, so far as relates to business transacted in chambers by Judges appointed after the commencement of this Act, shall be performed by officers of the Court in the permanent civil service of the Crown.

80. Any existing officer attached to any existing Court or Judge whose jurisdiction is abolished or transferred by this Act, who is paid out of fees, and whose emoluments are affected by the passing of this Act, shall be entitled to prefer a claim to the Treasury; and the Treasury, if it shall consider his claim to be established, shall have power to award to him such sum, either by way of compensation, or as an addition to his salary, as it thinks just, having regard to the tenure of office by such officer and to the other circumstances of the case.

Provisions as to officers paid out of fees.

81. Where a doubt exists as to the position under this Act of any existing officer attached to any existing Court or Judge affected by this Act, such doubt may be determined by Rules of Court: subject to this proviso, that such rules of Court shall not alter the tenure of office, rank, pension (if any), or salary of such officer, or require him to perform any duties other than duties analogous to those which he has already performed.

Doubts as to the status of officers to be determined by Rule.

82. Every person who at the commencement of this Act shall be authorized to administer oaths in any of the Courts whose jurisdiction is hereby transferred to the High Court of Justice shall be a Commissioner to administer oaths in all causes and matters whatsoever which may from time to time be depending in the said High Court or in the Court of Appeal.

Powers of Commissioners to administer oaths.

83. There shall be attached to the Supreme Court permanent officers to be called Official Referees, for the trial of such questions as shall under the provisions of this Act be directed to be tried by such Referees. The number and the qualifications of the persons to be so appointed from time to time, and the tenure of their offices, shall be determined by the Lord Chancellor, with the concurrence of the Presidents of the divisions of the High Court of Justice, or a majority of them (of which majority the Lord Chief Justice of England shall be one), and with the sanction of the Treasury. Such Official Referees shall perform the duties entrusted to them in such places, whether in London or in the country, as may from time to time be directed or authorized by any order of the said High Court, or of the Court of Appeal; and all proper and reasonable travelling expenses incurred by them in the discharge of their duties shall be paid by the Treasury out of moneys to be provided by Parliament.

Official Referees to be appointed.

84. Subject to the provisions in this Act contained with respect to existing officers of the Courts whose jurisdiction is hereby transferred to the Supreme Court, there shall be attached to the Supreme Court such officers as the Lord Chancellor with the concurrence of the Presidents of the Divisions of the High

Duties, appointment, and removal of officers of Supreme Court.

Court of Justice, or the major part of them, of which majority the Lord Chief Justice of England shall be one, and with the sanction of the Treasury, may from time to time determine.

Such of the said several officers respectively as may be thought necessary or proper for the performance of any special duties, with respect either to the Supreme Court generally, or with respect to the High Court of Justice or the Court of Appeal, or with respect to any one of the divisions of the said High Court, or with respect to any particular Judge or Judges of either of the said Courts, may by the same authority, and with the like sanction as aforesaid, be attached to the said respective Courts, Divisions, and Judges accordingly.

All officers assigned to perform duties with respect to the Supreme Court generally, or attached to the High Court of Justice or the Court of Appeal, and all Commissioners to take oaths or affidavits in the Supreme Court, shall be appointed by the Lord Chancellor.

All officers attached to the Chancery division of the said High Court, who have been heretofore appointed by the Master of the Rolls, shall continue, while so attached, to be appointed by the Master of the Rolls.

All other officers attached to any Division of the said High Court shall be appointed by the President of that Division.

All officers attached to any Judge shall be appointed by the Judge to whom they are attached.

Any officer of the Supreme Court (other than such officers attached to the person of a Judge as are herein-before declared to be removable by him at his pleasure) may be removed by the person having the right of appointment to the office held by him, with the approval of the Lord Chancellor, for reasons to be assigned in the order of removal.

The authority of the Supreme Court over all or any of its officers may be exercised in and by the said High Court and the said Court of Appeal respectively, and also in the case of officers attached to any Division of the High Court by the President of such division, with respect to any duties to be discharged by them respectively.

85. There shall be paid to every official Referee and other salaried officer appointed in pursuance of this Act such salary out of moneys to be provided by Parliament as may be determined by the Treasury with the concurrence of the Lord Chancellor.

An officer attached to the person of a Judge shall not be entitled to any pension or compensation in respect of his retirement from or the abolition of his office, except so far as he may be entitled thereto independently of this act; but every other officer to be hereafter appointed in pursuance of this part of this Act, and whose whole time shall be devoted to the duties of his office, shall be deemed to be employed in the permanent Civil Service of Her Majesty, and shall be entitled, as such, to a pension or compensation in the same manner, and upon the same terms and conditions, as the other permanent civil servants of Her Majesty are entitled to pension or compensation.

86. Subject to the provisions herein-before contained, any rights of patronage and other rights or powers incident to any Court, or to the office of any Judge of any Court whose jurisdiction is transferred to the said High Court of Justice, or to the said Court of Appeal, in respect of which rights of patronage or other rights or powers no provision is or shall be otherwise made by or under the authority of this Act, shall be exercised as follows, that is to say: if incident to the office of any existing Judge shall continue to be exercised by such existing Judge during his continuance in office as a Judge of the said High Court or of the Court of Appeal, and after the death, resignation, or removal from office of such existing Judge shall be exercised in such manner as Her Majesty may by Sign Manual direct.

87. From and after the commencement of this Act all persons admitted as solicitors, attorneys, or proctors of or by law empowered to practise in any Court, the jurisdiction of which is hereby transferred to the High Court of Justice or the Court of Appeal, shall be called Solicitors of the Supreme Court, and shall be entitled to the same privileges and be subject to the same obligations, so far as circumstances will permit, as if this Act had not passed; and all persons who from time to time, if this Act had not passed, would have been entitled to be admitted as solicitors, attorneys, or proctors of or been by law empowered to practise in any such Courts, shall be entitled to be admitted and to be called Solicitors of the Supreme Court, and shall be admitted by the Master of the Rolls, and shall, as far as circumstances will permit, be entitled as such solicitors to the same privileges and be subject to the same obligations as if this Act had not passed.

Any solicitors, attorneys, or proctors to whom this section applies shall be deemed to be Officers of the Supreme Court; and that Court, and the High Court of Justice, and the Court of Appeal respectively or any Division or Judge thereof, may exercise the same jurisdiction in respect of such solicitors or attorneys as any one of Her Majesty's superior courts of law or equity might previously to the passing of this Act have exercised in respect of any solicitor or attorney admitted to practise therein.

PART VI.

Jurisdiction of Inferior Courts.

88. It shall be lawful for Her Majesty from time to time by Order in Council to confer on any inferior Court of civil jurisdiction, the same jurisdiction in Equity and in Admiralty, respectively, as any County Court now has, or may hereafter have, and such jurisdiction, if and when conferred, shall be exercised in the manner by this Act directed.

89. Every inferior Court which now has or which may after the passing of this Act have jurisdiction in equity, or at law and in equity, and in Admiralty respectively, shall, as regards all causes of action within its jurisdiction for the time being, have power to grant, and shall grant in any proceeding before such Court, such relief, redress, or remedy, or combination of remedies, either absolute or conditional, and shall in every such proceeding give such and the like effect to every ground of defence or counter-claim, equitable or legal (subject to the provision next hereinafter contained,) in as full and ample a manner as might and ought to be done in the like case by the High Court of Justice.

90. Where in any proceedings before any such inferior Court any defence or counter-claim of the defendant involves matter beyond the jurisdiction of the Court, such defence or counter-claim shall not affect the competence or the duty of the Court to dispose of the whole matter in controversy so far as relates to the demand of the plaintiff and the defence thereto, but no relief exceeding that which the Court has jurisdiction to administer shall be given to the defendant upon any such counter-claim: Provided always,

Salaries and pensions of officers.

Patronage not otherwise provided for.

Solicitors and attorneys.

Power by Order in Council to confer jurisdiction on inferior Courts.

Powers of inferior Courts having Equity and Admiralty jurisdiction.

Counter-claims in inferior Courts, and transfers therefrom.

that in such case it shall be lawful for the High Court, or any Division or Judge thereof, if it shall be thought fit, on the application of any party to the proceeding, to order that the whole proceeding be transferred from such inferior Court to the High Court, or to any division thereof; and in such case the Record in such proceeding shall be transmitted by the Registrar, or other proper officer, of the inferior Court to the said High Court; and the same shall thenceforth be continued and prosecuted in the said High Court, as if it had been originally commenced therein.

91. The several rules of law enacted and declared by this Act shall be in force and receive effect in all Courts whatsoever in England, so far as the matters to which such Rules relate shall be respectively cognizable by such Courts. Rules of law to apply to inferior Courts.

PART VII.

Miscellaneous Provisions.

92. All books, documents, papers, and chattels in the possession of any Court, the jurisdiction of which is hereby transferred to the High Court of Justice or to the Court of Appeal, or of any officer or person attached to any such Court, as such officer, or by reason of his being so attached, shall be transferred to the Supreme Court, and shall be dealt with by such officer or person in such manner as the High Court of Justice or the Court of Appeal may by order direct; and any person failing to comply with any order made for the purpose of giving effect to this section shall be guilty of a contempt of the Supreme Court. Transfer of books and papers to Supreme Court.

93. This Act, except as herein is expressly directed, shall not, unless or until other commissions are issued in pursuance thereof, affect the circuits of the Judges or the issue of any Commissions of Assize, Nisi Prius, Oyer and Terminer, Gaol Delivery, or other commissions for the discharge of civil or criminal business on circuit or otherwise, or any patronage vested in any Judges going circuit, or the position, salaries, or duties of any officers transferred to the Supreme Court who are now officers of the Superior Courts of Common Law, and who perform duties in relation to either the civil or criminal business transacted on circuit. Saving as to circuits, &c.

94. This Act, except so far as herein is expressly directed, shall not affect the office or position of Lord Chancellor; and the officers of the Lord Chancellor shall continue attached to him in the same manner as if this Act had not passed; and all duties, which any officer of the Court of Chancery may now be required to perform in aid of any duty whatsoever of the Lord Chancellor, may in like manner be required to be performed by such officer when transferred to the Supreme Court, and by his successors. Saving as to Lord Chancellor.

95. This Act, except so far as is herein expressly directed, shall not affect the offices, position, or functions of the Chancellor of the County Palatine of Lancaster. Saving as to Chancellor of Lancaster.

96. The Chancellor of the Exchequer shall not be a Judge of the High Court of Justice, or of the Court of Appeal, and shall cease to exercise any judicial functions hitherto exercised by him as a Judge of the Court of Exchequer; but save as aforesaid he shall remain in the same position as to duties and salary, and other incidents of his office, as if this Act had not passed. The same order and course with respect to the appointment of sheriffs shall be used and observed in the Exchequer Division of the said High Court as has been heretofore used and observed in the Court of Exchequer. Saving as to Chancellor of the Exchequer and sheriffs.

97. Nothing in this Act contained shall affect the office of Lord Treasurer, except that any Lord Treasurer shall not hereafter exercise any judicial functions hitherto exercised by him as a Judge of the Court of Exchequer; and nothing in this Act shall affect the office of the Receiver of the Exchequer. Saving as to Lord Treasurer and office of the Receiver of Exchequer.

98. When the Great Seal is in commission, the Lords Commissioners shall represent the Lord Chancellor for the purposes of this Act, save that as to the Presidency of the Court of Appeal, and the appointment or approval of officers, or the sanction to any order for the removal of officers, or any other act to which the concurrence or presence of the Lord Chancellor is hereby made necessary, the powers given to the Lord Chancellor by this Act may be exercised by the Senior Lord Commissioner for the time being. Provisions as to Great Seal being in commission.

99. From and after the commencement of this Act, the Counties Palatine of Lancaster and Durham shall respectively cease to be Counties Palatine, so far as respects the issue of Commissions of Assize, or other like Commissions, but not further or otherwise; and all such Commissions may be issued for the trial of all causes and matters within such counties respectively in the same manner in all respects as in any other counties of England and Wales. Provision as to Commissions in Counties Palatine.

100. In the construction of this Act, unless there is anything in the subject or context repugnant thereto, the several words hereinafter mentioned shall have, or include, the meanings following; (that is to say,) Interpretation of terms.

“Lord Chancellor” shall include Lord Keeper of the Great Seal.

“The High Court of Chancery” shall include the Lord Chancellor.

“The Court of Appeal in Chancery” shall include the Lord Chancellor as a Judge on Rehearing or Appeal.

“London Court of Bankruptcy” shall include the Chief Judge in Bankruptcy.

“The Treasury” shall mean the Commissioners of Her Majesty’s Treasury for the time being, or any two of them.

“Rules of Court” shall include forms.

“Cause” shall include any action, suit, or other original proceeding between a plaintiff and a defendant, and any criminal proceeding by the Crown.

“Suit” shall include action.

“Action” shall mean a civil proceeding commenced by writ, or in such other manner as may be prescribed by Rules of Court; and shall not include a criminal proceeding by the Crown.

“Plaintiff” shall include every person asking any relief (otherwise than by way of counter-claim as a defendant) against any other person by any form of proceeding, whether the same be taken by action, suit, petition, motion, summons, or otherwise.

“Petitioner” shall include every person making any application to the Court, either by petition, motion, or summons, otherwise than as against any defendant.

“Defendant” shall include every person served with any writ of summons or process, or served with notice of, or entitled to attend any proceedings.

- “Party” shall include every person served with notice of, or attending any proceeding, although not named on the Record.
- “Matter” shall include every proceeding in the Court not in a cause.
- “Pleading” shall include any petition or summons, and also shall include the statements in writing of the claim or demand of any plaintiff, and of the defence of any defendant thereto, and of the reply of the plaintiff to any counter-claim of a defendant.
- “Judgment” shall include decree.
- “Order” shall include rule.
- “Oath” shall include solemn affirmation and statutory declaration.
- “Crown cases reserved” shall mean such questions of law reserved in Criminal Trials as are mentioned in the Act of the eleventh and twelfth years of Her Majesty’s reign, chapter seventy eight.
- “Pension” shall include retirement and superannuation allowance.
- “Existing” shall mean existing at the time appointed for the commencement of this Act.

S C H E D U L E .

RULES OF PROCEDURE.

Form of Action.

1. All actions which have hitherto been commenced by writ in the Superior Courts of Common Law at Westminster, or in the Court of Common Pleas at Lancaster, or in the Court of Pleas at Durham, and all suits which have hitherto been commenced by bill or information in the High Court of Chancery, or by a cause in rem or in personam in the High Court of Admiralty, or by citation or otherwise in the Court of Probate, shall be instituted in the High Court of Justice by a proceeding to be called an action.

All other proceedings in and applications to the High Court may, subject to Rules of Court, be taken and made in the same manner as they would have been taken and made in any Court in which any proceeding or application of the like kind could have been taken or made if this Act had not passed.

Writ of Summons.

2. Every action in the High Court shall be commenced by a writ of summons, which shall be endorsed with a statement of the nature of the claim made, or of the relief or remedy required in the action, and which shall specify the Division of the High Court to which it is intended that the action should be assigned.

3. Forms of writs and of endorsements thereon, applicable to the several ordinary causes of action, shall be prescribed by Rules of Court, and any costs incurred by the use of any more prolix or other forms shall be borne by the party using the same, unless the Court shall otherwise direct.

4. No service of writ shall be required when the defendant, by his solicitor, agrees to accept service, and enters an appearance.

5. When service is required the writ shall, wherever it is practicable, be served in the manner in which personal service is now made, but if it be made to appear to the Court or to a Judge that the plaintiff is from any cause unable to effect prompt personal service, the Court or Judge may make such order for substituted or other service, or for the substitution of notice for service, as may seem just.

6. Whenever it appears fit to the Court or to a Judge in a case in which the cause of action has arisen within the jurisdiction, or is properly cognizable against a defendant within the jurisdiction, that any person out of the jurisdiction of the Court should be served with the writ or other process of the Court, the Court or Judge may order such service, or such notice in lieu of service, to be made or given in such manner and on such terms as may seem just.

7. In all actions where the plaintiff seeks merely to recover a debt or liquidated demand in money, payable by the defendant, with or without interest, arising upon a contract, express or implied, as, for instance, on a bill of exchange, promissory note, cheque, or other simple contract debt, or on a bond or contract under seal for payment of a liquidated amount of money, or on a statute where the sum sought to be recovered is a fixed sum of money or in the nature of a debt, or on a guaranty, whether under seal or not, where the claim against the principal is in respect of such debt or liquidated demand, bill, cheque, or note, or on a trust, the writ of summons may be specially endorsed with the particulars of the amount sought to be recovered, after giving credit for any payment or set-off.

In case of non-appearance by the defendant where the writ of summons is so specially endorsed, the plaintiff may sign final judgment for any sum not exceeding the sum endorsed on the writ, together with interest at the rate specified, if any, to the date of the judgment, and a sum for costs, but it shall be lawful for the Court or a Judge to set aside or vary such judgment upon such terms as may seem just.

Where the defendant appears on a writ of summons so specially endorsed, the plaintiff may, on affidavit verifying the cause of action, and swearing that in his belief there is no defence to the action, call on the defendant to show cause before the Court or a Judge why the plaintiff should not be at liberty to sign final judgment for the amount so endorsed, together with interest, if any, and costs; and the Court or Judge may, unless the defendant, by affidavit or otherwise, satisfy the Court or Judge that he has a good defence to the action on the merits, or disclose such facts as the Court or Judge may think sufficient to entitle him to be permitted to defend the action, make an order empowering the plaintiff to sign judgment accordingly. Permission to defend the action may be granted to the defendant on such terms and conditions, if any, as the Judge or Court may think just.

8. In all cases of ordinary account, as, for instance, in the case of a partnership or executorship or ordinary trust account, where the plaintiff, in the first instance, desires to have an account taken, the writ of summons shall be endorsed with a claim that such account be taken.

In default of appearance on such summons, and after appearance unless the defendant, by affidavit or otherwise, satisfy the Court or a Judge that there is some preliminary question to be tried, an order for the account claimed, with all directions now usual in the Court of Chancery in similar cases, shall be forthwith made.

Parties.

9. No action shall be defeated by reason of the mis-joinder of parties, and the Court may in every action deal with the matter in controversy so far as regards the rights and interests of the parties actually before it. The Court or a Judge may, at any stage of the proceedings, either upon or without the application of either party, in the manner prescribed by Rules of Court, and on such terms as may appear to the Court or a Judge to be just, order that the name or names of any party or parties, whether as plaintiffs or as defendants, improperly joined be struck out, and that the name or names of any party or parties, whether plaintiffs or defendants, who ought to have been joined, or whose presence before the Court may be necessary in order to enable the Court effectually and completely to adjudicate upon and settle all the questions involved in the action, be added. No person shall be added as a plaintiff suing without a next friend, or as the next friend of a plaintiff under any disability, without his own consent thereto. All parties whose names are so added as defendants shall be served with a summons or notice in such manner as may be prescribed by Rules of Court or by any special order, and the proceedings as against them shall be deemed to have begun only on the service of such summons or notice.

Form of action in High Court.

Actions to be commenced by writ.

Form of writ.

Acceptance of service.

Service of writ.

Service out of the jurisdiction.

Special endorsement of particulars of debts or liquidated demands.

See C. L. P. Act, 1832, ss. 25, 27.

Special endorsement of particulars in cases of account.

Mis-joinder or non-joinder of parties.

10. Where there are numerous parties having the same interest in one action, one or more of such parties may sue or be sued, or may be authorized by the Court to defend in such action, on behalf or for the benefit of all parties so interested. Representation of parties having same interest.

11. Any two or more persons claiming or being liable as co-partners may sue or be sued in the name of their respective firms, if any; and any party to an action may in such case apply by summons to a Judge in Chambers for a statement of the names of the persons who are co-partners in any such firm, to be furnished in such manner, and verified on oath or otherwise, as the Judge may direct.

12. Where a defendant is or claims to be entitled to contribution or indemnity, or any other remedy or relief over against any other person, or where from any other cause it appears to the Court or a Judge that a question in the action should be determined not only as between the plaintiff and defendant, but as between the plaintiff, defendant, and any other person, or between any or either of them, the Court or a Judge may on notice being given to such last-mentioned person, in such manner and form as may be prescribed by Rules of Court, make such order as may be proper for having the question so determined. Power to determine questions as against third parties.

13. Where in any action, whether founded upon contract or otherwise, the plaintiff is in doubt as to the person from whom he is entitled to redress, he may, in such manner as may be prescribed by Rules of Court, or by any special order, join two or more defendants, to the intent that in such action the question as to which, if any, of the defendants is liable, and to what extent, may be determined as between all parties to the action. Provision for case of doubt as to proper parties.

14. Trustees, executors, and administrators may sue and be sued on behalf of or as representing the property or estate of which they are trustees or representatives, without joining any of the parties beneficially interested in the trust or estate, and shall be considered as representing such parties in the action; but the Court or a Judge may, at any stage of the proceedings, order any of such parties to be made parties to the action, either in addition to or in lieu of the previously existing parties thereto. Trustees, executors, &c.

15. Married women and infants may respectively sue as plaintiffs by their next friends, in the manner practised in the Court of Chancery before the passing of this Act; and infants may, in like manner, defend any action by their guardians appointed for that purpose. Married women may also, by the leave of the Court or a Judge, sue or defend without their husbands and without a next friend, on giving such security (if any) for costs as the Court or a Judge may require. Actions by married women and infants.

16. The plaintiff may, at his option, join as parties to the same action all or any of the persons severally, or jointly and severally, liable on any one contract, including parties to bills of exchange and promissory notes. Parties where there are several liabilities on the same contract.

17. An action shall not become abated by reason of the marriage, death, or bankruptcy of any of the parties, if the cause of action survive or continue, and shall not become defective by the assignment, creation, or devolution of any estate or title pendente lite. Abatement.

In case of the marriage, death, or bankruptcy, or devolution of estate by operation of law, of any party to an action, the Court or a Judge may, if it be deemed necessary for the complete settlement of all the questions involved in the action, order that the husband, personal representative, trustee, or other successor in interest, if any, of such party be made a party to the action, or be served with notice thereof in such manner and form as may be prescribed by Rules of Court, and on such terms as the Court or Judge shall think just, and shall make such order for the disposal of the action as may be just.

In case of an assignment, creation, or devolution of any estate or title pendente lite, the action may be continued by or against the person to or upon whom such estate or title has come or devolved.

Pleadings.

18. The following rules of pleading shall be substituted for those heretofore used in the High Court of Chancery and in the Courts of Common Law, Admiralty, and Probate. Form of pleadings.

Unless the defendant at the time of his appearance shall state that he does not require the delivery of a statement of complaint, the plaintiff shall within such time and in such manner as shall be prescribed by Rules of Court, file and deliver to the defendant after his appearance a printed statement of his complaint and of the relief or remedy to which he claims to be entitled. The defendant shall within such time and in such manner as aforesaid file and deliver to the plaintiff a printed statement of his defence, set-off, or counter-claim (if any), and the plaintiff shall in like manner file and deliver a printed statement of his reply (if any) to such defence, set-off, or counter claim. Such statements shall be as brief as the nature of the case will admit, and the Court in adjusting the costs of the action shall inquire at the instance of any party into any unnecessary prolixity and order the costs occasioned by such prolixity to be borne by the party chargeable with the same.

A demurrer to any statement may be filed in such manner and form as may be prescribed by Rules of Court.

The Court or a Judge may, at any stage of the proceedings, allow either party to alter his statement of claim or defence or reply, or may order to be struck out or amended any matter in such statements respectively which may be scandalous, or which may tend to prejudice, embarrass, or delay the fair trial of the action, and all such amendments shall be made as may be necessary for the purpose of determining the real questions or question in controversy between the parties.

19. Where in any action it appears to a Judge that the statement of claim or defence or reply does not sufficiently disclose the issues of fact in dispute between the parties, he may direct the parties to prepare issues, and such issues shall, if the parties differ, be settled by the Judge. Power to settle issues.

20. A defendant may set off, or set up, by way of counter-claim against the claims of the plaintiff, any right or claim, whether such set-off or counter-claim sound in damages or not, and such set-off or counter-claim shall have the same effect as a statement of claim in a cross action, so as to enable the Court to pronounce a final judgment in the same action, both on the original and on the cross claim. But the Court or a Judge may, on the application of the plaintiff before trial, if in the opinion of the Court or Judge such set-off or counter-claim cannot be conveniently disposed of in the pending action, or ought not to be allowed, refuse permission to the defendant to avail himself thereof. Counter-claims by defendant.

21. Where in any action a set-off or counter-claim is established as a defence against the plaintiff's claim, the Court may, if the balance is in favour of the defendant, give judgment for the defendant for such balance, or may otherwise adjudge to the defendant such relief as he may be entitled to upon the merits of the case. Power to give judgment for defendant for balance under counter-claim.

22. Subject to any Rules of Court, the plaintiff may unite in the same action and in the same statement of claim several causes of action, but if it appear to the Court or a Judge that any such causes of action cannot be conveniently tried or disposed of together, the Court or Judge may order separate trials of any of such causes of action to be had, or may make such other order as may be necessary or expedient for the separate disposal thereof. Joinder of several causes of action.

23. It shall not be necessary that every defendant to any action shall be interested as to all the relief thereby prayed for, or as to every cause of action included therein; but the Court or a Judge may make such order as may appear just to prevent any defendant from being embarrassed or put to expense by being required to attend any proceedings in such action in which he may have no interest.

24. If it appear to the Court or a Judge, either from the statement of claim or defence or reply or otherwise, that there is in any action a question of law, which it would be convenient to have decided before any evidence is given or any question or issue of fact is tried, or before any reference is made to a Referee or an Arbitrator, the Court or Judge may make an order accordingly, and may direct such question of law to be raised for the opinion of the Court, either by special case or in such other manner as the Court or Judge may deem expedient, or as may be prescribed by Rules of Court, and all such further proceedings as the decision of such question of law may render unnecessary may thereupon be stayed. Power for Court to raise preliminary questions of law in an action.

Discovery.

25. Subject to any Rules of Court, a plaintiff in any action shall be entitled to exhibit interrogatories to, and obtain Discovery from, any defendant, and any defendant shall be entitled to exhibit interrogatories to, and obtain Discovery from, a plaintiff or any other party. Any party shall be entitled to object to any interrogatory on the ground of irrelevancy, and the Court or a Judge, if not satisfied that such interrogatory is relevant to some issue in the cause, may allow such objection. No exceptions shall be taken to any answer, but the sufficiency or otherwise of any answer objected to as insufficient shall be determined by the Court or a Judge in a summary way. Right of discovery on interrogatories.

The Court in adjusting the costs of the action shall at the instance of any party inquire or cause inquiry to be made into the propriety of exhibiting such interrogatories, and if it is the opinion of the taxing master or of the Court or Judge that such interrogatories have been exhibited unreasonably, vexatiously, or at improper length, the costs occasioned by the said interrogatories and the answers thereto shall be borne by the party in fault.

26. Every party to an action or other proceeding shall be entitled, at any time before or at the hearing thereof, by notice in writing, to give notice to any other party, in whose pleadings or affidavits reference is made to any document, to produce such document for the inspection of the party giving such notice, or of his solicitor, and to permit him or them to take copies thereof; and any party not complying with such notice shall not afterwards be at liberty to put any such document in evidence on his Production of documents pleaded or proved.

behalf in such action or proceeding, unless he shall satisfy the Court that such document relates only to his own title, he being a defendant to the action, or that he had some other sufficient cause for not complying with such notice.

Discovery as to documents.

27. It shall be lawful for the Court or a judge at any time during the pendency therein of any action or proceeding, to order the production by any party thereto, upon oath, of such of the documents in his possession or power, relating to any matter in question in such suit or proceeding, as the Court or Judge shall think right; and the Court may deal with such documents, when produced, in such manner as shall appear just.

Place of Trial.

Place of trial.

28. There shall be no local venue for the trial of any action, but when the plaintiff proposes to have the action tried elsewhere than in Middlesex, he shall in his statement of claim name the county or place in which he proposes that the action shall be tried, and the action shall, unless a Judge otherwise orders, be tried in the county or place so named. Where no place of trial is named in the statement of claim, the place of trial shall, unless a Judge otherwise orders, be the county of Middlesex. Any order of a Judge, as to such place of trial, may be discharged or varied by a Divisional Court of the High Court.

List for trials in London and Middlesex.

29. The list or lists of actions for trial at the sittings in London and Middlesex respectively shall be prepared and the actions shall be allotted for trial in such manner as may be prescribed by Rules of Court, without reference to the division of the High Court to which such actions may be attached.

Mode of Trial.

Mode of trying actions.

30. Actions shall be tried and heard either before a Judge or Judges, or before a Judge sitting with assessors, or before a Judge and Jury, or before an official or special Referee, with or without assessors.

Notice of mode of trial to be given.

31. The plaintiff may give notice of trial by any of the modes aforesaid, but the defendant may, upon giving notice, within such time as may be fixed by Rules of Court, that he desires to have any issues of fact tried before a Judge and Jury, be entitled to have the same so tried, or he may apply to the Court or a Judge for an order to have the action tried in any other of the said ways, and in such case the mode in which the action is to be tried or heard shall be determined by such Court or Judge.

Different questions arising in same action may be tried in different ways.

32. In any action the Court or a Judge may, at any time or from time to time, order that different questions of fact arising therein be tried by different modes of trial, or that one or more questions of fact be tried before the others, and may appoint the place or places for such trial or trials.

Trials by jury.

33. Every trial of any question or issue of fact by a jury shall be held before a single Judge, unless such trial be specially ordered to be held before two or more Judges.

Proceedings before an official Referee.

34. Where an action or matter, or any question in an action or matter, is referred to a Referee, he may, subject to the order of the Court or a Judge, hold the trial at or adjourn it to any place which he may deem most convenient, and have any inspection or view, either by himself or with his assessors (if any), which he may deem expedient for the better disposal of the controversy before him. He shall, unless otherwise directed by the Court or a Judge, proceed with the trial in open Court, *de die in diem*, in a similar manner as in actions tried by a jury.

Effect of decision of Referee.

35. The Referee may, before the conclusion of any trial before him, or by his report under the reference made to him, submit any question arising therein for the decision of the Court, or state any facts specially, with power to the Court to draw inferences therefrom, and in any such case the order to be made on such submission or statement shall be entered as the Court may direct; and the Court shall have power to require any explanation or reasons from the Referee, and to remit the action or any part thereof for re-trial or further consideration to the same or any other Referee.

Evidence.

Mode of giving evidence at trials.

36. In the absence of any agreement between the parties, and subject to any Rules of Court applicable to any particular class of cases, the witnesses at the trial of any cause or at any assessment of damages, shall be examined *vivâ voce* and in open court, but the Court or a Judge may at any time for sufficient reason order that any particular fact or facts may be proved by affidavit, or that the affidavit of any witness may be read at the hearing or trial, on such conditions as the Court or Judge may think reasonable, or that any witness whose attendance in court ought for some sufficient cause to be dispensed with, be examined by interrogatories or otherwise before a Commissioner or examiner; provided that where it appears to the Court or Judge that the other party *bonâ fide* desires the production of a witness for cross-examination, and that such witness can be produced, an order shall not be made authorizing the evidence of such witness to be given by affidavit.

Evidence at interlocutory applications.

37. Upon any interlocutory application evidence may be given by affidavit; but the Court or a Judge may, on the application of either party, order the attendance for cross-examination of the person making any such affidavit.

Matter of affidavits.

38. Affidavits shall be confined to such facts as the witness is able of his own knowledge to prove, except on interlocutory motions, on which statements as to his belief, with the grounds thereof, may be admitted. The costs of every affidavit which shall unnecessarily set forth matters of hearsay, or argumentative matter, or copies of or extracts from documents, shall be paid by the party filing the same.

Admissions.

39. Any party to an action may give notice, by his own statement or otherwise, that he admits the truth of the whole or any part of the case stated or referred to in the statement of claim, defence, or reply of any other party.

Either party may call upon the other party to admit any document, saving all just exceptions; and in case of refusal or neglect to admit, after such notice, the costs of proving any such document shall be paid by the party so neglecting or refusing, whatever the result of the action may be, unless at the hearing or trial the Court certify that the refusal to admit was reasonable; and no costs of proving any document shall be allowed unless such notice be given, except where the omission to give the notice is, in the opinion of the taxing officer, a saving of expense.

Interlocutory Orders and Directions.

Power for party to apply for order before termination of action.

40. Any party to an action may at any stage thereof apply to the Court or a Judge for such order as he may, upon any admissions of fact in the pleadings, be entitled to, without waiting for the determination of any other question between the parties.

Power to transfer questions arising in actions.

41. The Lord Chancellor, with the concurrence of the Lord Chief Justice of England, may order any question of law or of fact which may arise in any action or matter to be transferred from any Judge to any other Judge, or to be tried or heard by any other Judge of the said High Court, and may confer on such Judge power to deal with the whole or any part of the matters in controversy.

Accounts and inquiries.

42. The Court or a Judge may, at any stage of the proceedings in an action or matter, direct any necessary inquiries or accounts to be made or taken, notwithstanding that it may appear that there is some special or further relief sought for or some special matter to be tried, as to which it may be proper that the cause should proceed in the ordinary manner.

Interim orders as to subject-matter of litigation.

43. When by any contract a *prima facie* case of liability is established, and there is alleged as matter of defence a right to be relieved wholly or partially from such liability, the Court or a Judge may make an order for the preservation or interim custody of the subject-matter of the litigation, or may order that the amount in dispute be brought into Court or otherwise secured.

Power to make orders for sale of goods.

44. It shall be lawful for the Court or a Judge, on the application of any party to any action, to make any order for the sale, by any person or persons named in such order, and in such manner, and on such terms as to the Court or Judge may seem desirable, of any goods, wares, or merchandise which may be of a perishable nature or likely to injure from keeping, or which for any other just and sufficient reason it may be desirable to have sold at once.

Power for Court to make interim orders as to preservation or examination of property, examination of witnesses, &c.

45. It shall be lawful for the Court or a Judge, upon the application of any party to an action, and upon such terms as may seem just, to make any order for the detention, preservation, or inspection of any property, being the subject of such action, and for all or any of the purposes aforesaid to authorize any person or persons to enter upon or into any land or building in the possession of any party to such action, and for all or any of the purposes aforesaid to authorize any samples to be taken, or any observations to be made or experiment to be tried, which may seem necessary or expedient for the purpose of obtaining full information or evidence. The Court or a Judge may also, in all cases where it shall appear necessary for the purposes of justice, make any order for the examination upon oath before any officer of the Court, or any other person or persons, and at any place, of any witness or person, and may order any deposition so taken to be filed in the court, and may empower any party to any action or other proceeding to give such deposition in evidence therein on such terms, if any, as the Court or a Judge may direct.

Discontinuance of action.

46. The plaintiff may, at any time before receipt of the defendant's statement of defence, or after the receipt thereof before taking any other proceeding in the action (save any interlocutory application), by notice in writing, wholly discontinue

his action or withdraw any part or parts of his alleged cause of complaint, and thereupon he shall pay the defendant's costs of the action, or, if the action be not wholly discontinued, the defendant's costs occasioned by the matter so withdrawn. Such costs shall be taxed in the manner prescribed by Rules of Court, and such discontinuance or withdrawal, as the case may be, shall not be a defence to any subsequent action. Save as in this Rule otherwise provided, it shall not be competent for the plaintiff to withdraw the Record or discontinue the action without leave of the Court or a Judge, but the Court or a Judge may, before, or at, or after the hearing or trial, upon such terms as to costs, and as to any other action, and otherwise as may seem fit, order the action to be discontinued, or any part of the alleged cause of complaint to be struck out. The Court or a Judge may, in like manner, and with the like discretion as to terms, upon the application of a defendant, order the whole or any part of his alleged grounds of defence or counter-claim to be withdrawn or struck out, but it shall not be competent to a defendant to withdraw his defence, or any part thereof, without such leave. Any judgment of nonsuit, unless the Court or a Judge otherwise directs, shall have the same effect as a judgment upon the merits for the defendant; but in any case of mistake, surprise, or accident, any judgment of nonsuit may be set aside on such terms, as to payment of costs and otherwise, as to the Court or a Judge shall seem just.

Costs.

47. Subject to the provisions of this Act, the costs of and incident to all proceedings in the High Court shall be in the Costs. discretion of the Court; but nothing herein contained shall deprive a trustee, mortgagee, or other person of any right to costs out of a particular estate or fund to which he would be entitled according to the rules hitherto acted upon in Courts of Equity.

New Trials and Appeals.

48. A new trial shall not be granted on the ground of misdirection or of the improper admission or rejection of evidence unless in the opinion of the Court to which the application is made some substantial wrong or miscarriage has been thereby occasioned in the trial of the action; and if it appear to such Court that such wrong or miscarriage affects part only of the matter in controversy, the Court may give final judgment as to part thereof, and direct a new trial as to the other part only.

49. Bills of exceptions and proceedings in error shall be abolished.

50. All appeals to the Court of Appeal shall be by way of re-hearing, and shall be brought by notice of motion in a summary way, and no petition, case, or other formal proceeding other than such notice of motion shall be necessary. The appellant may by the notice of motion appeal from the whole or any part of any judgment or order, and the notice of motion shall state whether the whole or part only of such judgment or order is complained of, and in the latter case shall specify such part.

51. The notice of appeal shall be served upon all parties directly affected by the appeal, and it shall not be necessary to serve parties not so affected; but the Court of Appeal may direct notice of the appeal to be served on all or any parties to the action or other proceeding, or upon any person not a party, and in the meantime may postpone or adjourn the hearing of the appeal upon such terms as may seem just, and may give such judgment and make such order as might have been given or made if the persons served with such notice had been originally parties. Any notice of appeal may be amended at any time as to the Court of Appeal may seem fit.

52. The Court of Appeal shall have all the powers and duties as to amendment and otherwise of the Court of First Instance, together with full discretionary power to receive further evidence upon questions of fact, such evidence to be either by oral examination in court, by affidavit, or by deposition taken before an examiner or commissioner. Such further evidence may be given without special leave upon interlocutory applications, or in any case as to matters which have occurred after the date of the decision from which the appeal is brought. Upon appeals from a decree or judgment upon the merits, at the trial or hearing of any action or matter, such further evidence (save as aforesaid) shall be admitted on special grounds only, and not without special leave of the Court. The Court of Appeal shall have power to give any judgment and make any decree or order which ought to have been made, and to make such further or other order as the case may require. The powers aforesaid may be exercised by the said Court, notwithstanding that the notice of appeal may be that part only of the decision may be reversed or varied, and such powers may also be exercised in favour of all or any of the respondents or parties, although such respondents or parties may not have appealed from or complained of the decision. The Court of Appeal shall have power to make such order as to the whole or any part of the costs of the appeal as may seem just.

53. It shall not, under any circumstances, be necessary for a respondent to give notice of motion by way of cross appeal, but if a respondent intends, upon the hearing of the appeal, to contend that the decision of the Court below should be varied or altered, he shall, within such time as may be prescribed by Rules of Court or by special order, give notice of such intention to any parties who may be affected by such contention. The omission to give such notice shall not diminish the powers, by this Act, conferred upon the Court of Appeal, but may, in the discretion of the Court, be ground for an adjournment of the appeal, or for a special order as to costs.

54. When any question of fact is involved in an appeal, the evidence taken in the Court below shall be brought before the Court of Appeal in such manner as may be prescribed by Rules of Court or by special order.

55. If, upon the hearing of an appeal, a question arise as to the ruling or direction of the Judge to a jury or assessors, the Court shall have regard to verified notes or other evidence, and to such other materials as the Court may deem expedient.

56. No interlocutory order or rule from which there has been no appeal shall operate so as to bar or prejudice the Court of Appeal from giving such decision upon the appeal as may seem just.

57. No appeal from any interlocutory order shall, except by special leave of the Court of Appeal, be brought after the expiration of twenty-one days, and no other appeal shall, except by such leave, be brought after the expiration of one year. The said respective periods shall be calculated from the time at which the judgment or order is signed, entered, or otherwise perfected, or, in the case of the refusal of an application, from the date of such refusal, or from such time as may be prescribed by Rules of Court. Such deposit or other security for the costs to be occasioned by any appeal shall be made or given as may be prescribed by Rules of Court, or directed under special circumstances by the Court of Appeal.

58. An Appeal shall not operate as a stay of execution or of proceedings under the decision appealed from, except so far as the Court appealed from, or any Judge thereof, or the Court of Appeal may so order; and no intermediate act or proceeding shall be invalidated, except so far as the Court appealed from may direct.

VICTORIA.

NEPEAN—LAND SELECTIONS AT.

RETURN TO AN ORDER OF THE LEGISLATIVE COUNCIL.

THE HONORABLE W. A. C. A'BECKETT.—4TH NOVEMBER, 1873.

LAID ON THE COUNCIL TABLE BY THE HONORABLE A. FRASER, AND ORDERED BY THE COUNCIL TO BE PRINTED, 13TH NOVEMBER, 1873.

RETURN of the Conditions on which the Land Selections at Nepean were made, the Names of the Selectors, and the Names of those who have not complied with the Conditions, and the Names of those to whom the Crown Grants have been issued.

Date of Licence.	Name of Licensee.	Allotment.	Section.	Extent.	Conditions complied with or otherwise.	If Crown Grant issued.
1870.						
March 1 ...	Anderson, Robt. S...	80a	...	A. R. P. 11 1 7	Compliance with conditions deemed satisfactory by the Board on the 27 | 8 | 73	Yes.
" 1 ...	Ditto ...	...	...	11 2 10	Ditto ...	Yes.
" 1 ...	Baillie, W. G. ...	51b	...	17 2 30	Conditions not complied with— Licence forfeited	No.
1869.						
January 1 ...	Cain, John ...	Pts. 43, 32, 43, 33, 32, 33, 34, 34, 32	...	133 0 36	Conditions virtually complied with	No.
" 1 ...	Cain, James ...	Pts. 41, 35, 35, 35, 39, 39, 39, 41, 41	...	123 0 20	Ditto ...	No.
March 1 ...	Cain, Michl. ...	...	...	23 2 23	Ditto ...	No.
April 1 ...	Clarke, John ...	13	...	2 0 0	Compliance with conditions deemed satisfactory by the Board on the 10 | 10 | 72	Yes.
March 1 ...	Casey, Jas. J. ...	...	...	136 0 31	Ditto, on the 18 | 9 | 71	Yes.
1870.						
March 1 ...	Cain, Sarah Ann ...	55b	...	15 2 20	Conditions virtually complied with	No.
" ...	Coffey, Henry A. ...	48a	...	11 2 35	Compliance with conditions deemed satisfactory by the Board, 22 | 7 | 73	Yes.
1869.						
April 1 ...	Darbyshire, John ...	...	...	3 0 0	Ditto, on the 5 | 7 | 72...	Yes.
March 1 ...	Duffy, Jno. G. ...	65	...	158 1 26	Ditto, on 10 | 4 | 72 ...	Yes.
April 1 ...	Duffy, Chas. G. ...	Pt. 88	...	32 0 22	Ditto, on the 7 | 5 | 72...	Yes.
August 30 ...	Ditto ...	...	...	18 3 32	Ditto, on the 7 | 3 | 72...	Yes.
March 1 ...	Duffy, Chas. G. ...	Pt. 82, 77, and 82	...	57 1 19	Fencing, £148 8s. ...	No.
" 1 ...	Ditto ...	74	...	20 0 0		
December 29	Ditto ...	84	...	20 0 0		
March 1 ...	Ditto ...	Pt. 74	...	6 2 9	Conditions not complied with— Licence forfeited	No.
1870.						
March 1 ...	Edwards, junr., John	...	...	19 3 12	Conditions virtually complied with	No.
1869.						
October 13 ..	Ford, Julia ...	...	...	1 0 0	Compliance with conditions deemed satisfactory by the Board, on the 31 | 10 | 71	Yes.
1870.						
March 1 ...	Graham, George ...	49a	...	13 0 0	Ditto, on the 13 | 6 | 73	Yes.
" 1 ...	Günst, J. W. ...	50a	...	19 1 36	Ditto, on the 17 | 1 | 73	Yes.
" 1 ...	Graham, George ...	49b	...	13 1 10	Yes ...	No.
" 1 ...	Hughes, Johanna T. ...	...	...	20 0 0	Not known ...	No.
" 1 ...	Hill, Wm. R. ...	46b	...	4 2 38	No ...	No.
" 1 ...	Harcourt, J. T. ...	44	...	27 0 33	Compliance with conditions deemed satisfactory by the Board, on the 4 | 6 | 73	Yes.
May 16 ...	Hughes, D. A. ...	...	...	34 2 32	No. 7 acres cleared ...	No.
March 1 ...	Kerferd, G. B. ...	50b	...	19 0 32	Compliance with conditions deemed satisfactory by the Board, on the 29 | 10 | 72	Yes.
March 1 ...	Knight, J. G. ...	56b	...	16 1 18	Fencing and cultivation, £50 ...	No.
" 1 ...	Lempriere, C. ...	56a	...	17 0 3	Fencing and cultivation, £53 15s.	No.
" 1 ...	Lowthier, Wm. ...	46a	...	4 0 13	Compliance with conditions deemed satisfactory by the Board on the 24 | 9 | 72	Yes.
1869.						
March 1 ...	Murphy, H. M. ...	...	...	69 1 1	Ditto, on 8 | 2 | 72 ...	Yes.
April 1 ...	McGrath, Margt. ...	...	...	3 0 0	Ditto, on 18 | 5 | 72 ...	Yes.
1870.						
March 1 ...	McDonnell, Angela	79b	...	12 3 12	No ...	No.
" 1 ...	Nagle, Valentine F. ...	...	...	5 1 21	Virtually complied with, £24 ...	No.
" 1 ...	Nolan, James F. ...	...	...	14 1 26	Fencing, £50 ...	No.
" 1 ...	Newton, Hibert ...	54b	...	10 2 7	Conditions not complied with— Licence forfeited	No.

RETURN, &c.—continued.

Date of Licence.	Name of Licensee.	Allotment.	Section.	Extent.	Conditions complied with or otherwise.	If Crown Grant issued.
1870.						
March 1 ...	Norton, H. F. ...	45	...	A. R. P. 22 0 22	Virtually complied with, £75 4s.	No.
" 1 ...	Ditto ...	48 ^b	...	11 2 31		No.
" 1 ...	O'Grady, jun., Michl. J.	51 ^a	...	17 3 31		No.
" 1 ...	Pavey, Thomas ...	61 ^a	...	20 2 24	Compliance with conditions deemed satisfactory by the Board on the 10 | 9 | 73	No.
" 1 ...	Quinlan, Francis ...	54 ^a	...	12 1 28	No	No.
1869.						
May 18 ...	Swan, David ...	67	...	35 0 29	Virtually complied with, £97 ...	No.
" 18 ...	Swan, James ...	66, 69, and 72	...	82 3 29	Fencing and waterhole, £204 ...	No.
October 13	Watson, John ...	...	...	1 0 20	Compliance with conditions deemed satisfactory by the Board on the 4 | 12 | 72	Yes.
1870.						
October 13	Watson, Alexr. ...	...	...	1 1 0	Ditto, on the 4 | 12 | 72 ...	Yes.
March 1 ...	Wyburn, T. J. ...	79 ^a	...	12 2 4	No.	No.
" 14 ...	Webster, Wm. ...	...	...	1 1 4	Compliance with conditions deemed satisfactory by the Board on the 7 | 2 | 73	Yes.
1869.						
October 13	Wischer, Wm. H....	135 ^a	...	1 0 20	Ditto, on the 31 | 5 | 72 ...	Yes.

KNOW ALL MEN, That His Excellency the Governor of Victoria, by and with the advice and consent of the Executive Council thereof, in pursuance of the provisions of the *Amending Land Act* 1865, and in consideration of the sum of _____ pounds _____ shillings to be paid by _____ of _____ to the Receiver and Paymaster at _____ or other officer authorized to receive the same, and subject to the terms and conditions hereunder specified, doth hereby give to the said _____ full licence and authority to reside on and to cultivate all that piece or parcel of Crown Land situate on a Gold Field, or adjacent thereto, more particularly described in the Schedule hereto, for one year from the date hereof, unless the same be cancelled, forfeited, rendered void, or rescinded, in accordance with the terms and conditions hereunder specified.

Dated this _____ day of _____, A.D. 18 .

Commissioner of Crown Lands and Survey.

CONDITIONS.

1. The above Licence only gives to the Licensee the right to use the land for the purpose for which the Licence has been granted, and for no other purpose whatsoever.
2. The Licensee will not be permitted to assign or sublet the land, or any part thereof, or to part with the possession thereof, or of his interest therein, without the consent of the Board of Land and Works first had and obtained.
3. The Licensee is required to reside on the land during the continuance of this licence, or within a period of four months from the date hereof to enclose the same with a proper fence, and cultivate at least one-fifth portion thereof.
4. If any portion of the land the subject of this Licence shall be required for mining purposes, or for the erection of machinery or other works in connection with mining, or for shafts, the warden of the district in which the land is included may give permission to persons to occupy the same, on condition that they pay or tender to the Licensee such sum as compensation for surface and other damages as the said warden may think right; and in such case this Licence as regards the land so occupied shall be, from and after the date of the payment or tender of the sum hereinbefore mentioned, null and void.
5. Any holder of a miner's right shall be allowed to enter upon the land and search for gold thereon, without making compensation to the Licensee for surface or other damage: Provided always that such portions of the land as shall be used for a garden or orchard, or shall be under crop, or occupied by buildings, shall be secure from such intrusion, unless with the consent of the Licensee.
6. Nothing contained in this Licence shall prevent the person or persons seized of the right, title, and interest in any claim or claims which were taken up under miners' rights prior to the date of this Licence from entering upon any portion of the land the subject of this Licence, and holding and occupying the same for mining purposes, without paying any compensation whatsoever, and all such claimholders and their workmen shall at all times have free ingress, egress, and regress, to, into, and upon the said land.
7. Notwithstanding anything contained in this Licence, it shall be competent for the Governor in Council to resume the whole or any portion of the land hereby licensed, without paying compensation, if the same shall be required for railways, roads, telegraph lines, dams, reservoirs, races, catchwater drains, pipe tracks, stone quarries, or any other public purpose.
8. The Licence will be forfeited if the Licensee commits a breach of or neglects to comply with any of the above conditions.

SCHEDULE.

Allotment	acres	roods	perches
County of	Section	Parish of	

1873.
—
VICTORIA.

INTERCOLONIAL TARIFFS.

LAI'D ON THE LEGISLATIVE COUNCIL TABLE 20TH MAY, 1873, AND ORDERED BY
THE COUNCIL TO BE PRINTED, 27TH MAY, 1873.

G. F. BOWEN,

Administrator of the Government.

The Administrator of the Government transmits to the Legislative Council a Copy of a Despatch from the Right Honorable the Secretary of State, acknowledging the receipt of a Copy of Resolutions adopted by the Council on the subject of the Intercolonial Tariff question.

Government Offices,
Melbourne, 15th May, 1873.

No. 79.

VICTORIA.

Downing street,
11th November, 1872.

MY LORD,

I have the honor to acknowledge the receipt of your Despatch, No. 150, of the 11th of September, enclosing Copy of Resolutions adopted by the Legislative Council of Victoria in reference to my Circular Despatch of the 19th of April, relating to the Intercolonial Tariff question.

These Resolutions shall be duly considered in deciding upon the whole question, in conjunction with other expressions of opinion on the part of the Colonies concerned.

I have, &c.,
(Signed) KIMBERLEY.

Governor The Viscount Canterbury, K.C.B.,
&c., &c., &c.

1873.

VICTORIA.

LEGISLATIVE COUNCIL.

FIRST REPORT

OF THE

PRINTING COMMITTEE.

LAI D UPON THE COUNCIL TABLE BY THE HONORABLE JAMES HENTY, AND ORDERED BY THE
COUNCIL TO BE PRINTED, 2ND JULY, 1873.

By Authority :

JOHN FERRES, GOVERNMENT PRINTER, MELBOURNE.

REPORT.

IN pursuance of the Order of your Honorable House, your Committee have had referred to them the several Papers mentioned in the following table, upon which your Committee beg to report, as appears by such table :—

Title of Paper.	When moved for and by whom.	When laid on the Council Table.	By Command.	Report and Remarks of the Committee.
Pilotage Accounts.—1st September, 1871, to 31st August, 1872	1873. 13th May	By Command	No order made.
Import, Export, Transhipment, and Shipping Returns, 1872	"	"	"
Sanatory Station.—Report, 1872	"	"	"
Border Customs.—Correspondence subsequent to Conference, 1873	"	"	"
Health Officer.—Report, 1872	"	"	"
Diseases—Return of, 1872	"	"	"
Friendly Societies—Returns of all Registered, &c., 1872	"	"	"
Local Government Legislation.—Report of Commission 10th April, 1873)	"	"	"
Social Evil—Report on (5th February, 1873)	"	"	"
Clunes Water Supply—Report on (11th November, 1872)	"	"	"
Civil Service.—Report of Commission (18th April, 1873)	"	"	"
Intercolonial Conference—Report of (14th February, 1873)	"	"	"
Gold Mining Leases on Reserved Lands.—Regulations.—Order in Council (10th March, 1873)	"	"	"
Licences to cut, construct, and use races, drains, &c.—Order in Council (7th April, 1873)	"	"	"
Ballarat Mining District.—Polling-places.—Order in Council (11th February, 1873)	"	"	"
Heathcote Division of Sandhurst Mining District.—Polling-place.—Order in Council (17th February, 1873)	"	"	"
Ararat and Beechworth Mining Districts.—Polling-places.—Order in Council (20th January, 1873)	"	"	"
Castlemaine Mining District.—Polling-places.—Order in Council (27th January, 1873)	"	"	"
Fees under Mining Statute 1865 Amendment Act.—Order in Council (10th March, 1873)	"	"	"
Mineral Statistics of Victoria, 1872	"	"	"
Geelong Water Supply.—Report (7th February, 1873)	"	"	"
Mining Surveyors and Registrars.—Reports for quarter ending 31st December, 1872	"	"	"
Volunteer Force.—Regulations (28th January, 1873, and 15th February, 1873)	"	"
Statistics of Colony of Victoria, 1871.—Part IX.	20th May	By Command	"
Post Office Savings Bank.—Accounts for year ending 31st December, 1872	"	"	"
Post Office and Telegraph Department.—Report (1872)	"	"	"
Aborigines—Ninth Report of Board for Protection of (3rd May, 1873)	"	"	"
Census of Victoria, 1871.—Part VIII.	"	"	"

Title of Paper.	When moved for and by whom.	When laid on the Council Table.	By Command.	Report and Remarks of the Committee.
Public Accounts.—Regulations (15th January, and 9th April, 1873), (17th April, 1873)	1873. 20th May	... ..	No order made.
Border Customs.—Further Correspondence (20th May, 1873, to 24th May, 1873)	27th May	By Command	..
Border Customs Duties.—Convention made between the Colonies of New South Wales and Victoria
Education Act, 1872—Regulations under (16th January, 1873). Regulations as to Salaries. Regulations for Elections of Boards of Advice	4th June	..	..
Volunteer Statute, 1865—Regulation under (23rd May, 1873)
Statistics of Victoria, 1872.—Part I.—Blue Book
Beechworth Water Supply.—Memorandum (24th March, 1873)	11th June	..	..
Chiltern Water Supply.—Report (10th January, 1873)
Ballarat Water Supply Extension (13th February, 1873)
Clunes Water Supply.—Further Report (13th February, 1873)
Coliban Water Supply.—Extension of Storage.—Memorandum (8th October, 1872)
Ararat Water Supply.—Report (29th November, 1872)
Parliament Buildings.—Report of Royal Commission (4th June, 1873)
Mining Surveyors and Registrars.—Reports for Quarter ending 31st March, 1873
Sandhurst Railway Reserve—Permission to Mine on, revoked.—Order in Council (19th May 1873)
Instruction, Public—Report of Minister of, for portion of 1873 (3rd June, 1873)
Repatriation of Kidnapped Islanders.—Message from Officer Administering Government (with enclosure)	17th June	..	..
Instruction, Public.—Statistical Appendix (to Report of Minister of), Showing the State of Schools
Gold Mining Leases—Regulations respecting.—Order in Council (26th May, 1873)	18th June	..	..
Public Parks and Gardens around Melbourne.—Report of Assistant Commissioner of Lands and Survey (31st May, 1873)	25th June	..	..
Regulæ Generales of Supreme Court (23rd June, 1873)

Committee Room,
Parliament Houses,
Melbourne, 2nd July, 1873.

JAS. HENTY,
Chairman.

1873.

VICTORIA.

LEGISLATIVE COUNCIL.

SECOND REPORT

OF THE

PRINTING COMMITTEE.

LAI'D UPON THE COUNCIL TABLE BY THE HONORABLE JAMES HENTY, AND ORDERED BY THE
COUNCIL TO BE PRINTED, 5TH AUGUST, 1873.

By Authority :

JOHN FERRES, GOVERNMENT PRINTER, MELBOURNE.

REPORT.

In pursuance of the Order of your Honorable House, your Committee have had referred to them the several Papers mentioned in the following table, upon which your Committee beg to report, as appears by such table :—

Title of Paper.	When moved for and by whom.	When laid on the Council Table.	By Command.	Report and Remarks of the Committee.
Statistics of Colony of Victoria, 1872.—Part II.—Finance, &c.	1873. 2nd July	By Command	No order made.
Land Regulations under Land Act of 1869	"	"	"
Geodetic Survey—Report of Superintendent of	8th July	"	"
District Survey Offices—Report on (26th May, 1873)	"	"	"
Melbourne Mint.—Despatch from the Right Honorable the Secretary of State for the Colonies (21st April, 1873)	15th July	"	"
Agricultural Societies—Grants to.—Regulations (19th May, 1873)	"	"	"
Dynamite, Lithofracteur — Memorandum on (23rd June, 1873)	"	"	"
Railway Construction Act, 35 Vict. 415—Approximate Statement of Expenditure under	"	"
Railway Loan Act 32 Vict. 331—Approximate Statement of Expenditure under	"	"
Public Library, Museums, and National Gallery of Victoria.—Rules and Regulations (12th June, 1873)	22nd July	By Command	"
Royal Commissioners (Civil Service and Municipal Institutions) Statement of Expenses	29th July	"	Recommended to be printed.
Public Parks and Gardens.—Regulations (7th July, 1873)	"	"	No order made.
Friendly Societies Benefit Funds.—Return to an Order of the Council	Hon. W. Campbell, 26th June	"	... ..	Recommended to be printed.
Scab in Seymour and Mansfield Districts.—Return to an Order of the Council	Hon. P. Russell, 22nd July	"	... ..	"

JAS. HENTY,
Chairman.

Committee Room,
Parliament Houses,
Melbourne, 5th August, 1873.

1873.

VICTORIA.

REPORT

OF THE

SELECT COMMITTEE OF THE LEGISLATIVE COUNCIL

ON

THE MINING ON PRIVATE PROPERTY BILL,

TOGETHER WITH

THE PROCEEDINGS OF COMMITTEE AND APPENDIX.

ORDERED BY THE COUNCIL TO BE PRINTED, 12TH AUGUST, 1873.

By Authority:
JOHN FERRES, GOVERNMENT PRINTER, MELBOURNE.

EXTRACTED FROM THE MINUTES.

WEDNESDAY, 25TH JUNE, 1873.

MINING ON PRIVATE PROPERTY 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.

The Honorable H. M. Murphy 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.

Council divided.

Contents, 4.
The Hon. A. Fraser
J. Henty
Sir F. Murphy
W. A. C. a'Beckett (*Teller*).

Not Contents, 21.
The Hon. Dr. Hope
R. S. Anderson
C. J. Jenner
N. Black
W. Skene
T. McKellar
W. Campbell
J. O'Shanassy
T. J. Sumner
H. M. Murphy
W. Highett
J. F. Strachan
F. Robertson
T. F. Hamilton
P. Russell
Dr. Dobson
G. W. Cole
R. Simson
B. Williams
N. Fitzgerald
T. T. a'Beckett (*Teller*).

The question was therefore negatived.

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

Council divided.

Contents, 17.
The Hon. T. T. a'Beckett
B. Williams
C. J. Jenner
W. Skene
Dr. Hope
P. Russell
H. M. Murphy
T. F. Hamilton
W. Highett
F. Robertson
W. A. C. a'Beckett
Sir F. Murphy
G. W. Cole
J. Henty
J. O'Shanassy
N. Fitzgerald
R. S. Anderson (*Teller*).

Not Contents, 8.
The Hon. N. Black
T. McKellar
W. Campbell
Dr. Dobson
T. J. Sumner
J. F. Strachan
R. Simson
A. Fraser (*Teller*).

The question was therefore passed.

Question—That the Bill be referred to a Select Committee consisting of seven members—put and passed.

TUESDAY, 15TH JULY, 1873.

MINING ON PRIVATE PROPERTY BILL.—The Honorable H. M. Murphy, with leave of the Council, moved, without notice, That the Select Committee on the Mining on Private Property Bill consist of the following members, viz., the Honorables F. Robertson, T. T. a'Beckett, N. Fitzgerald, W. Highett, P. Russell, J. Cumming, 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. T. a'Beckett, J. Cumming, N. Fitzgerald, W. Highett, F. Robertson, P. Russell, and the mover (the Honorable H. M. Murphy).

The Honorable H. M. Murphy moved, That the Committee have power to sit during adjournments of the House, and to call for persons and papers.

Question—put and passed.

TUESDAY, 12TH AUGUST, 1873.

MINING ON PRIVATE PROPERTY BILL.—REPORT OF SELECT COMMITTEE.—The Honorable H. M. Murphy brought up the report of the Select Committee to which was referred the Bill intituled "An Act to Provide for Mining on Private Property for Gold and Silver."

The Report was read at the Table by the Clerk.

The Honorable H. M. Murphy moved, That the Report be printed, together with Appendices and the Proceedings of the Committee.

Question—put and passed.

The Honorable H. M. Murphy moved, That the consideration of the Report be made an Order of the Day for Tuesday next.

Question—put and passed.

REPORT.

THE SELECT COMMITTEE of the Legislative Council, to which was referred the Bill intituled "*An Act to Provide for Mining on Private Property for Gold and Silver,*" have the honor to report that they have given careful consideration to the subject.

That they have agreed to certain recommendations which, with the assistance of a draughtsman furnished by the Government, will be found incorporated with the Bill attached hereto.

H. M. MURPHY,
Chairman.

Committee Room,
12th August, 1873.

PROCEEDINGS OF COMMITTEE.

WEDNESDAY, 16TH JULY, 1873.

Members present:

The Hon. W. Highett
J. Cumming
P. Russell

The Hon. H. M. Murphy
F. Robertson.

The Hon. H. M. Murphy was elected Chairman.

The Committee deliberated.

The Hon. John Cumming submitted certain suggestions, which were considered, and the Committee proceeded to consider the Bill clause by clause, and adjourned.

THURSDAY, 17TH JULY, 1873.

Members present:

The Hon. H. M. Murphy, in the chair;

The Hon. J. Cumming
T. T. a'Beckett

The Hon. F. Robertson
W. Highett.

The Committee deliberated upon the suggestions submitted by the Hon. J. Cumming, and it was agreed that the Hon. T. T. a'Beckett should draw up resolutions embodying the views of the Committee.

The Committee adjourned.

TUESDAY, 22ND JULY, 1873.

Members present:

The Hon. H. M. Murphy, in the chair;

The Hon. T. T. a'Beckett
J. Cumming
F. Robertson

The Hon. N. Fitzgerald
W. Highett.

The Hon. T. T. a'Beckett submitted the following document embodying the recommendations of the Committee:—

MINING ON PRIVATE PROPERTY.

Preamble to be preceded by the following words:—"Whereas large quantities of land containing as it is presumed the precious metals are in the possession of persons who have the right to prohibit mining therefor, and such metals belong to the State, and it is desirable to encourage and facilitate the mining on and under such land for the purpose of obtaining such precious metals."

1. Stand.
2. Stand.
3. Strike out.
4. Strike out.

5. Strike out all words after "the" on line twenty, and down to word "after" on twenty-first line; strike out all words of clause after word "into" on twenty-third line.

6. Strike out all words after "Act" on thirty-second line.

7. Strike out and substitute therefor the following clause:—

"If there shall be reason to believe that private lands on which mining for gold or silver is not being carried on, or on which such mining shall have been discontinued for a period of three months are auriferous, it shall be lawful for any person desiring to have such land thrown open for mining purposes to make an application in writing to the Minister to have the land described in such application thrown open accordingly, and the Minister may, if he think fit, on the receipt of such application, refer the same to a warden who shall make enquiry as to the auriferous character of such land, and may take evidence on oath, and shall report to the Minister on such application."

8. The Minister may if he think fit on receipt of the report from the warden order that a valuation be made of the land included in such application estimated as the land would be valued if required for railway or any public purposes, and on the assumption that the same was known not to be auriferous and exclusive of the value of any mining plant or machinery that shall then be standing thereon.

9. If the Minister be of opinion, after consideration of such report and valuation, that it is desirable that the land described in such application be thrown open for mining, he shall cause a copy of such application to be served on the owner of such private lands, and shall require him to state within three months from the service thereof whether he has any and if any what objection to the land comprised therein being resumed by the State under the provisions of this Act, together with so much of the land belonging to the owner adjoining to the land described in such application not exceeding in the whole *six hundred and forty acres*, as in the event of the land being resumed he may desire to be resumed in connection therewith, he being compensated therefor in the manner and to the extent hereinafter provided.

10. If before the expiration of such period mining operations on such land or on some portion thereof shall not have been *bona fide* commenced by the owner or by some person acting with his authority the lands included in such application together with such adjoining lands if any as may in any notice given by the owner under the last preceding section have been specified by him may be resumed by the State subject to the provision for compensation hereinafter mentioned, but a portion only of such land shall not be resumed without the consent of the owner.

11. When it shall be determined to resume such land notice shall be given to the owner of such determination, and thereupon the land may be resumed by the State for public purposes subject to the provisions hereinafter mentioned and on payment of the compensation hereinafter mentioned.

9. All lands resumed under the provisions of this Act shall be deemed to be Crown lands and may, until sold or otherwise disposed of by the Crown, be mined upon subject to and under the provisions of any law now or hereafter to be in force relating to mining on Crown lands, and any part of such lands may be sold subject to such conditions with reference to the mining thereunder, and as to the resumption thereof for mining purposes as the Governor in Council may approve, but no land shall be resumed before Parliament has voted the money required to compensate the owners thereof and such compensation shall have been paid.

10. To stand as altered by substituting "the resumption of land" for the words "mining leases" in first line, and substituting "applications" for words of line 16, the words "notices to be given" for "leases granted", and striking out after the word "Act" the words following to the words "shall."

11. Stand.

12. Struck out.

13. Stand.

14. Stand, striking out words in first line and second down to word "any", and substituting "no application for resumption of land under the provisions of this Act shall be granted in respect of", striking out words "under any" in 39th line.

15. Stand; introducing after the word "being" in first line, "the owner or a person", and after the word "authorised" "by the owner and by the person in lawful possession thereof."

16. Stand.

17 to 58. To be altered so as to meet the provisions of the foregoing clauses, and to provide that the owner shall be entitled to receive over and above the compensation for the value of the land, estimated as aforesaid, an equal amount as compensation for the right incident to his ownership of the land to prevent persons from entering on the same for the purpose of mining thereon, and that the owner shall be entitled to retain possession until such compensation be paid.

. Tenants for life or trustees to hold the profits of mining on land and compensation in respect of right to prevent mining thereupon upon the same trusts as would apply to money attained by sale of property.

. Tenants for life not to be punishable for waste by reason of mining on trust estate or granting leases of such estates for mining purposes.

. Nothing in the Act to affect provision of clause 99 of Land Act 1869.

. All costs of valuation to be borne by the State whatever the result if after valuation made the State do not resume the land within _____ months from completion of valuation.

. If land not then resumed land not to be resumable except upon renewed application.

. If nothing done towards resumption of land for a period of *six* months after notice of application given to owner—a new notice to be given.

. Plant of abandoned mining operations may be removed at any time within three months of land being resumed for public purposes by and at the cost of the persons to whom such plant belonged at the time of the resumption of the land.

The Committee deliberated, and directed the Clerk to transmit the resolutions to the draftsman, whose services had been promised by the Hon. A. Fraser in the House.

TUESDAY, 12TH AUGUST, 1873.

Members present :

The Hon. H. M. Murphy, in the chair ;
The Hon. W. Highett | The Hon. P. Russell.

The draft of amended Bill, as prepared by Mr. Atkins, was read, clause by clause, by the Clerk.

The several clauses were considered *seriatim*, and agreed to, the blank in clause 65 being filled up with "six."

The draft report was submitted and adopted.

Chairman ordered to report.

A P P E N D I X .

[N.B.—New matter in *Italics*. Original matter struck out is printed in *Erased Type*.]

A BILL

INTITULED

An Act to provide for Mining on Private Property for Gold and Silver, and the Resumption of such Property for such Mining.

(As amended in Select Committee.)

WHEREAS large quantities of land containing as it is presumed the precious metals are in the possession of persons who have the right to prohibit mining therefor, and such metals belong to the State, and it is desirable to encourage and facilitate the mining on and
5 under such land for the purpose of obtaining such precious metals, and for that purpose to authorize the resumption in manner, as hereinafter mentioned, of such land on payment to the owner thereof of reasonable compensation therefor, and for such right: Be it therefore enacted by the Queen's Most Excellent Majesty by and with the advice and con-
10 sent of the Legislative Council and Legislative Assembly of Victoria in this present Parliament assembled, and by the authority of the same as follows (that is to say):—

1. This Act shall be called and may be cited as "*The Mining on Private Property Statute*." Title of Act.

15 2. In the construction of this Act the following terms shall, if not inconsistent with the context or subject matter have the meanings hereby respectively assigned to them, that is to say:— Interpretation.

20 "Private lands" shall mean lands alienated from the Crown whether in fee simple or for any less estate or interest, except lands alienated expressly for mining purposes.

"Owner" shall mean any person entitled to a freehold estate in any land, and also any person entitled to the possession of land under or by virtue of any less estate or interest derived from the Crown.

25 "Minister" shall mean the responsible Minister of the Crown administering this Act.

[2]—

"Warden"

“Warden” shall mean one of Her Majesty’s wardens of the gold fields in and for the colony, or in and for any district thereof.

“Person” shall, for the purposes of this Act, include a corporation, if incorporated for mining purposes, but not otherwise. 5

“Prospecting” shall mean mining or excavating with the object of discovering gold or silver mines.

“Mining” shall mean mining for gold or silver and shall include prospecting.

3. The Governor in Council in the name and on behalf of Her Majesty 10
may grant to any person subject to the provisions of this Act a lease of any mines containing gold and silver in or under any private lands (so as to bind all persons interested therein) with the right to enter and mine in or on the whole or any part of the surface of such lands, and with right of access and such other rights and easements as may be necessary or convenient for the purpose of 15
effectual mining in or upon such lands: and when any such lease shall be granted to any person other than the owner compensation for any damage shall be made as hereinafter provided.

4. Where the owner of private lands either by himself or his agent has 20
mined in or upon such lands within a period of twelve months before the tenth day of July One thousand eight hundred and seventy-two he shall be entitled on application to the Minister to a lease of the mines thereunder, but if such lease be not applied for within six months after the passing of this Act the mines under such lands may be applied for by any person under this Act.

Contracts made for mining before passing of Act [10th July 1872] to be valid [when registered. Lease to be taken out.]

3. All contracts made between the owners of private lands and 25
other persons for mining in or on private lands for gold or silver before the tenth day of July One thousand eight hundred and seventy two, if registered within six months after the passing of this Act shall be binding at law and in equity, and may be enforced as if they had been legal contracts at the time they were entered into, and all persons claiming the benefit of 30
mining for gold or silver under any such contract shall after registration thereof take and execute a lease: but if such lease be not applied for within six months after the passing of this Act the mines, the subject of such contracts, may be applied for by any person under this Act.

Owner may mine or may make a contract with others for that purpose.

4. It shall be lawful for the owner of private lands to mine in or on 35
such lands for gold or silver and to contract with other persons to do so, *but only, save as hereinafter provided, during the continuance of his estate in the said land*, upon such terms and conditions as may be agreed upon subject in each case to the provisions of this Act, and every such owner or 40
other person shall take and execute a lease as aforesaid.

7. The owner of private lands or any person desiring to mine therein or thereon for gold or silver shall make an application to the Minister for a lease, and such application may be referred to a warden, who shall hold an inquiry and may take evidence on oath and shall report to the Minister on such application.

8. The Minister may if he think fit, on the receipt of the report from the 45
warden, order that a valuation be made of any consequential damage which may accrue to the lands in or under which the mines are situate by reason of the mining,

mining, including any surface land which may be required to work the same and any improvements thereon, such valuation to be made in manner hereinafter provided; and upon payment by the applicant of the amount of such valuation the Minister may issue a lease to the applicant of the mine applied for, and with
 5 liberty to use so much of the surface land as shall be required to work the same, and such lease shall be a sufficient authority for the applicant to enter upon such land. If the applicant or his assigns shall forfeit or abandon the right to mine the land shall revert to the owner.

10 5. No tenant for life, or other person having an estate or interest in land by reason of which he would be impeachable for waste, shall be so impeachable by reason of his mining for gold or silver in or on the land of which he is such tenant for life, or in which he has such estate or interest, or by reason of his permitting such mining therein or thereon by granting leases of such land for mining, or in any other way; nor
 15 shall he, or any person mining by his permission on such land, be liable to any action or legal proceeding only because of such mining.

Tenants for life not impeachable for waste.

6. Leases for mining for gold and silver shall be deemed to be included in, and authorized by, Part V. of "The Real Property Statute 1864," as amended by the Act numbered CCCLXXVIII., the said Part
 20 however being read as if sub-section three of section eighty and section one hundred and five were not therein.

Application of Part V. of "Real Property Statute 1864."

7. The clear profits derived from mining on any land by any person not entitled to the whole beneficial interest in such land, except a tenant in tail thereof, and the whole of the rent, or reservation in the nature of
 25 rent, reserved in respect of any lease made in pursuance of the provisions of the next preceding section hereof shall be paid and dealt with in the same manner as the money mentioned in the one hundred and first section of the said Part V. of "The Real Property Statute 1864" is by that section and the two sections immediately succeeding it to be paid
 30 and dealt with.

Application of profits from mining by persons with limited interests.

8. If any number of persons not less than ten, being each the holder of a miner's right, shall state their belief that any private land, whether alienated from the Crown before or after the passing of this Act, on which mining is not being carried on, or on which such mining
 35 shall have been discontinued for a period of three months, is auriferous, and be desirous that the same shall be resumed by the State, and thrown open for mining, such persons may make an application in writing to the Minister that such land be resumed by the State and thrown open accordingly; and the Minister may, if he think fit, on the receipt of
 40 such application refer the same to a warden who shall thereupon proceed as in the Schedule hereto directed, and make inquiry as to the auriferous character of the said land, and may take evidence on oath and report to the Minister on such application.

Any number of persons not less than ten may apply that land be thrown open for mining.

8a. The form of applications for mining leases resumption of land
 45 under this Act, the sums to be deposited on such applications and disposal of the same, the mode of inquiry and subject matter to be inquired into by the warden on such applications being referred to him,

Form of application for [mining leases] resumption of land &c.

and the registration of such applications contracts whether made before or after the passing of this Act, the form of leases granted under this Act, the terms of such leases, and the covenants to be inserted therein, shall be such as are provided for in the Schedule hereto.

Schedule.

Minister if he thinks it desirable that lands be thrown open to ascertain who are parties empowered to settle valuation, and serve notice on them.

9. If the Minister be of opinion after consideration of the said report that it is desirable that the land described in such application be thrown open for mining he shall, by such means as are at his disposal, ascertain, so far as he can, who is, or are, the party, or parties, empowered to settle the valuation of such land as hereinafter provided for, and shall cause a copy of such application to be served on the party so ascertained, together with a notice requiring him to state, within three months from the service thereof, whether he has any, and if any, what, objection to the land comprised therein being resumed by the State under the provisions of this Act, and whether he requires that any other land of which he shall then be the owner adjoining to the land described in such application not exceeding in the whole (six hundred and forty) acres shall, in the event of the resumption of the said land, be resumed in connection therewith.

When land in application together with adjoining land may be resumed.

10. If before the expiration of the said period there shall not be returned a reply to the said notice stating some objection to such resumption, then, unless before the said expiration mining operations on such land, or on some portion thereof, shall have been bonâ fide commenced by the owner, or by some person acting with his authority, the lands included in such application together with such adjoining lands, if any, the resumption of which the owner may, in any reply made by him to the notice aforesaid, require, may be resumed by the State after Parliament shall have voted the compensation hereinafter mentioned, and such compensation shall have been paid; but a portion only of such included and adjoining land, taken together as a whole, shall not be resumed without the consent of the owner, or party, or parties, aforesaid.

Proceeding of Minister if objection to resumption be made.

11. If within the three months a reply to the said notice shall be returned stating an objection to such resumption, and setting forth what the objection is, the Minister shall consider such objection, or may refer it for consideration to a warden who shall inquire into the same.

Proceeding when objection referred to warden.

11A. If any such objection shall be referred to a warden the Minister shall appoint a day, and place, on, and at, which the warden is to inquire into such objection, and shall give notice of such day and place to the party who shall have made the objection, and also to the applicants; and if such party shall appear the warden shall hear him and any witnesses whom he may produce in the matter of such objection; and shall also hear any persons who may appear before him in opposition to the said objection, and their witnesses.

Parties interested may obtain summonses.

11B. The person objecting, or any other person interested in the inquiry, may obtain from the warden, and the warden is hereby required, upon the request of any such person, to issue a summons for the appearance before him on such inquiry of any person whom such person or party may require to be produced as a witness.

11C. The

11c. *The warden, having concluded such inquiry, shall report to the Minister his opinion thereon with the reasons for his opinion, and the evidence upon which the same is founded.*

Warden to report his opinion.

11d. *Any person interested in any inquiry before the warden under this Act may appear by himself or his counsel or attorney, being an attorney of the Supreme Court, or an attorney constituted by a power of attorney.*

Parties may appear by counsel or attorney.

12. *When no such objection has been made, or mining commenced as aforesaid, or if, notwithstanding any such objection, it be determined to resume such land, the Minister shall give notice of such determination to the owner or party empowered as aforesaid, and shall at the same time order that a valuation be made of the land included in the application, together with such adjoining lands as aforesaid, such valuation to be made in manner hereinafter directed.*

Notice of determination to resume to be given and valuation directed.

13. *The amount of the said valuation, when made, together with a sum equal thereto as compensation for the right incident to the ownership of the land to prevent any person from entering on the same for the purpose of mining thereon, shall be the compensation to be paid in respect of the resumption of such land.*

What is to be the compensation to be paid for the resumption.

14. *Notice of the resumption of lands resumed under the provisions of this Act shall be published in the "Government Gazette," and thereupon the lands shall be deemed to be resumed, and to be Crown lands, and may, until sold or otherwise disposed of by the Crown, be mined upon, subject to, and under the provisions of, any law now, or hereafter to be, in force relating to mining on Crown lands; and any part of such lands may be sold subject to such conditions with reference to mining thereunder, and as to the resumption thereof for mining purposes, as the Governor in Council may approve: but no land shall be resumed before Parliament has voted the money required to compensate the owners thereof, and such compensation shall have been paid.*

Lands resumed to be subject to laws relating to mining on Crown lands.

9. *All lands whether alienated before or after the passing of this Act may be resumed for mining for gold or silver with the consent of the owner by Her Majesty when Parliament has previously to such resumption voted money for the payment of compensation for improvements if any effected thereon and consequential damage thereto, such compensation to be determined as hereinafter provided; lands so resumed to be deemed Crown lands and may be mined upon, subject to and under the provisions of any law now or hereafter to be in force relating to mining on Crown lands.*

[Lands may be resumed by Her Majesty with the consent of the owner on payment of compensation.]

10. *The form of applications for mining leases under this Act, the sums to be deposited on such applications and disposal of the same, the mode of inquiry and subject matter to be inquired into by the warden on such applications being referred to him, the registration of contracts whether made before or after the passing of this Act, the form of leases granted under this Act, the terms of such leases, and the covenants to be inserted therein, shall be such as are provided for in the Schedule hereto.*

[Form of application for mining leases, &c.]

11. *All private lands mined in or upon for gold or silver whether by the owner or under a contract made before or after the passing of this Act shall during*

[Schedule.]

[Private lands when mined on subject to certain laws where applicable.]

during the continuance of such mining be subject to the laws and regulations in force relating to mining on Crown lands so far as the same shall be applicable, and for that purpose be deemed to be Crown lands, and all suits concerning such lands shall be within the jurisdiction of the Courts of Mines and of the Chief Judge of Courts of Mines and of the wardens to the same extent as suits concerning Crown lands are within such jurisdictions respectively. 5

[Rents reserved in leases.]

12. In all leases granted under this Act there shall be an annual rent reserved at the rate of One shilling per acre measured by the area of the land in or under which the mines are situate.

Certain sections of "The Criminal Law and Practice Statute 1864" extended to mining under this Act.

16. Sections one hundred and four to one hundred and seven both inclusive of "The Criminal Law and Practice Statute 1864," No. CCXXXIII., shall apply and be extended to mining under this Act. 10

[Lease not to be granted] Resumption of land not allowed in certain cases without consent of owner.

17. No lease shall be granted application for the resumption of land under the provisions of this Act shall be granted in respect of any mines under any land used as a garden, orchard, vineyard, nursery plantation, or ornamental pleasure grounds, or under any house, manufactory, hospital, asylum, church, or public building, or within one hundred feet of any such building, or under any land of less extent in area than half an acre within any city, town, or borough, or in, or under, any cemetery, dam, reservoir, or waterworks, without the consent in writing of the owners or trustees of such lands in each case being first obtained. 15 20

Injunction may be granted to restrain encroachment without proof of special damage.

18. If any person not being the owner, or a person lawfully authorized by the owner, and by the person in lawful possession thereof, shall mine, or attempt to mine, or shall encroach in, under, or upon, any private lands, the Supreme Court, or the Court of Mines for the district in which the land is situate, or the judge thereof, may grant an injunction to restrain such mining or encroachment at the suit of the owner of the land, or of any person in lawful possession thereof, without proof of any special or material damage, and may direct an account to be taken, and order restitution to be made, of all gold or silver, or gold or silver bearing material, unlawfully abstracted by means of any such mining or encroachment; or direct an account of the produce thereof to be taken, and order payment thereof to be made; and may enforce any such order in the same manner as any such court or judge may now enforce a like order in the case of an encroachment on Crown lands occupied for gold mining purposes. 25 30 35

Account may be directed.

Mode of valuation of land, improvements, and consequential damage.

19. The mode of making a valuation of lands, improvements, and consequential damage, and all other steps necessary for the taking and entering upon lands, and the payment of compensation, shall be determined and enforced as hereinafter provided. 40

Power to purchase lands by agreement.

20. The applicant Minister may agree with the owners of the lands, and with all parties having any estate or interest in such lands, or by this Act enabled in that behalf, as to the amount of such valuation in respect of any such lands, and of all estates and interests in such lands of what nature soever. 45

Parties under disability enabled to settle valuation.

21. All parties being seised or possessed of, or entitled to, any such lands, or any estate or interest therein, may settle by agreement with the applicant 45

~~applicant~~ *Minister* the amount of such valuation in respect of any such lands, estate, or interest, and may enter into all necessary agreements for that purpose ; and particularly any of the following parties so seised possessed or entitled as aforesaid may so settle with the ~~applicant~~ *Minister* 5 (that is to say):—All corporations, tenants in tail or for life, guardians, committees of lunatics and idiots, trustees or feoffees in trust for charitable or other purposes, executors and administrators ; and all parties for the time being entitled to the receipt of the rents and profits of any such lands in possession, or subject to any estate in dower, or to any lease for life, or 10 for lives and years or for years or any less interest ; and every valuation so settled as aforesaid by all such parties, other than lessees for life or for lives and years or for years or for any less interest, shall be binding, not only on themselves and their respective heirs executors administrators and successors, but also on every person entitled in reversion 15 remainder or expectancy after them, or in defeasance of the estates of such parties ; and as to such guardians on their wards, and as to such committees on the lunatics and idiots of whom they are the committees respectively ; and as to such trustees executors or administrators on their cestui que trusts, whether infants, issue unborn, lunatics, *femes* 20 *covert*, or other persons.

22. The ~~applicant~~ *Minister* shall give notice of the lands ~~in or under~~ *the resumption of which is contemplated* to all the parties interested in such lands or to the persons empowered by this Act to settle such valuation, or such of the said parties as shall after 25 diligent inquiry be known to the ~~applicant~~ *Minister*; and by such notice shall demand from such parties, and the said parties are hereby required to deliver to the ~~applicant~~ *Minister*, the particulars of their estates and interests in such lands, and of the claims made by them in respect thereof ; and every such notice shall state the particulars of such 30 lands, and that the ~~applicant~~ *Minister* is willing to settle by agreement the amount of such valuation.

23. All notices required to be served by the ~~applicant~~ *Minister* upon the persons interested in, or entitled to settle, such valuation shall either be served personally on such persons or left at their usual places of abode 35 (if any such can after diligent inquiry be found) ; and in case any such persons shall be absent from the colony or cannot be found after diligent inquiry, shall be left with the occupier ~~of such lands or occupiers of~~ *the land the resumption of which is contemplated* or (if there be no such occupier) shall be affixed upon some conspicuous part of such 40 land.

24. If any such person be a corporation aggregate such notice shall be left at the principal office of business of such corporation, or, if no such office can, after diligent inquiry, be found, shall be served on some principal member (if any) of such corporation ; and such notice shall 45 also be left with the occupier ~~of such lands or occupiers of the land the~~ *resumption of which is contemplated* or (if there be no such occupier) shall be affixed upon some conspicuous part of such lands.

25. If

Notice of lands required.

Service of notice on [owners and occupiers of land] persons interested or entitled to settle valuation.

Service of notice on a corporation aggregate.

If persons fail to treat, or in case of dispute, question to be settled as hereinafter mentioned.

25. If for twenty-one days after the service of such notice any such person shall fail to treat with the applicant *Minister* in respect of the matter thereof; or if such person and the applicant *Minister* shall not agree as to the valuation of the compensation to be paid by the applicant in respect of the interest in such lands belonging to such person, or as to which he is by this Act enabled to agree with the applicant *Minister*, such valuation shall be settled in the manner hereinafter provided for settling cases of disputed compensation; but the owner or person claiming compensation shall not be at liberty to take any step towards the settling of such valuation institute any proceedings for the recovery of his claim until after the expiration of fourteen days from the delivery of the particulars required by this Act to be furnished by him: Provided that if no claim be made within two years after such notice as aforesaid by the person entitled to make such claim the same shall be deemed to have been waived and abandoned, and the interest in the land of the person failing to make the claim may be resumed without payment to such person of any compensation.

How disputes as to compensation are to be settled.

26. If no agreement be come to between the applicant, *Minister* and the owners or parties by this Act enabled in that behalf in respect of any lands or any interest in any lands as to the compensation to be made in respect thereof and if in any such case the compensation claimed shall not exceed Two hundred pounds the same shall be settled by some police magistrate, and if the compensation claimed or offered shall exceed Two hundred pounds the same shall be settled by arbitrators as hereinafter provided.

Method of proceeding before police magistrate for settling disputes as to compensation.

27. Any police magistrate upon the application of either party, with respect to any question of disputed compensation by this Act authorized to be settled by a police magistrate, may summon the other party to appear before a police magistrate at a time and place to be named in the summons; and upon the appearance of the *Minister* or of some person deputed by him, and of the other party, and which appearance may be by Counsel or Attorney; such parties, or, in the absence of any of them, upon proof of due service of the summons, such last-mentioned police magistrate may hear and determine such question, and for that purpose examine such parties so appearing or any of them and their witnesses upon oath; and the costs of every such inquiry shall be in the discretion of such police magistrate, and he shall settle the amount thereof.

28. As soon as the police magistrate shall have settled the amount of the compensation, he shall forward to the *Minister* a certificate of such amount, dated of the day upon which the settling shall have been completed, and the valuation shall be deemed to have been made on that day.

Appointment of arbitrators.

29. When any question of disputed compensation or any dispute or other matter authorized or directed by this Act to be settled by arbitration shall have arisen, then, unless both parties shall concur in the appointment of a single arbitrator, each party on the request of the other party

party shall nominate and appoint an arbitrator to whom such dispute or other matter shall be referred ; and every appointment of an arbitrator shall be made on the part of the applicant under his hand, or if the applicant be a corporation aggregate under its common seal, and on the
 5 part of any other party under the hand of such party, or if such party be a corporation aggregate under the common seal of such corporation, and such appointment shall be delivered to the arbitrator or arbitrators and shall be deemed a submission to arbitration on the part of the party by whom the same shall be made ; and after any such appointment shall
 10 have been made neither party shall have the power to revoke the same without the consent of the other, nor shall the death of either party to such submission operate as a revocation ; and if for the space of fourteen days after any such dispute or other matter shall have arisen, and after a request in writing in which shall be stated the matter so required to
 15 be referred to arbitration shall have been served by the one party on the other party to appoint an arbitrator, such last-mentioned party fail to appoint such arbitrator, then upon such failure the party making the request and having himself appointed an arbitrator may appoint such arbitrator to act on behalf of both parties ; and such arbitrator may
 20 proceed to hear and determine the matters which shall be in dispute, and in such case the award or determination of such single arbitrator shall be final and conclusive, except as hereinafter provided.

30. If the persons interested in any lands be tenants in common, joint tenants or coparceners or be mortgagor and mortgagee thereof, then
 25 if such persons cannot or do not agree upon the appointment of a sole arbitrator or an arbitrator on their joint behalf within the time hereinbefore limited, a judge of the Supreme Court on the application of the applicant *Minister* or any person interested after notice thereof shall appoint an arbitrator on behalf of such persons.

Appointment of arbitrator by joint tenants, &c.

30 31. If before the matter so referred shall be determined any arbitrator appointed by either party die or become incapable to act as arbitrator, the party by whom such arbitrator was appointed may nominate and appoint in writing some other person to act in his place ; and if for the space of seven days after notice in writing from the other
 35 party for that purpose he fail to do so, the remaining or other arbitrator may proceed alone ; and every arbitrator so to be substituted as aforesaid shall have the same powers and authorities as were vested in the former arbitrator at the time of such his death refusal neglect or disability as aforesaid.

Vacancy of arbitrator to be supplied.

40 32. Where more than one arbitrator shall have been appointed such arbitrators shall, before they enter upon the matters referred to them, nominate and appoint by writing under their hands an umpire who shall either be a County Court judge or a police magistrate to decide any matters on which they shall differ, or which shall be referred to him
 45 under the provisions of this Act ; and if such umpire shall die, or become incapable to act, or refuse or for seven days neglect to act after being called upon to do so by the arbitrators, they shall forthwith after
 such

Appointment of umpire.

such death, incapacity, refusal, or neglect, appoint another umpire in his place ; and the decision of every such umpire on the matters so referred to him shall be final.

One of the judges of the Supreme Court to appoint umpire on neglect.

33. If in either of the cases aforesaid the arbitrators shall refuse or shall for seven days after request of either party to such arbitration neglect to appoint an umpire, it shall be lawful for any judge of the Supreme Court on the application of either party to such arbitration, due notice of which shall be given to the other, to appoint an umpire who shall either be a County Court judge or a police magistrate ; and the decision of such umpire on the matters on which the arbitrators shall differ or which shall be referred to him under this Act shall be final. 5 10

Arbitrators and umpire to sit together and hear evidence.

34. Where two arbitrators and an umpire have been appointed under this Act they shall sit together and hear the evidence so that, in the event of the arbitrators not agreeing upon an award, the umpire may make his award without rehearing the evidence. 15

In case of death of single arbitrator the matter to begin *de novo*.

35. If when a single arbitrator shall have been appointed such arbitrator shall die or become incapable to act before he shall have made his award, or shall refuse, or for fourteen days neglect, to act, the matters referred to him shall be determined by arbitration under the provisions of this Act, in the same manner as if such arbitrator had not been appointed. 20

If either arbitrator refuse to act the other party to proceed *ex parte*.

36. If where more than one arbitrator shall have been appointed either of the arbitrators refuse, or for fourteen days neglect, to act, the other arbitrator may proceed alone, and the decision of such other arbitrator shall be as effectual as if he had been the single arbitrator appointed by both parties. 25

If arbitrators fail to make their award within one month the matter to go to the umpire.

37. If where more than one arbitrator shall have been appointed, and where neither of them shall refuse or neglect to act as aforesaid, such arbitrators shall fail to make their award within one month after the day on which the last of such arbitrators shall have been appointed, or within such extended time (if any), not being greater in the whole than three months, as shall have been appointed for that purpose by both of such arbitrators under their hands, the matters referred to them shall be determined by the umpire appointed as aforesaid. 30 35

Power of arbitrators to call for books, &c.

38. The said arbitrators or their umpire may call for the production of any documents in the possession or power of either party which they or he may think necessary for determining the question in dispute, and may examine the parties or their witnesses on oath, and administer the oaths necessary for that purpose. 40

Arbitrator or umpire to make a declaration.

39. Before any arbitrator or umpire shall enter into the consideration of any matters referred to him he shall, in the presence of some justice, make and subscribe the following declaration :—

“ I do hereby solemnly and sincerely declare that I have no interest, either directly or indirectly, in the property in question, and that I will faithfully and honestly and 45

and to the best of my skill and ability hear and determine the matters referred to me under the provisions of 'The Mining on Private Property Statute.'

"A.B.

5 "Made and subscribed in the presence of
And such declaration shall be annexed to the award when made ; and if any arbitrator or umpire, having made such declaration, shall wilfully act contrary thereto he shall be guilty of a misdemeanour.

10 40. The arbitrators shall within fourteen days after the making thereof deliver their award in writing to the Minister, *who shall cause to be endorsed thereon a note of the day on which the same was received by him, and the valuation shall be deemed to have been made on that day* and the Minister shall retain the same, said award and shall forthwith on demand furnish a copy thereof to either party, and shall at all times on
15 demand produce the said award and allow the same to be inspected or examined by either party or any person appointed by him for that purpose.

Award to be delivered to the Minister.

41. The submission to any such arbitration may be made a rule of the Supreme Court, on the application of either of the parties.

Submission may be made a rule of court.

20 42. No award made with respect to any question referred to arbitration, under the provisions of this Act, shall be set aside for irregularity or error in matter of form.

Award not void through error in form.

43. In any case where reference shall be made to arbitration as aforesaid, the Supreme Court or a judge thereof shall have power at any
25 time, and from time to time, to remit the matters referred, or any or either of them, to the reconsideration and redetermination of the said arbitrators or umpire as the case may be, upon such terms as to costs and otherwise as to the said court or judge may seem proper.

Power to refer back award.

30 44. All the costs of any such arbitration and incident thereto shall be in the discretion of the arbitrators or umpire, and all such costs shall be taxed by the Prothonotary or proper officer of the Supreme Court, and the amount allowed by such officer shall be the amount to be paid ; but if any meeting of the arbitrators duly called shall be adjourned in consequence of the default, or at the instance, or for the convenience, of
35 either party, the party making such default, or at whose instance, or for whose convenience, such adjournment is made, shall pay all the costs of, and occasioned by, such adjournment, and the arbitrators or umpire shall certify in writing the cause of such adjournment, which certificate shall be conclusive evidence of the contents thereof. And all such costs
40 shall be taxed and ascertained as aforesaid, and may when payable to the applicant *Minister* be set off against any sum awarded or costs payable to the claimant, and when payable to the claimant ~~may be recovered by him from the applicant in like manner as shall be paid to him by the Minister~~ the sum awarded.

Costs of arbitration how to be borne.

45 45. The compensation in respect of any lands, or any interest in any lands, of any party who, by reason of absence from the colony, is prevented from treating, or who cannot after diligent inquiry be found, shall be
such

Compensation to absent parties to be determined by a surveyor appointed by a police magistrate.

such *sum* as shall be determined by the valuation of a competent surveyor and valuator nominated for that purpose as hereinafter mentioned, *together with a sum equal thereto as compensation for the right mentioned in the section hereof*: Provided that notwithstanding anything herein contained any agent or attorney of any person absent from the colony who is, or shall be, authorized to sell any land of such person, may agree with the applicant *Minister* for the compensation to be paid in respect of such land, and, in case of disputed compensation, may proceed to have the same determined in the manner provided by this Act.

Police magistrate to nominate surveyor. 46. Upon application by the applicant *Minister* to any police magistrate, and upon such proof as shall be satisfactory to him that any such party is, by reason of absence from the colony prevented from treating, or cannot after diligent inquiry be found, such police magistrate shall, by writing under his hand, nominate a competent surveyor or valuator for determining such compensation as aforesaid; and such surveyor or valuator shall determine the same accordingly, and shall annex to his valuation a declaration in writing subscribed by him of the correctness thereof.

Surveyor to make a declaration. 47. Before such surveyor or valuator shall enter upon the duty of making such valuation as aforesaid he shall, in the presence of some justice, make and subscribe the following declaration at the foot of such nomination (that is to say) :—

“ I A.B. do solemnly and sincerely declare that I have no interest directly or indirectly in the property in question, and that I will faithfully impartially and honestly, according to the best of my skill and ability, execute the duty of making the valuation hereby referred to me. “ A.B.

“ Made and subscribed in the presence of .”

Nomination, declaration, and valuation to be delivered to the Minister. And if any such surveyor or valuator shall corruptly make such declaration, or having made such declaration shall wilfully act contrary thereto, he shall be guilty of a misdemeanour; and the said nomination and declaration shall be annexed to the valuation to be made by such surveyor or valuator, and shall be delivered to the Minister to be kept for the purpose and in the manner hereinbefore provided in case of awards; and the *Minister shall cause to be endorsed on the valuation a note of the day on which the same was received by him and such valuation shall be deemed to have been made on that day*; and all the expenses of and incident to every such valuation shall be borne by the said applicant *Minister*.

Expenses of valuation to be borne by the applicant. Compensation how estimated. 48. In estimating the compensation to be paid by the applicant in any of the cases aforesaid the magistrates, arbitrators, surveyors, or valutors, as the case may be shall have regard not only to the injury to the land value of the land, and the improvements thereon, in respect of which such estimation is being made, to be mined in or under by the applicant but also to the damage (if any) that may be sustained by the owner of the lands by reason of the severing of the lands to be resumed from other lands

lands of such owner, or by reason of such other land being otherwise injuriously affected by reason of such resumption; occasioned to any adjoining land of the same owner by such mining, and they shall assess the same according to what they shall find to have been the value of such lands estate or interest at the time at which notice of the determination to resume the same was given as aforesaid, and, in case such land shall be demised to any one for any term, may direct that such demise shall terminate on such day as shall seem just, and estimate the compensation payable to all parties accordingly.

49. The costs of making out and furnishing such abstracts as the applicant Minister may require and all reasonable expenses incident to the verification of the title to the lands shall be borne paid by the applicant Minister. Costs of abstracts.

50. If the applicant Minister and the party entitled to any such costs shall not agree as to the amount thereof, such costs shall be taxed by the Master-in-Equity or other proper officer of the Supreme Court upon the application of either party, and the applicant Minister shall pay what the said Master or other proper officer shall certify to be due in respect of such costs to the party entitled thereto in the same way as other costs payable under this Act; and the expense of taxing such costs shall be borne paid by the applicant Minister unless upon such taxation one-sixth of the amount of such costs shall be disallowed, in which case the costs of such taxation shall be borne by the party whose costs shall be so taxed, and the amount thereof shall be ascertained by the said Master or other proper officer and deducted by him accordingly in his certificate of such taxation. Taxation of costs of conveyances.

51. If any difference shall arise between the applicant Minister and the party entitled to any rent-service rent-charge or chief or other rent, or other payment or incumbrance not hereinbefore provided for, upon any lands respecting the amount of compensation to be paid to the party so entitled in respect thereof, or of the portion thereof affecting the lands in or under which the mines are situate, the same shall be determined as in other cases of disputed compensation. Release of lands from rent charges.

52. If such lands shall be in the possession of any person having no greater interest therein than as a tenant for a year, or from year to year, he shall be entitled to compensation for the value of his unexpired term or interest in such lands, and for any just allowance which ought to be made to him by an incoming tenant, or for any loss or injury he may sustain, and the amount of such compensation shall be determined by a police magistrate in case the parties differ about the same. The twenty-eighth section hereof shall apply to cases of compensation settled under this present section. Compensation to be made to tenants from year to year.

53. If any party having a greater interest than as tenant at will claim compensation in respect of any unexpired term or interest under any lease or grant of any such lands, the applicant Minister may require such party to produce the lease or grant in respect of which such claim shall be made or the best evidence thereof in his power; and if after demand made in writing by the applicant Minister such lease or grant or such best evidence thereof be not produced within twenty-one days, the party so claiming compensation shall be considered as a tenant holding only from year to year, and be entitled to compensation accordingly. Where greater interest claimed than at will, lease to be produced.

54. Every

Remuneration to surveyors, valuers, arbitrators, and umpires.

54. Every surveyor valuator arbitrator or umpire under this Act shall in respect of each valuation or arbitration, in addition to travelling expenses, be entitled to charge for his services any sum not exceeding Three pounds for the first six hours, and Ten shillings for every subsequent hour during which he or they shall be employed in such valuation or arbitration: Provided that in no case shall the amount to be paid to each surveyor valuator arbitrator or umpire, exclusive of travelling expenses, exceed Twenty pounds. 5

Purchase money or compensation to be paid to persons entitled to whole beneficial interest [empowered to sell and convey].

55. The compensation payable in respect of any land or any estate or interest therein *if settled with a person entitled to the whole beneficial interest* may be paid to the *such person* who under this Act is empowered to settle by agreement the amount thereof or to the constituted attorney of such person. 10

In cases of disability how purchase money or compensation to be applied.

56. Such compensation as aforesaid when paid to any *If such compensation has been settled with a person not entitled to the such whole beneficial interest and which in the land estate or interest, the compensation payable in respect of which he is not empowered to settle, except under the provisions of this Act, the amount thereof shall be paid into some bank in Melbourne in the name, and with the privity, of the Master-in-Equity, to be placed to the account there of such master, ex parte the Minister, in the matter of this Act (citing it) pursuant to the method prescribed by any law for the time being in force for the regulating moneys paid into court; and such amount shall remain so deposited until the same shall be applied by such person in to some one or more of the following manners purposes:—* 15 20 25

In the discharge of any debt or incumbrance affecting the land in respect of which such money shall have been paid, or affecting other lands settled therewith to the same or like uses trusts and purposes; or

In the purchase of other lands, or of Victorian Government stock, or on mortgage of freehold lands in Victoria to be conveyed limited and settled upon the like uses trusts and purposes, and in the same manner as the lands in respect of which such moneys shall have been paid stood settled; or

If such money shall be paid in respect of ~~injury~~ to any buildings or *injury thereto—* 35

In removing and re-erecting such buildings or substituting others in their stead; or

In any such way or manner as the Supreme Court or a judge thereof shall as is hereinafter provided in a summary way order or direct; or 40

In payment to any party becoming absolutely entitled to such money.

Purchase money or compensation may in certain cases be paid to the Treasurer.

57. If the owner of any lands or of any interest therein on tender of the compensation either agreed or *awarded otherwise settled* to be paid in respect thereof refuse to accept the same, or neglect or fail to make out a title to such lands, or to the interest therein claimed by him, 45

to

to the satisfaction of the applicant *Minister*, or if any such owner be absent from the colony, or cannot after diligent inquiry be found, the applicant *Minister* may, if he shall think fit, deposit the purchase money or compensation payable in respect of such lands, or any interest therein, in the hands of the Treasurer of Victoria for the time being, to be placed to the credit of the account called "The Trust Fund."

58. The said Treasurer for the time being shall, unless and until an order of the court or a judge shall have been made under the next succeeding section relative to such moneys, pay out any moneys so deposited as aforesaid to such person as the applicant *Minister* shall direct, and the said Treasurer may, if he think fit, until such order of the court or of a judge, or payment, invest all moneys so deposited in the purchase of Victorian Government stock, and the interest upon all such stock respectively shall be from time to time accumulated for the benefit of the person ultimately entitled to the moneys respectively invested therein, and in case such moneys shall not have been invested in stock then the parties entitled shall receive whatever interest may have accrued to the Government thereon.

Treasurer to pay out moneys and invest same.

59. Upon the application by summons of any person making claim to any money paid or deposited under or by virtue of this Act or any part of such money, or to the lands in respect whereof the same shall have been so paid or deposited, or any part of such lands, or any estate or interest in the same, the Supreme Court or a judge thereof may, in a summary way, as to such court or judge shall seem fit order such money or any part thereof to be applied to any one or more of the purposes hereinbefore specified, or to be paid to the person claiming the same, or to be laid out or invested in the purchase of Victorian Government stock, or, where the amount is under Fifty pounds, in such other manner as to such court or judge shall seem fit, and may order distribution thereof, or payment of the dividends or interest thereof, according to the respective estates titles or interests of the persons making claim to such money or lands or any part thereof, or may make such other order in the premises as to such court or judge shall seem fit, so as that in every case such money shall be applied or paid in such manner as the said court or judge may consider will give to the parties interested therein the same benefit therefrom as they might lawfully have had from the land estate or interest in respect of which such money shall have been paid or deposited or as near thereto as may be.

Court or judge may dispose of money paid or deposited.

60. The costs of and incident to any such application or in respect of any such investment shall, in the discretion of the said court or judge, be payable by the applicant *Minister* or otherwise, but in no case shall the said Treasurer be made to pay any such costs.

Costs of application.

61. When any costs shall be taxed under this Act such taxation shall be subject to be reviewed by the said court or judge.

Taxation of costs to be subject to review.

62. *When, under the provisions of this Act, any costs shall be awarded to be paid by the claimant to the Minister it shall not be obligatory on the claimant to pay such costs until after the termination of*

If land not resumed within months from valuation, Minister to pay all costs.

of months from the day on which the valuation of the land in respect of which such costs shall have been awarded was settled, or, where there have been several valuations in respect of different interests in such land, from the day when the last of such valuations shall have been settled: and if within the said period such land shall not be resumed then, notwithstanding anything hereinbefore contained, all the costs of the valuation of such land, and incident thereto, and the expense of the taxation of any such costs, shall be paid by the Minister to the claimant. 5

Claimants to produce title.

63. All persons claiming any compensation shall at their own expense, when thereunto required, produce to the applicant Minister all deeds and documents under their control relating to, or evidencing their title to, the land in respect of which such purchase money or compensation is payable. 10

Payments to be a good discharge.

64. All payments and deposits which shall be made by the applicant Minister in accordance with this Act shall be good and valid discharges in respect of such payments and deposits, and no person representing the State or otherwise to the applicant, and he shall not be bound or required to see to the application of any of the moneys paid or deposited by virtue hereof, or to see to the performance of any trusts. 15

If land not resumed within months from valuation, no resumption without new process there-fore.

65. If within the period of six months from the day when the valuation of any land shall have been settled, whether by agreement or otherwise, or, where there have been several valuations in respect of different interests in such land, from the day when the last of such valuations shall have been settled such land be not resumed the same shall not be resumed except on a new process for resumption, commenced and carried or under the provisions of this Act, unless all the persons interested in such land consent to such resumption. 20 25

If for months after service of copy of application, no step taken, new copy must be served.

96. If for a period of six months after the service as hereinbefore required of a copy of an application that any land should be thrown open for mining no step towards resumption thereof be taken, such land shall not be resumed unless a copy of such application be again served, and the proceedings subsequent thereto as required by this Act be again taken. 30

Plant on abandoned ground to be removed within months of resumption.

67. If at the time of the resumption of any land there be thereon any plant by the use of which any abandoned mining operations had been carried on the same may be removed within three months from the day of the resumption of such land, by, and at the cost of, the persons to whom such plant belonged on that day, and, if not removed within that time, the same shall be at the disposal of any person lawfully mining at the expiration of that time on the land upon which such plant shall be, and if there be no such person then it shall be at the disposal of the Minister. 35 40

The 99th section of the "Land Act 1869" not affected.

68. Nothing in this Act contained shall affect the provisions of the ninety-ninth section of "The Land Act 1869."

SCHEDULE.

SCHEDULE.

MANNER OF APPLYING FOR Leases *the resumption of land*

1. Every ~~A~~ applicants for a lease of mines *the resumption of land* shall address to and leave with the Minister an application in duplicate in the form hereunder marked A, having attached thereto a plan of the lands showing the situation of the mines a lease *and boundaries and acreage of the land the resumption of which is applied for* and the area of the surface required for working the same ; and shall, on his leaving such application with the Minister, deposit with the Minister, in case such application be without the concurrence of the owner the sum of £50, and in case such application be with the concurrence of the owner the sum of £5, which shall be appropriated in such manner as the Minister may direct.

2. On receipt of any such application the Minister shall cause to be entered *registered* in a book kept for the purpose a note of the application, numbered in order, and the day and hour when the same was left with him, and shall cause to be endorsed a similar note on both such duplicate applications, and in cases where more than one application is made for the same land, the first in order of receipt shall be first dealt with.

3. On any such application being referred to a Warden, such Warden shall cause an advertisement to be published in some newspaper circulating in the neighbourhood of the *land the resumption of which is* mines applied for containing a copy of such application, and fixing a place and time not less than fourteen clear days after the publication of such advertisement for holding such *an inquiry as to the auriferous character of the said land.*

4. *The Warden shall have power to issue a summons to any person to appear before him on such inquiry, and to examine any such person on oath ; and also to cause bores to be made in any part of the land the subject of the inquiry which is not then bearing any crop other than grass and in such manner as to cause the least possible injury to the said land.*

5. *The Warden shall inquire and report upon the following matters:—*

(a.) *The physical character of the land proposed to be mined, the resumption of which is applied for.*

(b.) *Whether it is cultivated or not, and whether any improvements have been effected thereon.*

(c.) *Whether it is intersected by auriferous or argentiferous veins, or contains alluviums ; and, if it contain alluviums, the probable depth of the auriferous stratum in the same.*

(d.) ~~Whether the areas applied for on and under the surface are necessary for the proper working of the mine~~ (d) *Whether, if auriferous or argentiferous, it is so to such an extent as would, in the opinion of the Warden, cause the resumption of it or any part thereof (describing such part) for mining purposes to be beneficial to the public.*

(e.) ~~What rights and easements are necessary for effectual mining in and upon the land.~~

(d.) ~~Whether the areas applied for on and under the surface are necessary for the proper working of the mine.~~

(e.) ~~What rights and easements are necessary for effectual mining in and upon the land.~~

(e.) [(f.)] *Whether the land is occupied or unoccupied ; and, if occupied, who is in occupation thereof.*

(f.) [(g.)] *Who, as far as the Warden can ascertain, is entitled to the immediate freehold in the land.*

5. *The Warden shall have power to adjourn the hearing to any other time or place.*

6. ~~The applicant or the owner~~ *Any person interested shall be permitted entitled to take a copy of the application, and the evidence, and any other documents produced at the inquiry, at any time before the same shall have been forwarded to the Minister.*

FORM A.

FORM A.

FORM OF APPLICATION FOR [A LEASE.] *THE RESUMPTION OF LAND.**The Honorable*

(Place and Date.)

SIR,

I (~~or We~~ []) hereby apply that the land hereunder described may be resumed [for a lease of mines] under the provisions of "*The Mining on Private Property Statute*," the particulars of which land are hereunder set forth; and I (~~or we~~) agree that the sum deposited with (*the Minister*) shall in all respects be held subject to, and may be appropriated under, the provisions of the said Statute, and that if a lease be granted I (~~or we~~) will execute the same upon the terms therein stated.

I (~~or we~~) have, &c.,

(Names and Addresses in full.)

Names in full of Applicants.	Full Address of each Applicant.	Description of the Boundaries of the [Mine] and the resumption of which is applied for; Name of the Block, Section or Allotment, and Name of the Parish and County.	Name in full and Address of the Owner of the Land, so far as applicants can say.	If occupied by any person, Name in full and Address of such person.	If mined on previous to the date of this application, state when it was mined on, and by whom.	Whether for Gold or Silver.	Description of the Improvements (if any) effected on the Land, and the estimated Value of the same.	[If a Contract has been made by the Applicant with the Owner, give particulars of the same.]	General Remarks.

1873.
—
VICTORIA.

REPORT

FROM THE

SELECT (JOINT) COMMITTEE

ON THE

PARLIAMENT BUILDINGS.

ORDERED BY THE LEGISLATIVE COUNCIL TO BE PRINTED, 14TH OCTOBER, 1873.

By Authority:

JOHN FERRES, GOVERNMENT PRINTER, MELBOURNE.

EXTRACTED FROM THE MINUTES.

TUESDAY, 7TH OCTOBER, 1873.

PARLIAMENT BUILDINGS (JOINT) COMMITTEE.—The Honorable A. Fraser brought up a Report from the Committee of both Houses of Parliament appointed for the management and superintendence of the Parliament Buildings, and moved that the consideration of the Report be made an Order of the Day for Tuesday the 14th instant.

Question—put and passed.

TUESDAY, 14TH OCTOBER, 1873.

PARLIAMENT BUILDINGS (JOINT) COMMITTEE—REPORT OF.—The Honorable A. Fraser moved, That the Report of the Committee of both Houses of Parliament appointed for the management and superintendence of the Parliament Buildings be printed.

Question—put and passed.

REPORT.

THE PARLIAMENT BUILDINGS COMMITTEE have the honor to report to your Honorable House as follows:—

1. Your Committee have received a Report from the Public Works Department on the condition of the coach-house attached to the stables. The Report is to the effect that the coach-house in its present state is dangerous, and will have to be taken down and rebuilt at a cost of £250.

2. Before sanctioning this expenditure your Committee have decided to ascertain the opinion of your Honorable House as to whether the stables are required.

3. If, in the opinion of your Honorable House, the stables are required, your Committee would recommend that the whole of the present buildings be taken down and suitable premises erected in their place.

1873.
—
VICTORIA.

EVIDENCE

TAKEN AT THE BAR OF THE LEGISLATIVE COUNCIL

ON THE

LAND ACT 1869 AMENDMENT BILL,

IN COMMITTEE OF THE WHOLE COUNCIL,

TOGETHER WITH

APPENDICES.

ORDERED BY THE COUNCIL TO BE PRINTED, 24TH NOVEMBER, 1873.

By Authority:

JOHN FERRES, GOVERNMENT PRINTER, MELBOURNE.



MINUTES OF EVIDENCE

TAKEN AT THE BAR OF THE LEGISLATIVE COUNCIL (IN COMMITTEE OF THE WHOLE HOUSE) ON THE LAND ACT 1869 AMENDMENT BILL.

THURSDAY, 13TH NOVEMBER, 1873.

Arthur Morrah examined.

1. *By Mr. W. A. C. a'Beckett.*—What position do you hold in the Land Office?—Chief clerk.
2. Are you aware of a return having been called for by the House in reference to certain selections?—Yes.
3. Did you prepare it?—No.
4. What clerk did prepare it?—It was prepared in the office.
5. You do not absolutely know—was it the result of a long time—did it take a long time to prepare it?—No, I should think not.
6. You are aware of the nature of the return?—Yes.
7. Did it take a long while to prepare that return?—No.
8. It did not?—No.
9. How long did it take to prepare it—was the information all in the office?—Yes.
10. Compiled from information and documents already in the office?—Yes.
11. Are you aware whether it has been compiled some days or not?—It was finished to-day.
12. Only to-day?—Finished to-day.
13. May I ask, Are you responsible for this return?—No.
14. Not responsible for the correctness of it?—No.
15. Nor its compilation in any way?—No.
16. Do you know who is?—There is an officer whose duty it is to prepare Parliamentary returns—to draft them.
17. What is the name of that officer?—Mr. Agg.
18. Are returns ordered by the House signed by any officer of the Lands department?—Some returns are not signed at all.
19. Are any?—Some are signed, and some are not signed.
20. What is the distinction?—I can hardly say; if papers were asked for, they would not be signed—copies of papers.
21. Papers?—Extracts from papers.
22. Do you mean letters and correspondence?—Yes, copies of papers.
23. But returns of this tabulated character—tabulated statements of facts like these—are they signed by any person?—I think they usually are.
24. By whom?—By the head of the department.
25. Who is the head of the department?—The Assistant-Commissioner.
26. What is his name?—Mr. Hodgkinson.
27. This return does not appear to be signed by any person?—Is it not? I have not seen it.—[*The same was handed to the witness, who examined it.*]—No, it is not signed.
28. It is not signed; is it a return of that character that you think is generally signed?—I am doubtful about it; I cannot say whether it ought to have been signed, or it ought not to have been signed.
29. Do you know from the handwriting what clerk prepared it?—Yes; I see it is in the handwriting of a clerk in the office.
30. Who?—A junior clerk.
31. What is his name?—Yewers.
32. *By Mr. Mitchell.*—Whose handwriting is the first sheet in?—The first sheet is Mr. Agg's.
33. *By Mr. W. A. C. a'Beckett.*—You see that that return there, on the face of it, asks for the names of those who have not complied with the conditions—do you see that?—Yes.
34. The names of those who have not complied with the conditions you will see; if you look in the return that it goes beyond that, it includes those who have complied; if you look in the body of the return you will see there is more than is asked for, in fact?—Yes.
35. Can you say why that is?—It was the desire to give information, I presume.
36. As I understand you to say—you are not responsible for that return?—No.
37. You are not. Well, are you aware, with reference to the selections, who is the person in your office that attends to the selectors that has to register those; in fact, to keep the documents and the books from which that return was made; who is that officer?—Mr. Wimble would keep the books.

A. Morrah,
13th Nov., 1873.

A. Morrah,
continued,
13th Nov., 1873.

38. Mr. Wimble?—Yes.

39. Then I have no further questions to put to Mr. Morrah, as he was not responsible for the return. Mr. Wimble would be the person who could give the information.

40. *By Mr. Campbell.*—Can you make out the date of that document; it is without date or signature; can you make out the time it was written, or when it was promulgated?—The document is not dated; it would bear date upon the day it is presented to the House.

41. I mean the date upon which it became law; there appears to be an Order in Council; some documents are without date and without signature; cannot you recollect the date of the document?—Which document do you mean?

42. The document that accompanied that return, which was read to the House, and that had neither date nor signature?—You mean the return itself?

43. Yes?—It is not dated.

44. I wish to know, Have you any knowledge or recollection what date should be attached to that document?—It should be dated to-day.

45. *By Mr. Mitchell.*—Would you have the kindness to look at those printed conditions; read that part, if you please—the conditions with regard to residence?—“The licensee is required to reside on the land during the continuance of this license or within a period of four months from the date hereof, to enclose the same with a proper fence, and cultivate at least one-fifth portion thereof.”

46. Can you say that those conditions actually as you have read them now are inserted in the license issued to the occupants?—Yes.

47. You are sure of that?—That is a license.

48. It is a license. Then, are you aware that that license is contrary to the Order in Council under which it purports to be issued?—No.

49. Then I will read you the conditions—“He shall receive the said license and authority to reside on *and* to cultivate,” that is the Order in Council; how came the word “or” in it?—I do not know.

50. Then is it “or”?—No, it is not “or.”

51. The Order in Council is dated the 13th February following the Act, and as to the applications for the granting of more than one license under the 42nd section, the licensees have to undertake, on obtaining such a license, to permanently occupy for residence *and* cultivation, they are to have “full license and authority to reside on *and* to cultivate”; there is no mistake in that?—No.

52. Therefore, that is not a copy of the license?—Not a copy.

53. *By Mr. Campbell.*—Then, I would like to know, when were those conditions first adopted; when did they first come into use?—1865.

54. *By Mr. Mitchell.*—Those conditions were published on the 13th of February, 1866; an extension under an order, not of the Governor in Council, or any law, but by a departmental notice; in fact, the 20 acres allowed by law to be taken was extended to any quantity; that is the fact, is it not?—No, it was extended to 80 acres.

55. Then how did anybody get 136?—Yes, there was a subsequent extension.

56. Further extension?—Further extension.

56a. Not according to law? Under what law was it done?—

Dr. Dobson.—That is a matter of opinion. The witness’s opinion as a lawyer would be of no value in a matter of law.

The witness withdrew.

Nehemiah Wimble examined.

N. Wimble,
13th Nov., 1873.

57. *By Mr. W. A. C. a’Beckett.*—What is your position in the Lands office?—I am registrar of leases and licenses.

58. And you are in possession of all the facts in reference to the selections and licenses, then. You are aware that this return has been called for by this House?—Yes.

59. Did you compile it, or was it compiled under your supervision?—Yes.

60. From books in your possession and facts?—Yes.

61. Were any local surveys or examinations required to be made at Nepean to assist you to make this return? Were any officers sent down to Nepean lately to assist in the compilation of this return?—I think so.

62. You are aware that what was asked for was, the names of those who had not complied with the conditions. In the body of the return there are names put down here apparently who have complied with the conditions. The return, in fact, is more than asked for strictly speaking; why is that?—The return embraces all those who have selected land at Nepean.

63. Exactly. Is that the agricultural area of Nepean?—No, the parish of Nepean.

64. And this embraces the whole of the selections complied with or otherwise?—Yes.

65. Are you aware whether Mr. J. J. Casey, Mr. N. J. Casey, and Mr. Henry Morgan Murphy selected land in Nepean?—I could not say without reference to the books.

66. Mr. J. J. Casey’s name is returned here?—Yes.

67. You do not know whether Mr. Nicholas John Casey or Nicholas J. Casey made any selection?—I could not say without reference to the books.

68. That—[*the return was handed to the witness*—]purports to be a return of all who have. You say that is a return of all those who have selected, and Mr. N. J. Casey’s name is not there?—No.

69. Therefore, I presume he did not make a selection?—He may have selected and transferred to some one else, and the name of the transferrer is not in this return.

70. The name of the original licensee is not there?—No, not the original licensee. The person who originally applied for the land is not in this return, he will have transferred to some one else, and the name of the transferee will appear.

71. *By Mr. Highett.*—Then that is not a correct return, according to your books?—The transferee takes the position of the transferrer, and in the preparation of this return, I did not regard the distinction.

72. Then that is not a correct return of what was asked for by the House?—It is a correct return, because it contains the names of all those persons who have selected.

73. *By Mr. W. A. C. a'Beckett.*—Have selected?—Who have selected.

74. Who have selected at any time? There is no limitation to the question, Who have selected?—
Then this return would need amendment.

75. Are you aware whether Mr. Nicholas John Casey did select or not?—In the absence of the books, I could not say, but I am under the impression he did select; and, if his name is not in the return, he has transferred to some one else.

76. You are under the impression he did select originally?—I am under that impression, but I may be wrong.

77. Do you know how long that return has been ready?—It was ready a little before four o'clock.

78. Not finished till four o'clock to-day?—Not till a short time before four.

79. When was the message from the Council or the Chief Secretary sent to you to prepare that?—I do not know.

80. It has been moved for about a fortnight, I find—How long would it have taken to compile it?—
About a day.

81. Not more?—That is, providing all the information was in the office.

82. Do you think all the information was in the office?—I think not; not when the return was asked for.

83. You think not; then where was the information obtained from—if it was not in the office, where would it be got from?—It would be——

84. Do you mean to say you would have to send down to the place to get the information; is that what you mean?—In some cases we might.

85. You are aware that Mr. J. J. Casey—I see he has selected there. Have you read his name in the return?—J. J. Casey.

86. What was the date of his selection?—March 1st, 1869.

87. How much did he select?—136 acres 31 perches.

88. On that date he selected how much?—136 acres 31 perches.

89. You are sure of that?—It is so here.

90. There can be no mistake about it?—He is either a selector or a transferee of this quantity.

91. What?—He is either a selector or a transferee of this quantity.

92. Either a selector or transferee?—Yes.

93. Do you think he is the original selector of that quantity?—I could not say.

94. Are you aware whether he only selected 116 acres originally?—I could not say.

95. Do you know the police paddock?—I do not.

96. Are you aware of Mr. Henry Morgan Murphy's selection?—Yes, it is here.—[*Referring to the return.*]

97. How much?—69 acres 1 rood 1 perch.

98. Is he the original selector to that extent?—That I could not say.

99. Why is that return not signed in some authorized manner?—I cannot say.

100. It is your duty to see to that return. Are you responsible for that return?—No; I am not responsible for that.

101. You mean, that you are merely responsible for the information it contains?—For the information, that is all.

102. Is it general to sign such returns when asked for by the House, to show some authority on them?—I could not say.

103. Then, with respect to the selections of Messrs. Casey and Mr. Henry Morgan Murphy, you cannot give any information beyond that paper; is that what you say? Would your books show the original selections and any alterations?—Yes.

104. They would?—Yes.

105. Can the books be produced easily, at short notice?—In a quarter of an hour.

106. Under what clause of what Act were those selections made?—Under the 42nd clause.

107. Under the 42nd clause?—Yes, of the Amending Land Act 1865.

108. Have you got the Act there?—No; this is simply a form of license.

109. Will you point out in that book the Act and the clause, and read it out, if you please, under which those selections were made—[*handing a volume of Statutes to the witness*]?—This is it; the 42nd clause.

110. Will you read it, please?—"The Governor in Council may from time to time issue licenses for any period not exceeding one year, which shall entitle the holders thereof respectively to reside on or to cultivate any lands on any gold-field within the meaning of any Act now or hereafter to be in force relative to the gold-fields or lands adjacent thereto, not exceeding in extent twenty acres, subject to the payment of such license fee and upon such terms and conditions as shall be approved of by the Governor in Council and be set forth in such license."

111. That is the clause?—Yes, that is the section.

112. Were all the selections at Sorrento made under that?—Yes.

113. Were all the selections in every other part of the country at that time made in that way under that Act?—No.

114. They were not?—There is section 12, you know.

115. Section 12?—Section 12, under the lottery system.

116. Other selections in other parts of the country?—Yes.

117. In the agricultural areas?—Yes.

118. Under what section were they made?—Section 12.

119. Will you read the 12th section, if you please?—"All applications for leases under this part of this Act shall be made by the applicants in person. When on any day within the period of one hour, calculated from the time of the opening or re-opening of the land office, two or more persons shall attend at the land office to make application for the purchase or selection or for a lease of land under this part of this Act, the priority of the order of applications shall be determined by lot, to be conducted in such manner as the Board of Land and Works may direct; and upon such determination such applications shall be received and entered in the order so ascertained as aforesaid. When any application is refused or disallowed

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by the Board or withdrawn, the rent in advance paid, as hereinafter provided, by the applicant shall, notwithstanding anything contained in any Act now or hereafter to be in force relating to the collection and payment of the public moneys, be forthwith returned without interest by the land officer or his substitute to the unsuccessful applicant. Provided that every application in manner aforesaid and accompanied by payment of the rent in advance, as hereinafter mentioned, shall be and be deemed to be accepted by the Board unless such application shall, within thirty clear days from the time the same has been entered as aforesaid, be refused or disallowed by a notice under the hand of the President of the Board, which shall be published in the *Government Gazette* within the period last aforesaid, and shall specify the grounds of such refusal or disallowance."

120. What are the purposes of that section, as distinguished from the 42nd section?—Under this section of the Act the land is previously surveyed, and there was a map of the land, and it was proclaimed open for application for lease under this particular section at the Crown Lands Office.

121. Irrespective of its proximity to a gold-field?—Irrespective of its proximity to a gold-field.

122. The other section 42 specially relates to land in proximity to gold-fields, so as to allow people near gold-fields to obtain occupation. To what extent of land does the 42nd section apply?—A license issued for twenty acres.

123. Could it not issue for more?—Yes.

124. How could it?—The regulations were altered, allowing one person to take up four contiguous lots.

125. Then that regulation conflicts with the Act; the regulation extends that section in fact; is that it?—The regulation enabled a person to take up four contiguous lots.

126. Does Nepean come under that clause?—Yes, under the extended regulations of the 28th August, 1868, I think.

127. As being near to or within the proximity of a gold-field, was it?—The boundary was extended I think to thirty miles of a gold-field under that regulation.

128. What gold-field is within thirty miles of Sorrento, or what gold-field within sixty miles of Nepean?—I do not know.

129. Was any place proclaimed a gold-field for the purposes of the Act, or anything of that sort?—I could not say.

130. Are those conditions that are attached to that the conditions of sale and conditions of license? You see the return asks for those who are selectors; but the term licensee I think is used in the return?—Yes.

131. Is that the meaning of it?—The meaning is the same.

132. They are licensees for certain purposes?—They are licensees.

133. Generally called selectors?—No; they are distinguished. Persons who take up land under sections 12 and 13 are distinguished in the office as lessees; and those persons who take up land under the 42nd section are called licensees.

134. For special purposes. There are three conditions here, namely, to use the land for certain purposes, and not to be permitted to assign or sub-let the land, or any part of it without the consent of the Board of Land and Works first obtained. Now, upon the supposition that Mr. N. J. Casey originally selected land, and is a transferrer, and that Mr. J. J. Casey and Mr. Henry Morgan Murphy are transferees, should there be any record in the office of it to comply with that second condition?—Will you be good enough to repeat the question?

135. On the supposition that Messrs. Henry Morgan Murphy and J. J. Casey are transferees of land from Nicholas John Casey, would there be a record of such a transaction in the Land Office?—Yes.

136. And it could not have been done without the consent of the Board of Land and Works first had and obtained?—No.

137. And if so, there ought to be a record of that?—Yes.

138. Will your books contain such a record?—Yes.

139. You are not sure whether you have such a record or not?—I am not certain—I am not certain that Henry Morgan Murphy is a transferee; but, if he be so, it will appear in my books that he is a transferee.

140. The licensee is required to reside on the land, however Mr. Casey and Mr. Murphy have both obtained their Crown grants, according to that?—Yes.

141. To obtain that Crown grant, they were obliged to fill up that form—[*presenting the same to the witness*]?—Yes.

142. Is that a statutory declaration, for which untruth renders them liable to a penalty?—No.

143. Will you read it out, if you please?—"Having, upon the Crown lands specified in the margin hereof, held by me, under license, under the section of the erected buildings or other improvements, and having been in possession of the said Crown lands during a period of at least two years and a half, and having complied with the conditions of such license, I hereby apply to exercise the exclusive right of purchasing the land on which such buildings or other improvements have been erected, at a price to be determined by the Board of Land and Works, and I apply for the certificate of the said Board, specifying the amount of rent and survey fees paid by me in respect of the said land during the period I have been in possession thereof."

144. Do you know whether Messrs. Murphy and Casey put that in before they obtained the grant?—I suppose they must have done so.

145. They must have done?—Yes, because this is their recognised application.

146. As to the truth of that, you see that alleges certain facts. It alleges that they have complied with all the conditions—those three conditions—does not it?—Yes, it alleges that they have complied with the conditions.

147. How does the Board of Land and Works satisfy itself as to the truth of that—does it accept that without question, or does it send an officer to report?—The practice is to send an officer to report.

148. Do you know whether such was done in these two cases of Messrs. Murphy and Casey?—I do not know.

149. Where could we find out—from what source could we find out whether such a thing was done?—From the papers.

150. Does not this come under your supervision as to whether there is a report?—No, it does not come under my supervision.

151. I do not want to ask you anything that does not come under you?—No, that does not come under me.

152. Then, as to whether that has been required, you do not know how far—who gives you the information as to whether those conditions have been complied with—who gives that information to you—from what materials do you make that out?—The papers in the ordinary course are sent to me.

153. Do they come under you or anybody else?—They come from the Board to the correspondence branch, and from the correspondence branch they come up to me.

154. You get your information then from the persons?—Yes.

155. Do you see there that some of these are filled up “virtually complied with”—there is a distinction apparently between “virtually complied with” and “complied with unconditionally”—can you explain that?—Yes, I can. I put “virtually complied with,” because in the third condition the licensee “is required to reside on the land during the continuance of this license, or within a period of four months from the date hereof to enclose the same with a proper fence and cultivate at least one-fifth portion thereof.” I put “virtually complied with,” because extensive improvements have been put on those particular lots, but the cultivation clause did not come up quite to one-fifth.

156. And you say “virtually complied with”?—Virtually complied with.

157. Are you the judge of when the conditions have been complied with—is it your business to judge as to those conditions and as to the time—upon whose recommendation does the Commissioner of Lands grant the title—upon your report?—No, upon Mr. Morrah’s. It is not upon my report. It is from the report of the person who is instructed to see—the bailiff who is instructed to examine, in fact.

158. He is the person who makes the report?—He is the person who makes the report.

159. As you put “virtually complied with,” you have not given the mere dry facts, but you have given a kind of decision upon the facts. Sometimes “virtually complied with” really means “complied with,” or, at all events, it is qualified. Do you mean to say you do not consider it is thoroughly complied with—do you mean to say that, were you directed by any person in the office to place “virtually complied with” against those names—does “virtually complied with” mean “complied with” or “not complied with”?—It means not complied with, of course—“not absolutely complied with.”

160. Is there a book in your office kept from which that is a direct copy, or is it compiled from many books?—It is compiled from the books and from the papers.

161. From several in different books?—Yes, from several documents.

162. Is there any book in the office from which that is an exact transcript?—No.

163. It is a compilation from many books and many papers?—A compilation from one book and from many papers.

164. When were you informed that this return was necessary—when were you directed to prepare this return?—I could not say.

165. When returns are asked for by the Houses of Parliament, is not it your business to see to the speedy preparation of them?—Yes.

166. Are you not told specially to get them ready as soon as possible?—The paper is handed in for the preparation of the return. I do not remember when this return was asked for.

167. When a return is called for by either House of Parliament, from your department, what is the proceeding—how do you become aware of it?—There is an order from the Speaker of the Assembly, or the President of this House.

168. From the House?—From the House.

169. Not from the Chief Secretary—from whom do you receive notice?—There is a clerk in charge of the Parliamentary papers.

170. The clerk of the papers?—Yes, the clerk in charge of the Parliamentary papers.

171. That officer is styled the clerk of the papers. Is that the officer from whom you get the notice?—He would ask Mr. Morrah to get the return prepared, and he would hand it over to me.

172. Does not it come from the Chief Secretary’s Office?—I think not.

173. That is not so; the course is, as far as the House is concerned, it is sent immediately. Were you not hurried about this—were you not requested to prepare this speedily?—I have said before, that I cannot remember when I was told to prepare this return.

174. Were you ever hurried about this return?—I was asked for it yesterday morning; my attention was drawn to it yesterday morning—to this return being required.

175. Only yesterday morning?—My attention was only called to it yesterday morning, but I could not say whether it was asked for previously.

176. Is there any press of business in your department?—We have always a press of business there.

177. *By Mr. Mitchell.*—If a statement was made, that this return would take so much labor, that it would require some days to do it, would that be correct?—Yes, it would be substantially correct, because, while the mere preparation of a return of this character from my books would take but a very short time, yet there are several particulars that would take some time to prepare.

178. How long would it take you to do it?—There is some information in this return that possibly would take weeks to prepare, because the papers would be out of the office.

179. You know how long it would take?—It might take a week or a fortnight or three weeks to prepare.

180. But as a fact?—This return?

181. Yes, when did you first begin upon it?—Yesterday morning.

182. You never touched any part of it until yesterday morning?—I did not begin to prepare it till yesterday morning.

183. Then any statement put forth that the return was so voluminous that it would take days and weeks to prepare would not be correct, would it? Then that statement as I put it to you already, that the return is so voluminous that it would take days to prepare, is not correct, is it? It cannot be, if it took you only a day?—Oh, no.

184. It cannot be correct?—I cannot say.

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185. I ask you, how long you took to prepare that return, and you say it took you a day?—No. I commenced it yesterday.

186. And you finished it?—I finished it this afternoon at four o'clock.

187. Then it took you two days. Then, I say again, that if a statement was made, that the return was so voluminous it would take you many days to prepare, that statement would not be correct?—I have not made any such statement.

188. I have not said you had. I said—"If anybody made such a statement." I say, if so, surely you can answer "Yes" or "No." A return that did not take you two days would not take a week, would it? It did not take a week?—It only took two days.

189. Then I say again—"If a statement was made that the return was so voluminous that it would take many days to prepare, that statement would not be correct?—I have considerable doubts.

190. I ask you, "Yes" or "No," answer the question, "Yes" or "No"?—It would.

191. I ask you, "Yes" or "No." I do not want any fencing about it?—It would not take long to prepare, if all the information was there.

192. You have already said, it did not take you two days?—No.

193. Very well—then I repeat—"If the statement was made that the return was so voluminous it would take many days to prepare, that statement would not be correct"—"Yes," or "No"?—No, it would not in that form.

194. Very well, why could you not say so at first?

195. *By Mr. W. A. C. a'Beckett.*—Were you told by any one in the Department that you need not pay much attention to that; that you need not bother yourself, in fact, about getting that return?—No.

196. You were not?—No.

197. That the session might lapse before it would come on, and you were not to bother about it?—No; no one said anything of that kind to me.

198. Have you been cautioned by any person as to what you should say in this House?—No, I have not.

199. *By Mr. Fitzgerald.*—I understood you to say that the return only took two days; the information on which that return was based was the cause of the delay—might have been the cause of the delay?—It might have been the cause of the delay.

200. Though the return itself would only take a certain time to prepare, still information might have been required before the return was absolutely preparable, is that so?—Yes, it might be.

201. *By Mr. Mitchell.*—You were not collecting any information about it, were you, before yesterday morning?—I think not.

202. *By Mr. W. A. C. a'Beckett.*—Just look at that return again. Are there any in that return who have "virtually complied" to whom the Crown grant is issued?—No.

203. Have they applied for it?—No.

204. There is none issued to those who have merely "virtually complied"?—No.

205. There are some there who I think have complied with the conditions, and the grant has not been issued?—Yes.

206. Will you explain that; why is that; do you know why that is?—It would be obtained from the report of the bailiff.

207. But why is not the Crown grant issued; have they not applied for it, or is it pending?—It is pending.

208. Have you the books now?—Yes, I have the book.

209. Will you refer to your books and see what entries you have with reference to the selections of J. J. Casey, and N. J. Casey, and Mr. Murphy?—J. J. Casey applied on the 1st of March, 1869, for four licenses—two of 20 acres each, one of 14 acres, and one of 8 acres 2 roods 16 perches.

210. Who did?—J. J. Casey.

211. What does that make in the aggregate?—62 acres 2 roods 16 perches.

212. The return shows him to be the licensee of how much—[*A paper was handed to the witness, who referred to the same*]—136 acres 31 perches.

213. Can you explain that difference?—Yes; five licenses were applied for by N. J. Casey, and one year's rent was paid.

214. But with reference to J. J. Casey, your return shows that?—Yes.

215. There is a difference in the amount applied for?—Yes, I am explaining it.

216. You say, first of all, there is a difference—you admit that?—Oh, yes; there is a difference.

217. Is there not a difference?—Yes; there is a difference.

218. What does the book show?—The book shows that J. J. Casey applied for four licenses on the 1st of March, 1869.

219. Amounting to what total?—62 acres, 2 roods, 16 perches.

220. And your return shows that on the same date he is put down as the licensee of how much?—No, not the licensee; the difference, the balance was transferred from N. J. Casey.

221. That is not clear. I want to be clear about this. Your return shows that he is the licensee of how much—is it 136 acres, 31 perches—we will have the discrepancy explained afterwards?—136 acres, 31 perches.

222. Will you now explain the difference?—Yes; the balance was transferred by N. J. Casey to him, I presume.

223. Was Nicholas John Casey a selector ever, or licensee, or applicant?—[*The witness referred to his book.*]—Yes.

224. He was?—Yes.

225. Now, why does not his name appear on the return?—Because he was not the licensee at the time.

226. At what time?—I did not regard him as the person; J. J. Casey took N. J. Casey's place.

227. Place?—Yes.

228. When?—Some time in 1869.

229. How long after the original application?—The book does not show—there is a reference here in the book to the correspondence authorising the transfer.

230. You have that?—Yes.

231. Have you the documents themselves?—Not the documents, but a reference to them. “See 69/10928 U.” N. Wimble,
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232. There is a notice in your book of the transfer having been approved of by the Board?—Yes; that is the authority for the alteration.
233. What is the date of the transfer?—I have not got it—this simply refers to the correspondence authorising me to make the alteration in my book.
234. Where is the correspondence?—At the office.
235. With reference to Mr. H. M. Murphy, is there any discrepancy?—Yes; he is the licensee of 69 acres 1 rood 1 perch.
236. He is now the licensee?—No; he is the grantee now of that. The grant issued—
237. The 69 acres. What was he originally the licensee of? was it 42 acres 2 roods 32 perches?—Yes, 42 acres 2 roods 32 perches, the original application.
238. What was the amount of Mr. Nicholas John Casey’s license originally for?—The amount is not stated, but he obtained five licenses.
239. Was the total 116 acres 3 roods?—The amount is not stated in the book; it is in pencil, marked in pencil 100 acres, but the extent no doubt is—
240. Was that transfer perfectly in order so far as you are aware, perfectly legal and proper?—As far as I am aware.
241. It is not your business to decide anything of that sort?—No, not at all.
242. You merely enter as directed?—I merely enter as directed.
243. The facts are, that the area for which Mr. Casey and Mr. Murphy subsequently obtained a license was greater than their original application?—Yes.
244. Through having, in fact, taken up the part transferred from Mr. Nicholas John Casey?—He obtained the balance through Nicholas John Casey.
245. Was there any other person in possession of any portion of any of those selections at the time of the application for the transfer, are you aware?—I am not aware.
246. No person in occupation by any kind of license?—I am not aware.
247. There was no person turned off those allotments?—Not that I am aware of.
248. Did not you understand the return to apply to the original allotment?—I did not understand it so.
249. Just read the front of the return again, and see what it says?—“Return of the conditions on which the land selections at Nepean were made, the names of the selectors, and the names of those who have complied with the conditions, and the names of those to whom the Crown grants have been issued.”
250. Do you not think you ought to have put in the names of every person who applied at any time, explaining the transfer?—I did not think so; it would have been quite as easy for me to have done it.
251. I merely want you to explain?—I did not understand it so; if I had understood it so, I would have prepared a return in that form, or given instructions for it to be done in that way.
252. *By Mr. Degraes.*—There is a Mr. John Cain—133 acres here—[referring to the return]?—*[The witness referred to his book.]*—Yes.
253. How does that stand in your books—is that the correct acreage? 133 acres, 35 perches—is that it?—Yes.
254. Was this granted to him?—Yes; I believe so.
255. Was he the first selector?—Yes; I believe so.
256. Has it been transferred to any one else?—No; there is no record of it.
257. Do you know whether he is in possession?—I cannot say.
258. Does he reside upon it?—I cannot say.
259. What does the bailiff report?—I cannot say—the return would show what the result was.
260. Who appoints the bailiff?—The Minister.
261. You have got it here, only conditionally complied with—is that so in your book?—I have got no record of the conditions having been complied with in my book.
262. What is said in your book?—The date of the license, the number of the license issued, the acreage for each license, and the rent paid annually.
263. When was the date of this license?—The 1st of January, 1869.
264. Where did you get this return—this one that is in my hands just now?—It was compiled from this book.
265. When?—Yesterday.
266. There is a James Cain; what acreage have you got to him in your books?—123 acres, 20 perches.
267. What report have you from the bailiff as to his improvements?—I have no report.
268. Are you aware whether he is in possession?—I could not say.
269. Are you aware whether it has been transferred to any one since?—I am not aware.
270. There is a Michael Cain?—Yes.
271. What acreage?—23 acres, 2 roods, 23 perches.
272. Has that been transferred to any one else?—There is no record—the transfer is not complete.
273. When was this granted?—The 1st of March, 1869.
274. Have you, or is there any memo. from the Crown Lands Bailiff as to the improvements?—No.
275. John G. Duffy—what acreage have you got for him?—158 acres 1 rood 26 perches.
276. Have you any record as to any improvements made on this property?—Yes, in the office there is. He has purchased.
277. But not in the book?—No, not in this book.
278. Then this is not a correct copy of that book?—It is a correct copy, so far as it goes.
279. But it is not a full copy—not a true copy of your records in that book?—Yes.
280. You say, as far as it goes?—Yes.
281. How far?—That return contains more information than this book gives.
282. Oh! I see. Charles G. Duffy—what acreage have you got for him?—There are first 32 acres 22 perches, that is, purchased.
283. In what way purchased?—Purchased under the 31st section of the Land Act 1869.

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284. Have you got any transfer of any portion of that land to any other persons, any record in that book?—No, not from C. G. Duffy.
285. From either of the Duffy's?—No.
286. Have you any record of any of those lands being transferred to the English Church?—None that I am aware of.
287. None in your book?—Not that I am aware of.
288. *By Mr. Mitchell.*—Would you have the kindness to tell me in what way that book is kept—are the entries made at the time the applications are sent in?—The applications in this case were made, I think, at Schnapper Point. The form of application was handed in to the Chairman who conducted the Local Land Board. The applications were then considered by the Board of Land and Works, and, after they were approved, a schedule of them was furnished to me, and from that schedule I entered them in this book.
289. You enter them in that book as you receive them?—As I receive the schedule.
290. In the first schedule you entered you received a selection made by J. J. Casey and N. J. Casey?—Yes.
291. Were they both entered at the same time?—Both entered at the same time.
292. Then does not your book show what became of N. J. Casey's selection?—The record I had in my book is cancelled—no license issued. "See 69 | 10928 U."
293. Then you cannot give us that ten thousand odd number here?—I have not got the correspondence, but that correspondence would be my authority for making the alteration.
294. Have you no date in the book showing the time when the transfer was made?—No.
295. You can give us that, I suppose?—I could not give it you, but it would be some time in 1869.
296. Exactly, but we want the date?—I cannot give it you.
297. What date was the selection—in March?—In March, 1869.
298. Then it was some considerable time afterwards before the transfer was made?—[*The witness searched the book*]—It would be some time afterwards.
299. The records of the Board of Land and Works would show it?—The correspondence would show.
300. It must have been approved by the Board of Land and Works?—It must have been approved by the Board of Land and Works.
301. They must have been entered in their records. You do not keep the records of the Board of Land and Works?—No.
302. *By Mr. W. A. C. a'Beckett.*—You say this return is a return of the ultimate state of the selections?—Yes.
303. The last condition—the condition they are now in, you say?—Yes.
304. But you see you have put at the heading of this return, the date of the license, that is, from the very starting of it, and the date of the license here, March 1st, J. J. Casey, 136 acres 31 perches. Now, I ask you, on that date you put here, was Mr. J. J. Casey the licensee of 136 acres 31 perches?—He would not be on that date.
305. But you have got it, he was?—He is in the position of the man who obtains the licenses on that date.
306. But upon that date, the very outset of the proceedings, March 31st, you put the date—was it correct?—Yes.
307. The date shows here you put a date which is correct, that is what the return was not; but I want that the very original selection should be shown, and I think that you clearly understood so, because you had placed the date, the date of the license, March 31st, J. J. Casey, 136 acres 31 perches. Now, was the license to that amount on that day?—Obviously not.
308. Obviously not—he was only the licensee in fact of 62 acres 2 roods 16 perches on that day, on the date of this first application?—Yes.
309. And Mr. N. J. Casey was the licensee of 116 acres 3 perches on that date?—I cannot say.
310. You do not know?—It is put in my book, in pencil, 100 acres to N. J. Casey—from that I presume the area had not been determined.
311. You admit there is a discrepancy between this return and the facts?—No. Allow me to explain: J. J. Casey stands precisely in the same position as N. J. Casey.
312. Why did you make that note in pencil?—It was the officer who wrote up the book—I do not know, I only assume that the area had not been determined and some alteration or correction was necessary in the survey—that is the probable reason—he is the licensee of the five licenses.
313. Have you got him as the licensee, and the approximate area of those five licenses?—He is the licensee of the five licenses.
314. Is it the practice of the Department to break up a license—that is to say, if a man hold a license for 80 acres, can he transfer 36 acres to one man and 44 to another?—Under the 42nd section a person could take up say eight licenses of 20 acres each, and he could transfer the first, or the third, or any number of those eight.
315. Suppose it was in one lump, could he transfer half to one and half to another?—There were no selections in one lump, all the licenses were issued under 20 acres.
316. *By Mr. Mitchell.*—Were there two licenses issued, one to Mr. J. J. Casey, and one to Mr. Nicholas Casey?—I believe that there were. I have an entry in my book of the licenses issued to J. J. Casey and to N. J. Casey.
317. Both on that date?—Both on that date.
318. But you have not the date when the license was issued in one lump to J. J. Casey?—No, I have not.
319. You have not the date?—The licenses bear date the 1st March, 1869.
320. Why?—Because that was the date of the approval of the board.
321. That was the approval of two district licensee's names?—Yes; both of the same date.
322. I want the date of the approval of the board for the license being issued to the one for the whole of the 136 acres?—It is the same date.
323. How could it be the samedate? You say the board approved on this day in March, and they

issued two licenses, one to J. J. Casey, and the other to Nicholas J. Casey, and the licenses actually issued— afterwards one license was issued?—No; a number of licenses would be issued, each under 20 acres.

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324. A portion was issued to Mr. J. J. Casey, and a portion to Nicholas Casey?—Yes.

325. Now I want to know what was the date on which all the licenses were issued in J. J. Casey's name?—The licenses bear date the 1st March, 1869, but when they were actually issued, the book does not show.

326. How would that come about—supposing a license had been issued six months afterwards, who would authorise the license to be *ante dated*?—They would bear that date.

327. How could they bear that date?—

328. *By Mr. W. A. C. a'Beckett.*—Is it the custom, when a license is transferred, that the new license, or the transferred portion of the license, shall ante-date to the time of the other license?—Yes.

329. Is that the custom?—That was the practice, I think.

330. Was that the general practice, or is it now the general practice?—The practice is now—I am sure I could not say, but practically they bear the date, as far as these books are concerned, of the day they were first issued.

331. What is the recognised practice of the Department—if it was a legally authorised transfer from N. J. Casey to J. J. Casey, both having selected at the same time, and six months afterwards they transfer, when does the new license, or when does the transferred part take effect from?—It takes effect from the date when the license originally issued.

332. To the new holder?—Yes.

333. Is the paper surrendered? I suppose the license is a paper, and part of the title?—Yes.

334. What becomes of that in the case of a transfer?—Generally the transfer is endorsed upon the back.

335. And kept by the holder?—And kept by the holder.

336. Not returned to your office?—Yes, it is returned to our office, and the transfer is endorsed upon the back, and signed by him.

337. And that is part of the title of the new holder?—Yes.

338. Do you know whether that was the case in this instance—would not that all be entered properly in the book? As part of his title, it would be entered in the book?—Yes, it is entered here. There is the correspondence showing that a new license is issued.

339. *By Mr. Degraives.*—I think you said that the entry there is made in pencil. Is it usual to make those entries in pencil?—Never, except in cases where there is a doubt about the survey; a doubt about the quantity of land, if the survey has to be made; or there is any doubt about the exact quantity; then it is simply entered as a temporary thing in pencil, showing approximately the quantity of the land that is held.

340. That does not affect it at all. It is not of any effect at all?—No; because in all probability it would be corrected.

341. Could it be altered?—It would be corrected.

342. Are there many similar entries to that?—Very few.

343. Are there any in pencil?—Yes; there is one here to Henry Chine, Phillip Island; 132 acres is the assumed quantity. Subsequently I received a report informing me that the acreage was 131 acres 1 rood.

344. How long after that pencil entry do you get the final instructions?—As soon as the license is prepared.

345. Who sends you the report?—The officer in charge of the preparation of the licenses.

346. *By Mr. W. A. C. a'Beckett.*—Did you put in the date, and make it relate back to the date of the original transfer of the original holder—what date did you make that license appear?—The license dates from the time it is approved by the board.

347. It would have to be approved by the board for a transfer?—Yes.

348. Why does not the new license date from that time—do you mean to say that a selector or a licensee making application on the 1st of January for a certain amount, gets a transfer for another piece of land altogether nine months after that, and then is made to be the licensee of it from the time when it was originally held—is that what you mean?—I do not understand you.

349. *By Mr. Campbell.*—Is it the practice to transfer the original license immediately on the approval of the Board—is it done upon the same day—is it the practice, or is it ever done?—It is not the practice, but transfers have taken place very shortly after the approval of the board.

350. How shortly—the same day?—I could not say, but they have taken place very shortly after.

351. Immediately after?—Yes.

352. So that the original applicant was presumably a tool in the hands of the transferee?—[*No answer.*]

353. *By Mr. Degraives.*—You say, that there is one more entry in pencil?—There are several, but I point you that out as an instance—here is one.

354. Supposing that that allotment was 130 acres and was made up to 300 or 400 acres, who gives you instructions to alter the area, the surveyor of the district or your superior officer?—My superior officer; it comes through the board—the authority is the Minister.

355. You get authority from the Minister?—That is the primary authority.

356. By whose authority is the pencil entry made?—That is made when it is not quite clear how much perhaps the last license would be.

357. By whose authority?—The authority of the schedule that is referred to me—it is not quite clear in that schedule.

358. Who authorises you to do it?—I think I have explained; the schedule is sent to me from another branch of the office, and that is my authority for making this entry.

359. By whom, I want to know?—By the officer in charge of the licenses.

360. Then, if a subordinate officer were to give you instruction to alter the area, would you do it without the sanction of the Minister?—I should do it.

N. Wimple,
continued,
23th Nov., 1873.

361. By a subordinate officer, whether it was his business or not?—He would be responsible if he gave me wrong instructions.

362. If he gave you wrong instructions, you would enter them?—I should not enter it, if I knew it was wrong; but if he gave me wrong instructions, he would be responsible.

363. As a rule, whom do you get your instructions from?—As a rule, I get my instructions from the officer in charge of that particular duty.

364. Who is that officer?—Mr. Blundell.

365. And he gets his authority from where?—The schedules of the board.

366. Who composes the board?—The President, the Assistant-Commissioner, and the Surveyor General.

367. By Mr. Fitzgerald.—What you mean by the schedule is a statement of the transactions of the Board?—Yes.

368. Is not the schedule sent to you direct?—Not from the Board.

369. Does it come under your observation before those entries are made?—No.

370. Merely extracts?—Merely extracts.

371. By Mr. Sumner.—I understand you that this entry is merely an approximation which you put down as a memorandum to be certified by some officer, to be filled in with ink to become permanent?—Merely as a memorandum.

372. As near as you can get to the acreage?—As near as we can get—the nearest approximation we can get at the time.

373. By Mr. Campbell.—Do you know anything of the value of these lands in question?—I know nothing of them at all.

374. You have never been there?—I have never been there at all.

(The witness withdrew.)

Clement Hodgkinson examined.

C. Hodgkinson,
23th Nov., 1873.

375. By Mr. W. A. C. a'Beckett.—What is your position?—Assistant-Commissioner of Lands and Survey.

376. You are the Permanent Head of the Department?—I am the head of the administrative branch of the Department—a member of the Board of Land and Works.

377. Of one branch?—Yes.

378. I suppose you are responsible for all the clerical work in the office?—Yes, for most of the clerical work and correspondence.

379. You are aware of a return having been called for by the House relative to certain selections at Nepean?—Yes, I am aware it was called for.

380. [The return was handed to the witness]—Was that return brought under your notice?—No, it has not come under my notice.

381. Not come through you at all?—No.

382. By what means are you aware of its having been asked for?—I have heard the evidence to-day.

383. Were you not aware before to-night that such a return was asked for?—Yes, I have seen the notice that it was asked for, but it has not come under my cognizance at all.

384. You merely read it in the newspaper?—Yes.

385. Are returns called for by the House generally signed by yourself or any person in authority?—Some of them are signed by me.

386. What class of returns are signed by you?—No particular class; returns giving figures, generally.

387. Tabulated statements?—Tabulated statements.

388. Do you consider that that is such a return as ought to have been signed by you?—Well, I think the officer in charge of the preparation of those returns might have brought this under my notice to sign.

389. You think he should have?—Yes; but I may explain that it can be accounted for to a certain extent, inasmuch as I was very busily engaged this afternoon with the Minister about the time when it was ready to be sent out.

390. That return was asked for about a fortnight ago, I believe—do you think it is a return that would take a very long while to prepare?—It depends entirely upon what information the clerk who prepared it had with regard to the improvements upon the land.

391. As a matter of fact, it appears to have taken two days, provided the information was in the office, and it was a mere matter of compilation; do you think it should have taken two days by one person to have compiled?—It depends a great deal upon the information upon which the compiled statements were prepared.

392. But provided it was all in the office, in the books?—Where it shows the conditions are not complied with, I presume such a report is based upon more detailed statements made by a bailiff.

393. A detailed statement made by a bailiff—a verbal statement?—No; upon a report made by a bailiff.

394. A written report?—Yes.

395. Those conditions complied with in that column, are they all extracted from written reports of bailiffs?—It is impossible for me to say, as I did not prepare the return.

396. Should it have been so?—As a general rule.

397. In fact, they are bailiffs' reports, are they not?—The department is dependent upon the bailiff's report, whether the conditions have been complied with or not.

398. When an applicant for a lease or a selection applies and makes that statement—[producing a paper]—you know what this is—an application for purchase?—Yes.

399. And says I have complied ; I have "been in possession of the said Crown lands during a period of at least two years and a half, and having complied with the conditions of such license, I hereby apply to exercise the exclusive right of purchasing the land"—do you take that statement for granted?—No.

400. What do you do?—If the land has not been previously reported on by the bailiff we cause it to be reported upon, perhaps not immediately, for there may be another batch of applications in the same district.

401. Before deciding, you do send a bailiff?—We should have some report from our officers to go upon.

402. Now, do you know anything about the selections or licenses issued to J. J. Casey, N. J. Casey, and H. M. Murphy, at Nepean?—Yes, I know they got land down there under the 42nd section.

403. Which is "within the area of a gold-field," is it not?—Yes, at least I believe so.

404. Is this within the area of a gold-field?—It is within 30 miles of a place where for a short time there were some gold workings.

405. Is that the plea—was it upon those grounds it was allowed to come in?—Yes, that was the policy when Mr. Grant was Minister for Lands.

406. A proclaimed gold-field, was it?—The interpretation placed upon a gold-field was any place where there were *bonâ fide* gold workings.

407. Where there have been *bonâ fide* gold workings?—Yes.

408. Is that a place where there has been *bonâ fide* gold-fields working—where there have been?—Yes.

409. Where there have been—not now—where there have been?—Yes, where there have been *bonâ fide* gold workings.

410. Where was this gold-field then, which it was supposed qualified this place?—There was some creek or gully eastward of Dromana among the ranges.

411. Are you certain it was within 30 miles?—Yes, it was within 30 miles.

412. Measured for the purpose?—It is within 30 miles as the crow flies.

413. Do you know anything with reference to how it was that it appears that, in the return that has been asked for here, there is an apparent discrepancy of the amounts allotted to those three selectors originally. It is admitted that Mr. J. J. Casey applied for 62 acres—Mr. N. J. Casey for an amount over 100 acres and Mr. H. M. Murphy for 42 acres odd—it appears that Mr. N. J. Casey's name is not returned here as a selector at all, and that Mr. J. J. Casey appears as the licensee of 136 acres and Mr. H. M. Murphy for 69 acres—can you explain how that was at all?—I presume the Minister allowed Mr. J. J. Casey to get Mr. Nicholas Casey's land transferred to him.

414. On a regular recognized transfer?—It is impossible for me to say, not having the papers.

415. Did these documents come to your hands for report?—No, I think not, but I really cannot say, I have so many.

416. You cannot recollect?—Not an application for transfer.

417. Would there be no records in your office of an application for transfer?—There would be records of any transaction of that kind.

418. Would there be any records?—Yes, there would be a record.

419. Showing clearly the amount—not a mere vague statement?—There would be a record of the Minister's decision.

420. Who was Minister of Lands at that time, in March, 1869?—Mr. Grant was Minister at that time.

421. In October, 1871, who was the Land Minister?—Mr. Macpherson, I think, I am not quite sure.

422. Do you know whether Mr. Macpherson approved this transfer—of course he must have—do you know whether any other person applied to have their claims approved to a portion of those selections—whether, in fact, there was a fisherman, or some kind of occupant, on any portion of this land?—After the application had been granted, a fisherman complained that a small patch of ground, containing a few perches, had been included in the area granted to one of the Messrs. Casey.

423. It appears that the facts are, that the Messrs. Casey and Mr. Murphy obtained their Crown grants?—Yes.

424. Within two and a half years?—I do not know the period, but they obtained their grants.

425. In October, 1871, Crown grants dated from the 1st of March, 1869, issued—do you know what the bailiff's report in that case was?—I cannot possibly recollect.

426. Could you produce it?—Yes, it could be produced.

427. You do not recollect whether it was favorable or unfavorable to the Crown grant being approved?—I recollect that the bailiff of Crown lands was sent down somewhere about that time, or rather before that time, to make a report upon all the holdings in Nepean, and as far as my memory serves, the report was generally satisfactory as regards the improvements made upon those holdings.

428. Do you know—can the report be produced?—I presume so.

429. Will you produce it to-morrow—we wish you should, if you please; it is the wish of the House that you produce that report to-morrow; what is the name of the bailiff?—The bailiff's name is Yeoman.

430. Where is he?—His place of residence is near Melbourne.

431. Is he now anywhere near Melbourne; could he be procured to attend here to-morrow?—I cannot say; he may perhaps be engaged to-morrow on some special work and not come to the office at all; instead of coming to the office for instructions, he may be out patrolling all day.

432. Will you state his address?—I do not know his address.

433. If you wish to communicate with him from the office, can you?—They have got his address at the office, of course; I do not know it myself.

434. Do you know whether Messrs. H. M. Murphy and J. J. Casey complied with the third condition of this paper—do you know whether they resided upon their selections?—I think that Mr. Murphy has resided—Mr. Casey, I presume, only occasionally went down there.

435. Do you know anything of a fence having been put up, or a portion of Mr. Casey's selection having been cut off for a public road?—I do not recollect the details at present. Would it do if, instead of bringing the report myself, I sent the bailiff with it? If you want to see him, he could attend.

436. *By Mr. Campbell.*—I would like to refer to occasional residence—the witness says that one of those parties resided occasionally there—now does occasional residence comply with the requirements of the Act—is it sufficient?—Under the 42nd section residence is not compulsory at all—it is only one of the conditions—an alternative condition.

437. What may be considered occasional residence—how often—once a month, or once a year, or once a day?—Really, I could not say.

438. I have always understood that the Act required residence, but you say not under the 42nd section?—No; either residence or cultivation of one-fifth portion of the land, and enclosure of the whole with a substantial fence.

439. *By Mr. W. A. C. a'Beckett.*—Within four months?—Yes, from the issue of the license.

440. *By Mr. Campbell.*—In those cases you would require to be satisfied there was either cultivation or residence; there must be one or the other. Were you satisfied that cultivation had been complied with?—In the absence of the papers it is difficult to say; but we were satisfied that the occupation had been *bonâ fide*, and that there had been residence and a considerable amount of cultivation.

441. You are uncertain of the proportions of the cultivation?—It is a long time since I have seen the papers—it is impossible for me to give details.

442. You require a certain proportion of land to be cultivated, or residence?—The Board occasionally went beyond that in cases where there was no doubt that the land had been taken up *bonâ fide* for the applicant's own use and not for speculative purposes—where residence had been partially complied with, and where the cultivation had been nearly complied with, the application for the grant had been approved.

443. Then the practice in carrying out the law is to give the department a wide latitude in the construction of those points?—The Board of Land and Works certainly took some latitude where they considered that the occupation of the land by a 42nd section holder had been *bonâ fide* for his own use.

444. Then, what proofs does the Board of Land and Works require to show that those occupations were in the vicinity of a gold-field?—The policy at that time was to extend the operation of the 42nd section as widely as possible over the whole territory—it was considered by the Minister of Lands at that period as one of the most effective ways of settling the country.

445. Does that come under the Land Act of the time—the existing law at the time?—The regulations were framed under the existing law.

446. Were those regulations in accordance with the law?—As I could not give a legal opinion, I must respectfully decline to answer that.

447. From my reading of the Act, I have always understood that those selections could only be made in the neighbourhood of a gold-field. What is the real definition of a gold-field—does the finding of a few specks of gold, and the mere fact of attempting to work to find gold, would that comply with the definition of a gold-field?—It is entirely a matter of opinion. At that period the action of the Department was to consider the gold-field land where any very small diggings *bonâ fide* have been carried out.

448. But has it not been the practice of the Government to establish certain functionaries on the gold-fields when gold-fields are proclaimed and established?—The definition of the word “gold-field” has always been very vague, and I have already mentioned that, with regard to the 42nd section, the desire was to extend its operation as widely as possible.

449. Then it would have been much simpler to have included the whole colony at once. It would seem very superfluous for the law to restrict those selections to the vicinity of a gold-field, if the department had the power to extend the application of the word “gold-field,” that would be of no use. Do you consider there was an established gold-field in the place you have mentioned at Dromana, in the ordinary acceptance of the term, do you think that was a gold-field?—I have no doubt that the persons who were searching for gold there thought it was likely to turn out a gold-field. Some of them who did search there told me they found gold, some respectable parties residing near Dromana.

450. Parties were searching for gold in Collingwood sometime ago; would that come under the definition of a gold-field—Collingwood flat, for instance. I think it is a very important point with regard to the definition of a gold-field; but if those selections were made *bonâ fide* within a certain distance of a gold-field, they might be transferred; but I think it is very questionable if a gold-field ever existed in that part of the country?—[*No answer.*]

451. *By Mr. T. T. a'Beckett.*—Would you consider the searching for gold at the Flagstaff Hill would constitute Melbourne a gold-field?—I do not think the search was *bonâ fide*, and they did not find any.

452. There were large numbers of people there. Was not that quite as *bonâ fide* as the place you are speaking of, out at Dromana?—No, I think not.

453. Why?—Because I know the searching parties who went there were under the firm impression they had discovered a very good gold-field.

454. Who were the parties?—Some of the sons of Mr. Burrell, a magistrate at Dromana; they told me they thought it likely to turn out a good thing.

455. Did they ever get any gold?—I cannot say.

456. *By Mr. Simson.*—You are the Assistant-Commissioner of the Lands Department?—Yes.

457. Will you explain to this Committee the nature of your duties as the head of that department?—I deal with the greater portion of the correspondence, and specially the general correspondence comes to me. I write upon the correspondence minutes of either instruction to other officers, to supply reports or give particulars, and I write reports, recommendations, or suggestions for the Minister. I also pass in review the local land board schedules throughout the colony, and I generally have charge of the officers of the administrative branch.

458. Is it not also your duty to make recommendations or otherwise in relation to all applications for land?—Yes.

459. Recommendations, or the reverse?—Yes, the greater portion.

460. It is also part of your duty, I presume, to perform this in accordance with the existing Land Laws?—It is my duty to—

461. I do not wish any fencing; I wish a definite answer to the question. I merely say, I presume it is your duty to perform those duties in accordance with the existing Land Laws; I wish merely a simple answer; it is a simple question?—My duty is to carry out the policy of the Minister for the time being.

462. Those recommendations, or the reverse?—Whatever is the policy of the Minister for the time being in reference to the administration of the Land Act then in existence; I am bound to make my general recommendations or actions conformable thereto. C. Hodgkinson,
continued,
13th Nov., 1873.

463. Even if contrary to law, you, as the permanent head of the administrative branch of the Land office, would do it contrary to law?—By my title, I am the *locum tenens* of the Minister.

464. Are you a mere cypher there—are you obliged to take the Minister's intimation, and not think for yourself at all? He may be there for a year, you are there permanently?—As long as he is there I am bound to carry out his views and policy.

465. I am speaking of the recommendations you make before they go to the Minister?—There may be two Ministers, one succeeding another, who may have very different views in regard to a certain class of applications. Knowing the views the first Minister held with regard to such applications, I write minutes in accordance therewith, and if another Minister on coming into office informs me that his views are totally diverse to the action previously taken, then, in dealing with applications of a similar kind, I write minutes that conform with the views of the new Minister.

466. Then consequently, you are a mere cypher as a member of the Land Board?—It amounts to this, I have no policy myself.

467. What is your object in being a member of the Land Board, if you have no say in the matter, and have merely to re-echo the Minister's views?—That would apply to certain applications, but still there is a great mass of applications on which I express more independent opinions.

468. Is it your duty as a member of the Board of Land and Works to carry out the opinion of the Minister, even contrary to law—as the permanent head of that department?—I think, if a Minister has announced a certain course of action, we are bound to carry it out.

469. Even against law—even against the Act?—[*No answer.*]

470. *By Mr. Campbell.*—Would it be your duty then to point out to the Minister that he was transgressing the law, and to remonstrate against it?—I may certainly express doubts to him as to the desirability of any action he proposes to take, or suggest that it be not done—but once he has decided, then I am bound to carry out his decision.

471. *By Mr. Simson.*—You are aware, I presume, that, under the Land Act of 1869, regulations were issued by the Governor in Council requiring licensees under the 19th clause, amongst other things, to reside on the selections. Is not that the case?—Yes.

472. Are you aware of any instances of licensees being deprived of their selections for non-residence?—I do not recollect any at present. There have been some, no doubt, where they have been deprived.

473. Could you not test your memory a little, and remember if there has been one?—No doubt there have been some; but such non-residence has been generally accompanied with a want of *bonâ fides* in the occupation altogether.

474. Have you ever recommended that any should be so deprived?—I think I have done so.

475. Upon what ground?—Principally on the grounds of want of *bonâ fides*—not on account of non-fulfilment of the conditions.

476. Never on account of non-residence?—No; not if irrespective of non-residence the occupation of the land had been *bonâ fide*.

477. How do you judge of *bonâ fides*?—When an application is made for any land to be forfeited, we generally know what improvements are made upon the land.

478. Do you consider that a selector who has been the subject of previous interrogation a subject for recommending that a person should be deprived of his license for non-residence?—Which license?

479. I am speaking of the subject which Mr. a'Beckett took in hand, in which you recommended them?—Mr. Casey's license?

480. Yes, for non-residence?—I do not think it would be a subject at any time for forfeiture, for the occupation of the land was *bonâ fide*, and therefore non-residence would not be a reason for forfeiting the land.

481. Are you aware of any cases where Crown grants have been issued to selectors, although they had not complied with the residence condition?—I do not recollect individual cases now, but no doubt there have been a few.

482. You have no doubt of that?—No.

483. Was not the issue of such grants a breach of the law?—They may have cultivated a considerable quantity of the land.

484. Residence is one of the conditions?—Residence or cultivation and fencing.

485. It is not the 42nd clause I am dealing with?—That is another thing. I was quite under a misapprehension; I thought you were alluding to the 42nd clause.

486. Are you aware of any case where Crown grants have been issued to selectors, though they have not complied with the residence condition?—I do not know of any.

487. Can you find out and let the Committee know to-morrow?—It would be better that that duty be imposed upon the chief clerk, because he has the books; I have not got the custody of them.

488. Then, if such has been the case, do you not consider it is a breach of the law if a Crown grant has been issued, where non-fulfilment of the residence condition has occurred?—It would be perhaps a breach of the letter of the law, but it might not be a breach of the spirit of the law. If the person who has got this land had previously selected land adjoining, and had a *bonâ fide* residence upon such land, and had put valuable improvements upon the adjoining land; I think it would be very hard if that man's land were forfeited, if he were not allowed to get his title to it.

489. Are you aware that, in the Order of the Governor in Council of 1st February, 1870, the following is inserted in the form of license:—"This license will become null and void in case the licensee shall not occupy the allotment by residing thereon in his own proper person"?—Yes, I am aware of that condition.

490. Are you aware that in the Order in Council of 26th May last the clause requiring personal residence is left out?—There has been a modification of the form of license.

491. Are you aware, I ask, that it is left out?—I would like to see the regulations myself—[*The same were handed to the witness*].—Yes.

C. Hodgkinson,
continued,
13th Nov., 1873.

492. Were you aware of that—that the clause requiring personal residence is left out in this Order of Council of 26th May last?—Yes, I see it is so.

493. Can you explain to the Committee the reason for this omission, or point out the law authorising it?—I cannot. I presume—I presume the Ministerial head of the department deemed it desirable to leave it out.

494. Did you never observe it before?—I was aware of the modification, but I wished to refresh my memory by seeing exactly how it was worded.

495. It seems to me a subject of this importance should not have left such a light impression on your memory. It appears to have made a complete change in the system under which the licenses were heretofore granted before the 26th of May last, and certainly such a thing of so much moment ought to have made a more lasting impression upon the head of the department, than to think it is a mere casual thing that came in his way and is forgotten. Have licenses been issued to persons who made their selections prior to 26th May last, since that order was promulgated of a different tenor to the licenses originally issued to them?—When they were issued in the form prescribed by the regulations.

496. Can you not answer my question more definitely? Have licenses been issued to persons who made their selections prior to the 26th May last, since that order was promulgated of a different tenor to the licenses originally issued to them?—Made what selections?

497. Who have made selections prior to the 26th May last—prior to these regulations of 26th May coming into force?—Any licenses issued would be in accordance with the form of license in existence at the period when they had to be issued.

498. Have you changed the form of license since the 26th May last?—Yes, the form of license has been somewhat changed.

499. In what respect?—I have not come prepared to answer these questions, and my glasses do not enable me well to see this print. The principal alteration is the 7th condition, enabling any holder of a miner's right to go upon the land. It says, "Any holder of a miner's right may at any time, with the written permission of the Board of Land and Works, enter for mining purposes, and mine upon the land in respect of which this license is issued, or such part thereof as the Board may by such writing allow, making such compensation to the licensee for the improvements (if any) effected thereon, and for the license and other fees paid in respect thereof as may be agreed upon between him and such licensee."

500. That is not the point I speak of at all?—Perhaps you would mention what point it is.

501. The point is, the difference in that residence clause?—In which condition?

502. In the regulations between the 26th May and those previously issued?—The first part of regulation 4 is different. In regulation 4 of the first set it states:—"This license will become null and void in case of non-payment of the fees, or any of them, in accordance with the conditions herein mentioned, or in case the licensee shall not within six months after the issue of the license and thenceforward during the continuance thereof occupy the allotment by residing thereon in his own proper person." The 4th condition of the subsequent regulations says:—"This license shall become null and void in case of non-payment of the fees, or any of them, in accordance with the conditions herein mentioned, or in case the licensee shall not within six months after the issue of the license and thenceforward during the continuance thereof occupy the allotment."

503. *By Mr. Mitchell.*—The resident condition is struck out in the second?—Yes.

504. By what authority?—These regulations are passed by the Governor in Council.

505. *By Mr. Campbell.*—Are they in accordance with the Act?—I really must, with respect, beg to decline to answer questions upon legal points—those regulations are framed by the Ministry.

506. *By Mr. Mitchell.*—You can tell us this, at any rate, that persons hold land now under the Land Act 1869 under two different forms of licenses?—Yes.

507. At the present moment?—Yes, that is the case.

508. Can you point out anything in that Act—in the Act of 1869—which authorises such a proceeding?—I respectfully beg to decline to answer this question.

509. I insist upon having an answer—can you point out anything in that Act authorising such a proceeding?—No, I cannot.

510. *By Mr. T. T. a'Beckett.*—Are all those selections at Nepean made under the 42nd section?—Yes.

511. *By Mr. Simson.*—Then it is now recognised by the Lands department that personal residence is not required by the Board of Land and Works in all cases?—No, it is not altogether recognised; but if a person resided on some adjacent land which he had *bonâ fide* improved, and had selected some adjacent land, we would look upon such residence as residence upon the land last selected.

511. And are those the only cases in which you give up the residence clause?—Yes, only where the residence is on contiguous land.

512. You do not give it up where there is no residence at all upon the land?—No, we would not give it up where there is no residence at all.

513. And that has been done since the 26th May, when these new regulations came into force?—Yes; it would be very hard for many persons who wanted to increase their holdings, to have to move their residence.

514. Then, in fact, it is merely the will of the Minister for the time being, whether these clauses are enforced or not?—Yes, the Minister considers the applications upon their merits, and he is guided very much by the *bona fides* of the occupation.

515. Can the Minister turn a selector out if he does not reside on his claim?—He would be more likely to turn a selector off his claim who had made valuable improvements and was not a *bonâ fide* selector.

516. Has he the power to do it—that is not an answer to my question. I ask, Has he the power to do it of his own free will?—The Board of Land and Works has the power, of which the Minister is President.

517. I am speaking of the Minister now, because a little while ago, you told me the Board of Land and Works really was only the Minister. I ask, can a Minister on his own responsibility turn a selector off his ground merely of his own will for non-residence?—It amounts to the same thing, almost. He is the President of the Board of Land and Works.

518. Can he give him his grant without the consent of the other members of the Board of Land and Works?—No, because it requires two members to make a quorum.

519. Is the Board of Land and Works in fact not a mere sham? I ask the question simply; I wish an answer to it, too?—No, I think not.

520. You say this—The Minister gives you his dictum, and you are there merely to obey it and carry it out. If so, what is the necessity for the two permanent heads of the department to sit on the Board of Land and Works at all?—This would be merely on questions of policy—general policy.

521. In any dispute with the Minister about selections, would you record your dissent if you disagreed with him at a meeting of the Board of Land and Works—would you consider it your duty to record your dissent, if you knew it was in contravention of the Act?—Not when the Minister has announced his policy.

522. That has nothing to do with it. I do not want to know anything about the Minister's policy, I want to know if you would record your protest against the ruling of the Minister, if you disapproved of the action he was taking in any matter coming before you at the Board of Land Works?—If I thought his course of action in any individual case was illegal, I would mention it to him, certainly.

523. Have you ever done so?—I think I have in some cases; yes, I have done so.

524. It is mentioned in the 11th clause of the Act that "the board shall keep an accurate and ample minute of all its proceedings;" could you produce a minute in which you have recorded your disagreement with the Minister?—No, it would not be recorded.

525. It would not be recorded?—No.

526. It says—"The Board shall keep an accurate and ample minute of all its proceedings in such manner and form as the Governor in Council may from time to time direct."

527. *By Mr. Fitzgerald.*—Would it not be necessary, in a case of your disagreeing, that you should minute the same on such an important point as the interpretation of an Act of Parliament, you being one of the members of a board whose presence is legally required to constitute the board. If the Minister's act were contrary to the letter as well as the spirit of the Act, would you not consider it your duty while, as you admit, that you are obliged to obey the ruling of the Minister, would you not consider it your duty to make a formal protest against it as a portion of the proceedings of the day?—No; I have not done so.

528. Then, of course, the logical effect of that really is, that the Board, to use the words of my honourable friend, is a mere sham, and something which has no existence. The Minister is the Board, and those whose presence is necessary to make a legal board are absolutely obliged to obey his instructions; is not that so?—We express opinions on various matters; but I must admit, that it has been the practice with successive Ministers to carry out their own opinions.

529. *By Mr. Simson.*—It has been stated that less than one-third of the selectors under the Land Act of 1869 are residing on their selections; do you know that to be the case?—Not of my own knowledge.

530. You must have some idea of it, as you are the head of the administrative department, and all these things come through you. You must know there are a great many, at all events?—There are a great many; but I cannot say that of my own knowledge.

531. How has that fact been ascertained by the department?—Our bailiffs of Crown lands throughout the country have furnished us with a great deal of information.

532. Do you always act upon the recommendations of those bailiffs?—No.

533. Not always?—No; nor of the district surveyor's.

534. Has the department any other means of obtaining information as to whether each selector is fulfilling the conditions of his license?—We require them to send in a form themselves whenever they apply for the grant.

535. The Crown grant?—Yes.

536. And, if that form is filled in and sent in, is the grant usually issued after that?—If the report is satisfactory, and the information given is satisfactory, the grant would issue.

537. Is that the bailiff's report, do you mean?—If the report of the officer upon the application is satisfactory, the Board of Land and Works would grant the application.

538. What officer do you mean, in this case?—These particular applications, when reported upon by the bailiffs, are minuted for the Board of Land and Works by the chief clerk.

539. Have you no other ways of ascertaining the truth of any of the declarations further than by the bailiff's report?—The bailiff or district surveyor.

540. He also sends in a report?—No; only occasionally, when we have reason to doubt the *bona fides* of a holding, we might perhaps ask his opinion as well as the bailiff's.

541. Is it known to the department there are many persons occupying land to the extent of 1000 acres to 3000 acres, and using such land for the grazing of sheep and cattle only—I am speaking of selectors?—I cannot call to mind any case of that kind at present. There are some cases where families have taken up land together, where, no doubt, they use it for grazing purposes.

542. Exclusively—Have the department taken any steps to resume the land held in such manifest breach of the law?—We have frequently before the Board cases in which forfeiture is recommended for non-fulfilment of the conditions.

543. Recommended by whom?—Very frequently by local land boards.

544. How does the case come before the local land board for forfeiture—How does it appear to come? I thought it was only to consider applications?—We sometimes send these matters to them also. A person up the country says another man is occupying land without fulfilling the conditions. He writes to the Board and makes a statement to that effect. If the letter seems to contain such evidence as to warrant an inquiry, we have the land inspected by a bailiff. If his report shows that the land is not properly occupied, we tell the licensee that he must show cause why his license should not be forfeited, and generally he has to show cause before the local land board.

545. *By Mr. Mitchell.*—Then, that is only in a case where one person wants to take the land away from another?—That would be one case. We may have other cases where our own officers may report that the occupation is not characterised by *bona fides*.

546. Is it known to the department—is it known to you—that there are a number of persons in possession of large tracts of land, in many cases some thousands of acres, they are only using for grazing

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purposes, which they obtained as selectors in their own names and the names of others under the Land Act?—I do not know of such extensive cases as you mention.

547. Can you tell us the largest case you know of?—I do not remember any at present. It is a class of business of the department that does not come much under my own cognisance.

548. Whose?—A gentleman named Mr. Macpherson and the chief clerk.

549. Who is he under?—Macpherson, under the chief clerk.

550. Who is the chief clerk under?—The chief clerk is under me.

551. You are Head of the department and it must all come through you?—Those cases come particularly under the Minister's notice.

552. Not through you?—A matter like that might not come through me. It might come direct to the Minister through the agency of the chief clerk.

553. Do not the bailiffs send in their reports as to whether the people are fulfilling the conditions on which they hold the land?—Yes, but they do not make continual reports; our staff is not sufficiently large, they are not always inspecting land.

554. Have you no such report in the office, that people are occupying land for grazing purposes only when they have taken up the land for agricultural purposes; have you any such reports?—We have so many reports, I cannot say.

555. Have you any such reports?—I dare say there are some.

556. Then, if we had the chief clerk here, he could give them to us?—Yes, I daresay he would.

557. What would you do then?—Make an inquiry into it.

558. You do make inquiry?—Yes.

559. Is there any instance of a man of the farming class having taken up a large selection of land in his name and others being turned out?—I do not recollect such a case at present.

560. There is no case?—I cannot recollect one.

561. Though it is well known that there is dummyism carried on all over the country—is that known to the Department?—It is known to the Department that some persons who are *bonâ fide* selectors in other respects are using the land for grazing purposes.

562. What do you mean by "other purposes"?—Taken up to get his living upon it, and maintain his family upon the land.

563. Then, in the name of one member of his family, he may have 2000 or 3000 acres of land?—No.

564. Do you know of such a case?—I do not recollect of such a case.

565. Do you know anything of the selections by a family of the name of Dewhurst on the Loddon Plains?—No, I do not.

566. Will you ascertain what is the extent of their selections, and let us know to-morrow, and whether you have any report from your bailiffs on that subject. Let us have it to-morrow, if you please?—Would it be possible for the Committee to allow some other officer to furnish it?

567. No. You are the head of the Department?—Perhaps you will allow me to state the reason. For the last week I have been suffering most severely from palpitation of the heart, and it is as much as I can do to sit here at present. I am quite unfit, really, to give evidence here to-night.

568. That is another matter altogether. Most certainly, if we had the chief clerk in your place, it would be a relief to you at once, should we get the same information from him as from you?—If you can get any information from him, I shall be glad if you will spare me coming here again, for I have so much to do, that I cannot get through what I have to do in the office.

569. Shall we get the same information from the chief clerk as from you?—I imagine you would in that particular portion of the inquiry.

570. *By Mr. Campbell.*—I should like to know as to the length of your connection with the Lands Office?—I joined the survey department of Victoria on the 1st of January, 1852. I had been formerly in New South Wales as early as 1839 as a surveyor under Government.

571. Then I should like to know your opinion with regard to the policy of carrying out a land system such as we have had ever since the Nicholson Act—your general opinion as to the policy of the selection system?—

Mr. Fraser.—I should object certainly to that.

The Witness.—I would sooner not give opinions upon questions of policy. I am quite willing to give an opinion upon one point, that I think for farming pursuits to be satisfactorily carried on in this colony, it would be necessary that farming should be combined with grazing, especially in the plains, on the northern portion of the colony. A farmer ought to have sufficient land to have sheep, and by folding them get manure to keep some other portion of his land in heart. Small farms will not be a success in this colony, they will get worked out.

572. *By Mr. Campbell.*—That is with regard to extended area?—Yes. I think, in the northern portions of the colony, extended areas would be advantageous.

573. Do you think it would be advisable that men who already have had selections of the better land of the colony should be put on a par with men who have not yet selected, and be able to extend their selections by 640 acres? Do you think that would be fair?—I would not like to answer the question. If you would allow me, I would sooner confine myself simply to an opinion that, looking at the farming community generally, it would be an advantage to them to get larger farms by selection than at present.

574. With regard to the proportion of lands that have been selected, what proportion of those lands do you think are now in the hands of the original selectors, or how much has fallen into the hands of capitalists or large holders using those men as dummies; make an estimate what proportion of the lands of the colony have passed away?—I really could not. No doubt a considerable portion of the land taken up under the 42nd section has passed into the hands of capitalists, where they have taken up small portions without sufficient money to work them.

575. Do you think that larger portions may not have passed—the pastoral lands may not have passed into the hands of large holders under the Act?—They might, but still I think that the working of a large farm would be so much more profitable; a farm whereon the farmer would have sufficient sheep to make manure.

576. Then, you think it desirable that these small holdings should be massed together and worked more economically?—It depends entirely upon the part of the colony they are in.

577. You know, in the western part large estates have been created in that way through the selections of others?—Yes, the land we have left available for selection is so very inferior to that taken up.

578. I am speaking of the policy of allowing the selections to pass in the shape of dummies into the hands of others. I am asking what proportion of those lands you think have passed away from the *bonâ fide* selectors?—It would be utterly impossible for me to express even an approximate opinion upon that point; for after the land is alienated, we know nothing more about it.

579. I am only asking an estimate, I suppose the rent roll would show?—It is a question that some one connected with the Registrar-General's department would be better able to express an opinion upon.

580. Reverting to that question of the gold-field in the neighbourhood of Point Nepean, which is a very important question, what is the name of that gold-field that those selections were taken up under?—I forget now.

581. Had it a name?—It had at the time, but I have completely forgotten it. It is so long ago now.

582. Was there ever any Commissioner or officer appointed, or any magistrate, or any one to collect the license fees?—No, it did not reach such a stage as that, I think.

583. *By Mr. Sumner.*—How many of those diggers at this reputed gold-field took up under the 42nd clause for selection for residence at Point Nepean as originally intended by the Act for the accommodation of diggers?—How many diggers?

584. How many of those diggers at this reputed gold-field took up land under the 42nd clause for residence at Point Nepean as originally intended by the Act for the accommodation of diggers to your knowledge?—I do not think any diggers. Very few diggers did take up land under the 42nd section.

585. *By Mr. Simson.*—I presume you are aware that, under the 21st section of the Land Act 1869, no person is allowed to select land who under the provisions of any previous Land Act or Acts shall have selected the maximum number of acres? are you aware of that?—Yes.

586. Can you inform the Committee whether there are any cases where, in spite of this provision, persons have been allowed to select land under this Act?—There have been cases where persons have selected land under previous Acts, and have given it up, and been allowed to select again, but those cases have been special; they have been cases in connection with which the parties have satisfied the Department that they took up the land *bonâ fide* in the first instance, and gave it up either finding it liable to floods or else it was so utterly inferior and useless.

587. Are you aware that persons having so obtained licenses forfeit under the same section all right and title to their selections?—Forfeited right and title.

588. To their selections, that is, if they took up land in excess having previously taken up the quantity they could under previous Acts?—They would have to give a portion of it up, but subject to the special circumstances I have mentioned.

589. No, but I speak of a person who has selected the full maximum quantity he could select under other Acts. If he selects again that selection is liable to forfeiture?—That of course would not hold good.

590. Have any such forfeitures ever been made by the Board?—There have been occasions on which selections may have been disallowed, when it has been found out that the applicant had previously selected the maximum quantity.

591. I wish to bring under your notice a particular case—Benjamin Tucker, a selector of over 640 acres under the Duffy Land Act, again applied to select 320 acres in the St. Arnaud district. His application was heard at St. Arnaud, at the local land board, on the 10th of September last, and refused on account of his having selected before, and having sold the selection for his own benefit—has that case come under your notice?—I do not recollect it now. I have taken a note of it.

592. You do not know of it?—I do not recollect the particulars now.

593. You cannot tell me whether it is true that he has been allowed to select land under the present Land Act?—I cannot tell you without referring to the case.

594. Could the chief clerk tell?—I do not know. We have such an immense quantity of cases, that I could not recollect any particular case without reference. I could not possibly undertake to give replies relative to individual cases, as a multitude pass daily under review by me.

595. But this is such a late case, and it is a very singular one. On the 10th September last it was refused by the local land board; since then, it has been heard by the Board here and approved?—Still the fact exists, that I cannot recollect the circumstances of the case at present.

596. Here is the subject matter of it: The members of the board express surprise that such a case should be remitted back to them, as it was clearly against the Act, and they declined to entertain it; so that the case not only came before the Board, but was remitted back to them for a second hearing. Notwithstanding all this, the man got the land, and is now occupying it. This is clearly the work of the Board of Land and Works, irrespective of the local land board altogether. Is it the custom of the department to ignore altogether the recommendations of the local land board in cases of this sort?—The local land board is appointed by the Minister, under the 100th section, not to adjudicate upon cases, but to report to him.

597. They report?—As a general rule, the recommendations of the local land board are adopted by the Board of Land and Works; but there is a proportion of cases in which the Board differs very widely from the recommendation of the local land board, and sometimes they send them back for re-hearing, and in other cases they arrive at totally different conclusions from the local board and grant applications, or *vice versa*.

598. Are you aware of this case at all personally?—I have already mentioned, that I do not recollect the circumstances of the case at present.

599. Who can tell us that?—It could be told to-morrow, on simple reference to the papers.

600. Can you send them to-morrow? we would not wish to bring you here at all, if you are unwell?—Yes, the particulars of the case can be sent.

601. *By Mr. W. A. C. a'Beckett.*—Can you state in round numbers what proportion of the colony is now in the hands of the Crown?—I do not recollect the exact figures at present.

602. But in acres, what can you say—one-third or two-thirds, or any fraction of that kind?—There is such a lot of valueless land not taken up—all the mallee scrub and useless ranges in Gippsland. In regard to the available lands, the greater portion of them are gone; there is much more available land gone than what we have got left.

603. Is there one-third of the colony still left in the hands of the Crown?—There is considerably more than that, if you take the unavailable lands.

604. What do you call "unavailable"? you regard the mallee scrub as unavailable?—Mallee scrub and all those rough stringy-bark ranges in Gippsland.

605. You regard that as unavailable?—Yes.

606. Why?—So useless, it is not fit for settlement.

607. Is not it fine timber and good soil?—Not the country I allude to. There is some very good timber and rich soil in patches on the way to Gippsland, but those patches are so very limited. Gippsland is a very deceptive place; there is a great deal of very useless country there.

608. Do not you think that the Land Bill might contain a clause to enable parties—say professional parties in town, and people who have no land whatever and have town occupations, and wish to obtain a small portion for a *bonâ fide* place—to dwell there, and cultivate and clear the land, and using for residential purposes *bonâ fide*—do you not think the Land Bill might contain a clause to give them it without the risk of dummyism and throwing the land into the hands of the large proprietors?—It might possibly; there would be some risk, if you took the colony generally.

609. I mean, in such a case as where it is shown it would require a great deal of money to comply with anything like the conditions?—Yes, in such country as that.

610. Have there been any cases where, notwithstanding an unfavorable report being given by the bailiff, the Crown grants have been issued?—Under the 42nd section?

611. Yes, or under the 12th section?—Under the 42nd section I think there are a few cases.

612. That, notwithstanding the unfavorable report, the Crown grant has issued?—Yes, there may have been some circumstances represented to the Minister.

613. You think there have—that is your answer?—Sometimes those cases occur. Two or three years ago there were several cases.

614. You mean, the Commissioners took other evidence besides the report of the bailiff?—Yes, took other evidence or some information perhaps from the neighbours of the man showing it was a particularly hard case.

615. He put aside the report of the bailiff—that is what I mean—are there any cases of that?—Yes, I think there have been some cases of that kind, where there has been other evidence.

616. Has the Minister, in any case, dispensed with the full amount of improvements and residence, entirely?—In connexion with the 42nd section?

617. Yes?—Yes, there have been cases.

618. He has dispensed with residence and the full amount of improvements?—During Mr. Grant's tenure of office there were several cases of that kind, in connection with which the licensee had not, perhaps, continuously resided or had not cultivated the full quantity, instead of being all residence and no cultivation, or all cultivation and no residence, there was some of both.

619. He regarded a medium amount of both as satisfactory?—Yes.

620. So far as you know, you say the Minister has, himself, to a certain extent, set aside the letter of the law, and administered the Land Act in its spirit to ensure the *bona fides* of the person to live upon it?—Yes.

621. To use it for his own purposes?—Yes, that has been done by more than one Minister. That principle has been adopted.

622. By every Land Minister, in fact, for the last five or six years?—Not quite.

623. Do you know a place called Terrick's?—Yes.

624. Is it a station or an area?—There is a station called Terrick's, and there are some hills bearing that name.

625. There have been some selections taken place at Terrick?—Yes.

626. Is this within the constituency of the Honorable the Minister of Lands—Mr. Casey?—I do not think it is; I think it is outside. I am not conversant with the electoral boundaries.

627. Is it adjoining it?—I think it must be north of it considerably.

628. A considerable distance from it?—I think so.

629. Are you aware whether in that neighborhood there are persons who have selected were licensees under those clauses—either the 42nd or 12th—who, within the course of about three years, have become possessed of tracts of 5000 acres?—No, I am not aware of any individuals who have acquired such an extent as that.

630. You are not?—Not individually.

631. Are you aware whether it is the law that persons under age of both sexes may select on their own behalf?—No.

632. It is not the law?—No.

633. Is it the custom?—No, it is not the custom; and we do not allow persons under age to select land.

634. You do not?—Not intentionally.

635. Are there any cases where it has been discovered afterwards that they were under age?—There are one or two where it has been shown that, at the time they marked out the land, they were under age.

636. Is the question put to them on their application, whether they are under age?—They make a declaration on oath.

637. That they are what?—That they are over eighteen years of age—that they are the full age of eighteen.

638. Then eighteen is the age?—Yes.

639. You are not aware of any under eighteen?—No. I know of one case where a young fellow selected land under eighteen, but then he made a statement to the effect, that he did not know but what he was the full age; he was seventeen and something—a few months; at any rate, he did not get the land.

640. Are there any cases where a man and his wife and children—some half dozen or so—have selected to the extent of 320 acres close adjoining?—It is very possible that a man and his grown up children may have selected a lot of land near each other and have worked it together.

641. Is the residence of the father, the paternal homestead, as we might call it, accepted as a residence upon the whole of the selections?—I do not know of any case that has reached that stage, of any family

that has been long enough upon the land ; but I do not consider that a family, taking up land in that way, is objectionable. C. Hodgkinson,
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642. In what way, that is by what authority, is the land court constituted—by what Act or Regulation?—It is under the 100th section of the Land Act.

643. The last Land Act?—Yes.

644. And what clause?—It is a clause that gives the Minister authority to publicly hear applications, or any persons on his behalf to hear applications—applications for commons, &c.

645. What style of applications—applications for anything connected with the Land Department—must they all be heard before this land court?—Not all ; but it is imperative that some applications be heard in that way. All applications for the extensions of commons must be so heard, either publicly by the Minister himself or publicly by persons appointed by him ; it is consequently the practice for applications for commons to be heard by Local Land Boards.

646. Does the Minister of Lands refuse to see all persons privately in his room upon any application for land?—Mr. Casey has adhered invariably to that rule.

647. He never entertains any applications privately by himself?—Any person unconnected with the public service who enters his room at any time would be received solely on private business unconnected with the Lands Department at all ; that rule has been most strictly adhered to.

648. Then you are not aware of any person now, within, say, three or four years, who before held no land at all, who is now in possession of a Crown grant to the extent of about 5000 acres?—I am not personally cognisant of such a case.

649. Would transfers be allowed to that extent?—No, not now. The rule for transfer since Mr. Casey has been in office is to grant not more than 160 acres under any circumstances, and then they have to fulfil the conditions.

650. *By Mr. Mitchell.*—We wish to have Mr. Yeoman, the bailiff, here to-morrow at 11 o'clock ; he shall have an order from the House to make his attendance official, but will you undertake to have him sent, and have him found out, that he may be here?—Yes, I will give directions.

651. The usual order will be sent to your office, but of course it will save time if you will have him found in the morning at once?—I will see Mr. Morrah ; I think he is in the building. I felt so very ill this evening, I fear I shall hardly be able to get to the office to-morrow.

The witness withdrew.

Adjourned to to-morrow at two o'clock.

FRIDAY, 14TH NOVEMBER, 1873.

John Yeoman examined.

652. *By Mr. Mitchell.*—What are you?—Crown lands bailiff.

653. What are your duties?—My duty is to do anything the department might set me about.

654. Can you give us a description of what they set you about?—I go round the country on different kinds of business, such as looking after the Crown lands in all its departments, removing things on the Crown lands—sand, loam, gravel, quarrying, and various other things I cannot just now recollect.

655. Is it your duty to ascertain whether the conditions of licenses are fulfilled?—Yes.

656. Is it your duty, whether you are ordered specially or not, or only in special cases?—Only when ordered.

657. You are acquainted with the district called Nepean?—I am.

658. You are acquainted with selections taken up in the names of J. J. Casey, N. J. Casey, and Mr. Murphy?—J. J. Casey, and Mr. Murphy ; the other Casey I do not know anything about.

659. Were you acquainted with the lands of Mr. J. J. Casey in March, 1869?—Yes.

660-1. And of course you were acquainted with the lands in October, 1871?—No ; I have not been on the land since 1869.

662. Did you make a report about these lands, as to the value of the improvements on them?—Yes.

663. When?—I think in 1869.

664. You did not make any report in 1871?—I am not sure whether the report is dated 1871 or 1869.

665. For what purpose did you make a report?—I was sent down by the department to see what improvement was on each of those selectors' lands.

666. Were you sent specially to report on the land of Mr. J. J. Casey?—I was ; it was a special visit I made.

667. When did you make it?—I could not tell without I saw my report ; I am not sure of the date.

668. You did send in a report?—Yes.

669. To the department?—I did.

670. [*To Mr. Morrah.*]—Have you got that report?—I have.

671. Will you give it to Mr. Yeoman?—Yes.—[*The same was handed to Mr. Yeoman.*]

672. *Mr. Yeoman.*—I am only to look with reference to J. J. Casey. This was in 1871.

673. What date?—Eighth day of the seventh month.

674. That is July?—Yes.

675. What was your report?—The Honorable J. J. Casey. James O'Keefe in charge of land, nearly all fenced in with posts and rails. There is a house and stable said to be worth £85 ; I valued it at £33. There are 24 acres under cultivation, 25 cleared for ploughing. A well has been sunk, said to have cost £30 ; I think £20 is nearer the mark. Stock, two cows, one horse, value £25.

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J. Yeoman,
continued,
14th Nov., 1875.

676. Then, in fact, your valuation amounts to £50, irrespective of the land in cultivation?—There is the fencing.

677. I will come to that afterwards. You say, you value the one at £30 and the other at £20?—I value the house at £33—24 acres under cultivation, 25 cleared for ploughing. A well has been sunk, and then there is £20 for the well.

678. How much is that altogether?—£53.

679. Will you tell us what was the amount that ought to have been expended upon the land to the extent of 136 acres under that license?—I presume it should have been at the rate of £1 an acre.

680. It ought to have been £136?—Yes.

681. Was there that upon the land? did you report there was that upon the land?—I did not; but you see I have not valued the 24 acres under cultivation, which I should have done; nor have I valued for the ploughing, which I ought to have done, which would add considerably to the amount.

682. Why, surely, it does not add to the value of the land?—Yes, there is the clearing.

683. Was it cleared?—It could not have been under cultivation without being cleared.

684. Was there timber to take off?—There was the tea-tree scrub running right through it, very thick.

685. Did you report that the conditions of the license had been complied with?—No; that is, my report.

686. You did not?—I did not add anything beyond this.

687. Then, your report is against the conditions having been complied with?

688. *By Mr. Campbell.*—Perhaps it includes cows and horses?—No; I was new at my business at this time. I should not have taken any notice of the cows and the horse; it is not an improvement; stock upon the land is not improvements, for it is liable to be taken away at any time; but I took a cursory view of everything on the land at the time, even to the stock.

689. *By Mr. Mitchell.*—Can you give us the returns of how much land there was, and what ought to have been done?—How much was selected?

690. No; what the extent of the improvements should have been. You knew the land in 1869?—No, it was in 1871.

691. You say you knew the land in 1869?—No; I made a mistake. I was not sure of the date.

692. Then you did not know that 24 acres of land were cultivated within four months after it was taken?—I did not know when it was taken up.

693. You did not know that the conditions had been complied with?—I did not.

694. And did not report that they had been complied with?—I did not.

695. Have you allowed anything for fencing?—No.

696. Should you have allowed anything for fencing?—Yes, I should have done.

697. Was the fence put up by the licensee?—It was being put up when I was there. All the posts and rails were upon the ground.

698. Did those posts and rails belong to the Sanatory Station, or to the licensee?—I was informed by Mr. O'Keefe that they belonged to the licensee.

699. You only had it from Mr. O'Keefe?—Yes.

700. You do not know what the fact was?—No.

701. Then, if it is asserted they did not belong to the licensee, you could not contradict it?—No.

702. Then in fact you do not know that the terms of the license have been fulfilled, and you did not report that they had been fulfilled?—I did not know and I did not report it.

703. *By Mr. Simson.*—Do you value also improvements for the pastoral tenants of the Crown?—No.

704. Is that part of your duty as bailiff?—It might be, but I have never been upon such business yet.

705. You have never been asked to do so?—No.

706. Not in the neighbourhood of Melbourne?—No.

707. *By Mr. Degraives.*—Have you inspected other properties in that locality?—I have.

708. Have you ever known certain fences to be erected on one allotment or block of land to enable parties to get their title to the land, and then to be removed to another allotment?—No, I am not aware of that.

709. You have not heard of it?—I have not heard of it, nor am I aware of it.

710. *By Mr. Mitchell.*—When you make an examination of those improvements, I suppose you are aware that the license is for each separate allotment?—I am aware of that.

711. And, according to law, the improvements would have to be on each separate allotment?—They should be.

712. Do you report whether they are on each separate allotment?—Yes, I do.

713. Did you do so in this case?—No, in this case I was not sent to value the improvements, because there was an application made for purchase. I have never been on such kind of business since nor before that; now, as respects the department, when I go to value improvements, it refers entirely, in most cases, to the value of the improvements done on the land, because the applicant has made application to purchase. At this time I was merely sent down to take a general survey of the value of the selections in and around Nepean, and I did it from Point Nepean to Rye.

714. In fact, you never did report at all upon the application from the licensee to purchase these allotments?—I did not.

715. *By Mr. Campbell.*—Did you measure the land or ascertain the quantity that was in cultivation, or was it a mere estimate?—It was a mere estimate; I saw the land, and I am a pretty good judge of acreage; I do not think persons would take me in more than an acre, if they told me that such and such an acreage was under cultivation.

716. *By Mr. Mitchell.*—Have you the form of license there?—I do not know what is attached to these papers.

717. *By Mr. Campbell.*—Could you give us any idea of what the value of that land may be? is it adapted for cultivation?—At the present time?

718. Yes?—I believe it is very valuable now, I was informed it was worth £50 an acre the other day.

719. Is it land that is adapted for agricultural purposes?—It requires a great deal of manuring and clearing before anything can be done.

720. Is it land that any practical agriculturist would attempt to put under cultivation?—Yes, I should think so, but it would require a great deal of working before it would bear a crop.

721. Plenty of manure?—Yes.

722. I presume its value depends upon its position for buildings?—I presume it does.

723. It has exceptional value in that respect far above agricultural land?—Yes, that is at the present time. In 1871 Sorrento was not thought anything of.

724. *By Mr. Mitchell.*—What was the value of the land in 1871, two years ago?—I believe there was land sold there at £10 an acre.

725. It is worth £10 an acre at any rate?—I should say it was.

726. *By Mr. Russell.*—Is there a gold-field adjacent to this land?—I am not aware; I never heard of it till I saw it in the papers this morning.

727. *By Mr. Mitchell.*—You know Dromana?—I do.

728. What distance is that from Dromana?—About 19½ miles from the jetty by the water; I believe it is nearer by the road.

729. Is Dromana in your district?—It is not.

730. But you know it well?—I know it very well.

731. Did you know of anybody ever working for gold there?—I did not.

732. Do you think there ever was?—I think there has been, from what I saw in the papers.

733. But from your knowledge of the country, you do not think there ever was?—I think it is a very likely place for gold from the look of the country; when I used to go prospecting, I used to go into just such gullies as are adjacent there; I have no doubt there is gold there.

734. You never heard of a license being issued for gold there?—Never.

735. *By Mr. Degraes.*—Have you ever prospected land in the State forest, near Dandenong?—I have been all round that neighbourhood, near Warrandyte and the White Horse road, and all round Nunawadding—the parish of Nunawadding.

736. How long ago was that?—About six months.

737. What value would you put on that land?—The selections?

738. Yes?—Excepting the timber, I do not think the land is worth 5s. an acre.

739. Were the improvements carried out in accordance with the law?—Some were and some were not. I reported upon it, but I really do not remember the particular cases.

740. Do you know whether those who have not complied with the rules and regulations have got their grants or not?—I should think not.

741. You do not know of any that have?—I do not; I know of one in particular that was refused, and the man has put up a house since.

742. What is the value of the timber upon these lands, upon the average of them?—Very considerable; I could not say. I should think it is worth £100 an acre.

743. Fern-tree Gully?—No, not round that neighbourhood; more to the left.

744. I mean the same class of country as Fern-tree Gully?—Yes.

745. And when that timber is cleared, what class of country is it then?—Very poor.

746. Do you think the land is worth £100 an acre for the timber alone?—Yes.

747. How much of that land do you estimate, from visiting that country, has been selected in round numbers?—I should think I went through from 500 to 600 acres, and reported upon it.

748. Suppose you were told there were 6000, would that be out of the way?—I could not give an opinion on that.

749. Upon that 600 acres you saw you think the timber alone is worth £100 an acre?—I should think so.

The witness withdrew.

Alexander John Skene examined.

750. *By Mr. Mitchell.*—You are Surveyor-General, are you not?—I am.

751. What are your duties as Surveyor-General?—General supervision of the surveys of the colony and pastoral occupation of the colony.

752. In fact, you are the head of the department?—Under the Minister.

753. You are also a member of the Board of Land and Works?—Yes, I am.

754. What are your duties as a member of the Board of Land and Works?—To attend in the board-room at the various sittings when the Minister is sitting as President of the Board.

755. Then you have a voice as a member of the Board of Land and Works in the policy of the various measures brought before the Board?—Certainly not—not in the policy of the Minister.

756. Do I understand you aright—that you sit there as a member and have no voice in the measures brought before the Board?—I have no voice whatever in the decision of the matters brought before the Minister.

757. We have already heard that the Board was a sham, but we did not expect to hear anything so outrageous as this—that you sit there as a member of the Board and have no voice in the policy of matters brought before the Board?—I have no voice.

758. It is the most astounding thing I ever heard in my life; then, it is true the Board is a sham altogether?—The members of the Board report to the Minister upon subjects submitted for their consideration, and the Minister then decides, as President of the Board, what course he shall pursue.

759. The Minister sits there as one of the Board?—He is the President of the Board; that is his title.

760. He sits there as one of the Board—as President of the Board, and the members have no voice?—The members have no voice; no matter is ever put to the vote of the members of the Board.

761. Can you tell us the number of the Act constituting the Board?—I do not remember.

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762. I have got the Act now—"There shall be a president of the Board of Land and Works, and there may be a vice-president or two vice-presidents thereof. Any such vice-president may during the absence of the president act in his place and stead, and shall while so acting have the same power as such president if present would have, and every such president and vice-president shall be a member of the Board, and a responsible Minister of the Crown. Every member of the Board before entering upon the duties of his office shall make and subscribe before the Executive Council a declaration in the form contained in the second schedule hereto, and every such declaration shall be kept among the records of the said Council." The declaration is to this effect—"I do solemnly and sincerely promise and declare that, according to the best of my skill and ability, I will faithfully, impartially, and truly execute the office and perform the duties of a member of the Board of Land and Works." Do I understand you aright, that the sole duty of a member of the Board of Land and Works is to advise the Minister?—That I understand to be my duty as a member of the Board.

763. And to perform that duty of advising the Minister you are called before the Executive Council and make that declaration?—Yes.

764. Do not you think that is very extraordinary?—I do not.

765. Do not you think you are as capable of advising the Minister without such a declaration. There certainly must be more duties attaching to the office than that?—I think it might be a still more monstrous proposition that two members of the Board should be able to outvote the President.

766. Now come to the point—You say, it is very extraordinary that two members of the Board should be allowed to outvote the President—are there not cases, and very numerous ones too, where two members of a Board, both of them belonging to the Lands office, advise cases, and of which the Vice-President who sits knows nothing whatever; are there not very many cases of that sort?—Yes, but still—

767. And yet you say it is extraordinary that two members should outvote the President—now you tell us there are cases in which two members advise upon things of which the other knows nothing at all, and he invariably adopts their views?—Not invariably.

768. Can you find an instance in all your records where the Vice-President—not the President—the Vice-President of the Board of Land and Works has over-ridden the finding or recommendations of the two other members of the Board?—I cannot bring to my recollection any case of the Vice-President so acting.

769. And yet you tell me that your duty solely as a member of the Board of Land and Works is to advise the President, and you say that there are cases where two members of the Board in matters of policy, and that you know as a fact, recommend cases involving policy to the Vice-President, who adopts their views—it that a fact?—The members of the Board in such cases recommend according to the policy that the Minister has enunciated as his.

770. That is, they adopt the Minister's policy?—Yes.

771. Then they do advise upon questions of policy?—We advise as to the facts of the case that come before us, and leave it.

772. They advise upon questions of policy?—We advise on certain questions, or points, that we submit to the Minister, knowing what his views upon the subject are.

773. Are there not cases which go before the Board of Land and Works and are heard by the Vice-President—have there not been cases which the Minister of Lands has never seen at all?—Yes.

774. Then we come back to the question—the members of the Board of Land and Works do recommend in cases of policy?—They do recommend to the Vice-President what they would have recommended to the President, knowing what his views were.

775. That is, they try to go as near as possible to what they think his views are?—Yes.

776. Still they do recommend in cases of policy?—In such cases as you mentioned, they recommend to the Vice-President.

777. They do their duty when they do that?—Yes.

778. Then it is their duty to advise in cases of policy?—To recommend to the Vice-President what they would recommend to the President himself, if he were sitting as the President of the Board.

779. Of course it must be, because the Vice-President, in such cases, knows nothing about the matter—he only comes there as a matter of form, as you know, and he accepts the opinions of the two officers of the land department?—Those opinions always being guided by the policy enunciated by the President.

780. That is, they take their impressions from the President?—Yes.

781. Then they do advise the Vice-President on questions of policy?—In the same manner as they would advise the President himself.

782. No, they do not advise in the same manner, because the Vice-President does not attempt to override them—I suppose there are cases where both members of the Board of Land and Works recommend certain things to be done by the Minister, and then they discover that is not his policy?—Our recommendations are not always followed by the Minister.

783. But they are always followed by the Vice-President?—I should say so.

784. Then I come back to what I started with—it is the duty of the members of the Board of Land and Works to advise on questions of policy, and they are sworn to do so too?—Sworn to give our very best advice to the Minister.

785. The member is not to do anything of the sort—he is sworn to do his duty as a member of the Board of Land and Works—that is what he is sworn to do; and now I come back to what I started with. I take that to be your answer, that it is in certain cases, which you yourself have described, the duty of the members of the Board of Land and Works to advise upon questions of policy?—Yes, letting the Vice-President know what the views of the President upon the subject were.

786. I admit all that. Now, I will ask you to take these regulations in your hand.—[*Handing a printed paper to the witness.*]—Have you the records of the Board of Land and Works of the day upon which those regulations were submitted to the Board of Land and Works?—They were not submitted to the Board of Land and Works at all.

787. Those were not submitted to the Board of Land and Works?—Never, formally. They were framed by the Minister, and submitted by him to the Executive Council. I produce the original document.

788. Then, in fact, this document was not submitted to the Governor in Council by the President of

the Board of Land and Works, but by the Commissioner of Lands and Survey?—By the Minister of Lands and Survey and President of the Board; such is his title.

789. And it was never laid before the Board of Land and Works?—Never, formally.

790. Was it before the Board of Land and Works? Have you any record of it in your proceedings?—There is no record of it.

791. I will ask you to look at it again, and read the fourth clause?—“This license shall become null and void in case of non-payment of the fees, or any of them, in accordance with the conditions herein mentioned, or in case the licensee shall not within six months after the issue of the license, and thenceforward during the continuance thereof occupy the allotment, or in case of substantial”——

792. I will not ask you to read further than “occupy the allotment”—Were you aware before that left the Lands office that these words had been erased “by residing thereon in his own proper person”?—Occupation of an allotment is residence in one’s own proper person.

793. Is it—by what law?—By the Statute.

794. Where?—The interpretation clause of the Statute.

795. Will you show me it, because that would be of great assistance to me?—Yes. I have not got a copy of the Land Act here, but it is the Act of 1869, clause 3—“In the construction and for the purposes of this Act the following terms shall, if not inconsistent with the context, or subject matter, have the respective meanings hereby assigned to them (that is to say) the word ‘Governor’ shall mean the person administering the Government acting by and with the advice of the Executive Council. The word ‘Minister’ shall mean the responsible Minister of the Crown administering this Act, or the part of this Act to which the expression refers. The word ‘Board’ shall mean the Board of Land and Works. The word ‘occupy,’ in Part 2 of this Act, shall mean residing on the allotment by a licensee in his own proper person.” And the regulations, in chapter one, fifth clause, “For the purposes of these Regulations unless the context be inconsistent therewith the words ‘Governor,’ ‘Board,’ ‘Minister,’ ‘occupy,’ ‘allotment,’ ‘cultivation,’” and so on, “shall have the respective meanings assigned to them in the third section of the Land Act 1869.”

796. Then the licenses which were issued up to May last contain the words which I have quoted from the Order in Council of 1869, that “by residing thereon in his own proper person;” that is the form of the license up to that time?—Yes.

797. Since that time the license has been issued without that clause?—The license has been issued with the word “occupy” used, which is interpreted in the statute.

798. I beg your pardon, it is not so interpreted, if you issue a license to a man leaving those words out. What it has done is this, the department have issued licenses contrary to the law—that is what they have done; they have omitted what the law desired them to put into the license. If you give a man a license merely to occupy land without declaring, as you did before, that he should reside upon it, you do not mean to say you can afterwards sue him for not residing, merely because you show him an interpretation clause of another Act. When he comes for his grant, he declares he has fulfilled what is in that condition; how can you demand any more from him?—All those licenses are issued under the Act of 1869.

799. They may be issued under what you like, but if you leave out those words, you cannot compel a man to fulfil what you do not put in his lease or license?—The condition of his license is, that he shall “occupy”.

800. Then the Courts will interpret what the word “occupy” really means?—No, the Statute interprets that.

801. We have had it in evidence, and as you were present, you heard it, that at the present moment, licensees under the Land Act 1869, are holding their lands under different licenses?—The form of the license has been altered.

802. Will you tell me, if they mean the same thing, why?—I cannot say why, but though there may be an alteration in the words, the effect is the same.

803. Do not you see you are giving an opinion upon a point of law—I only ask you upon questions of fact?—Very well.

804. You are not to interpret the law?—I only point out to you what the law interprets a certain word to mean.

805. No, you do nothing of the kind—you interpret it yourself, and you say the Department does, when the Minister leaves out those words, there is some other means of making a man comply with them—that is what you say?—I only point out——

806. That remains to be seen in another court. Will you have the kindness to tell us under what circumstances the 42nd clause was extended to Nepean?—To Point Nepean?

807. Yes?—I imagine——

808. The 42nd clause states the licenses shall be issued on a gold-field?—Or lands adjacent thereto.

809. Yes?—The first regulations under that clause extended the operation of the 42nd clause to ten miles of a gold-field.

810. *By Mr. Campbell.*—How many?—Ten.

811. *By Mr. Mitchell.*—Will you show me under the Land Act the power under which that clause was extended to ten miles beyond a gold-field.—No, I cannot.

812. Do you know whether there is any law for it?—I think there is a regulation approved by the Governor in Council.

813. You cannot show me where, under the Land Act 1869, there was any power in the Governor in Council to publish such a regulation or act upon it?—I am not prepared to give an opinion on that point.

814. You do not know of any clause giving such a power?—I do not.

815. Can you give us those regulations?—I have not got a copy of them.

816. I should have liked very much to know whether any Act of Parliament was quoted as an authority for their issue?—I do not think any Act was quoted.

817. Yet Point Nepean was surely a place where the land would be regarded as special land?—Point Nepean is rather a wide phrase.

818. Sorrento then?—Sorrento is rather a valuable portion of land.

819. It was regarded as special land; and would have sold, if put up by auction, for a considerable sum of money, would not it?—Certain portions might have fetched a high price, but taking the whole point together, it is of very indifferent quality.

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820. No diggers ever took up any land there, did they?—Not that I am aware of.

821. Nobody took up lands there and cultivated them to supply any gold-field with milk, butter, or vegetables?—I have never been down upon the Point since the land was selected under the 42nd section. I have never visited the place, and cannot speak of my own knowledge.

822. Then, you cannot tell us why these lands ceased to be regarded as special lands, and were allowed to be taken up as gold-fields?—No, I cannot state that.

823. You say, in the first instance, lands adjacent to the gold-fields are made to include lands within ten miles of a gold-field?—Yes.

824. Can you tell us what a gold-field means?—I am not prepared to define it.

825. Is there nothing in the law that declares what is a gold-field?—I am not aware that there is.

826. Is it in the power of a Minister to put his foot down and say “Here is gold, and any distance within ten miles of this shall be considered as a gold-field.”—Is that in the power of a Minister?—It appears to be a power that has been exercised.

827. Then it was equally in his power to extend the distance to 30 miles?—Yes, which was done.

828. Did 30 miles limit his power—could he extend it further still?—If he could go 30 miles, I do not see any limit to what it might have been extended.

829. You do not see any reason why he might not have gone 300. Then this 42nd clause of the Land Act 1865 was as great a sham to the Board of Land and Works?—That is a matter of opinion.

830-1. Would you have the kindness to give us the records of the Board of Land and Works on the application of Messrs. Casey and Murphy for the land in March, 1869?—Yes.—[*The witness produced certain papers.*]

832. These are not a record of the proceedings of the Board of Land and Works?—These are the only proceedings; a record of the decision of the Board is upon the original papers.

833. Where is the book with the records which according to the Act are obliged to be kept—the books you keep that tell us who was present at the meeting, and who recommended, and all the rest of it?—Those papers will show the recommendation.

834. I want the book?—There is no record, so I understand, in the book.

835. No record—you know we had the book here before?—Those are the recommendations of the Board.

836. Do you mean that, in the book of proceedings of the Board of Land and Works—and we had those volumes here, if you recollect—do you mean there is no record in those books of those transactions?—So I understand.

837. Will you have the kindness to ascertain that fact, if you please?—I will; I understand I have the whole of the papers and documents.

838. I asked for the records of the proceedings of the Board of Land and Works, and that you know is contained in those volumes, some of which we had here before, and which contains the day of meeting, the subject, with recommendations, the approval, and by whom; that is what I want—who is to shew me here, who was President at the time the matter was disposed of, who were the members of the Board of Land and Works who sat?—[*The witness searched the papers.*]

839. I am perfectly aware of all you have got there, but that is not what I want. Who is responsible for making those records in the book?—The Assistant-Commissioner, I should think.

840. You brought the books here before?—Yes, but they are not in my custody; the records of the Board of Land and Works are not under my custody, being under the direction of the Assistant-Commissioner, who is the head of the Administrative branch of the department.

841. But you are equally a member of the Board?—I am a member of the Board.

842. Then we must have those books, if you please?—Yes.

843. Those are what are wanted, and I shall have to defer examining you upon that point without those books. I want to know; the books that we had here before showed the name of the applicant; the recommendation of the Land Board which had entertained the application; the recommendation of Mr. Skene, if it came through his branch, or the Assistant-Commissioner, if it came through his, to the Board of Land and Works; the decision of the Board of Land and Works, and the whole of it; headed by stating who were the members of the Board present. Then we did understand the whole thing, and that is what I want; these are of no use; they would not give us any more than we knew before.

844. *By Mr. Campbell.*—I would like to ask you, whether in taking up land under these new Orders in Council, where the word “residence” is struck out, whether you require residence now?—Certainly.

845. You say occupation and residence is the same—the interpretation is the same—that occupation requires residence?—Yes.

846. Then, has it been the practice to insist upon residence in all cases?—So far as I know, it is the practice to insist upon residence.

847. So far?—Yes.

848. How far?—I know of no instances where residence has not been insisted upon.

849. You know of no instance where residence has been dispensed with?—No.

850. Am I to understand that you do not know of any case where you have dispensed with the condition of residence?—I am not aware; none has come under my notice.

851. *By Mr. Simson.*—Not as a member of the Board?—Not as a member of the Board.

852. *By Mr. Campbell.*—Then, in approving of an application for land, I find, from those conditions, that it is necessary to cultivate one-fifth of the land, or reside upon it under the 42nd section?—Yes.

853. That must be done within four months?—Yes.

854. Supposing a period elapses of two, or three, or six years between the approval and the appraisal of the improvements, what position is the case in then, supposing the applicant has not improved—is the onus of proof thrown upon the applicant that he has improved within the four months—I mean to say, if the applicant applies for land and is approved of, and he is bound within four months to improve it to a certain extent, does the onus lie upon him of proving this, that he has done it within the time?—Yes, he must either do one of two conditions—either reside or cultivate.

855. And he must prove that he has either cultivated or resided within four months?—I should say so, to bring himself within the provisions of the clause.

856. Supposing he allowed a period of one year or two years to elapse before he effected his improvements, or got them appraised, what position would he be in?—His case would be one for the Minister to exercise his discretion in. A. J. Skene,
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857. It is left to the Minister's discretion, then?—Yes.

858. Is there any limit to his discretion?—None beyond the responsibility of the Minister to Parliament.

859. Is he supposed to act in accordance with the existing Land Act of the time?—He must be allowed a certain amount of discretion, for the exercise of which he is responsible to Parliament.

860. It seems to be a very indefinite discretion—is it possible to define to what extent it might go?—No, I would not like to define to any one Minister to what extent he might exercise his discretion.

861. I suppose then, as one of his advisers, you must often feel a heavy responsibility in advising him?—I have never had occasion to advise in any of those matters.

862. I thought it was your duty, as a member of the Board, to advise him, and give him the benefit of your knowledge?—If I am present, and am called upon by the Minister to do so.

863. Is it not the practice of Ministers to call upon you?—Not in respect to the occupation of lands. I have very few occasions indeed to speak to a Minister.

864. *By Mr. Mitchell.*—When licenses are issued under the 42nd clause, the clause limits the extent of each license to 20 acres?—Yes.

865. A number of licenses are issued to make up the quantity—the number of eight licenses?—Yes. First it was limited to four licenses, 80 acres; subsequently the area was extended to 160, at the same time that the distance from a gold-field was extended to 30 miles.

866. Then, supposing a licensee were to receive, say seven licenses, it would not all be lumped into one, would it—he would have seven separate licenses?—At first.

867. At first?—Yes.

868. When would it be lumped—was it ever lumped?—Afterwards, by the Act of 1869, we were permitted to lump those licenses into one.

869. Would you tell me what clause that is?—The second.

870. The second clause?—Yes, it is so; it is one of those things that must have been passed—it is amongst a lot of other things. May I be allowed to correct something I did not thoroughly explain. The applications, I find, under the 42nd section, were not at any time submitted to the Board of Land and Works; they were dealt with by the Minister.

871. May I ask you to repeat that?—The applications under the 42nd section were not submitted to the Board of Land and Works; they were dealt with by the Minister, not by the Board.

872. Not before the Board? But all those papers which you hold in your hand—those applications of Mr. Casey and others—they have been before the Board?—They have been before the Minister.

873. Have they not been before the Board?—It would appear not.

874. Would you look again. Have they not been before the Board at all?—No, they all appear to have been dealt with by the Minister, on the advice of one of the members of the Board.

875. But those licenses must have been issued by the Board?—Licenses are recommended by the Minister.

876-7. But they must have been issued by the Board, according to this clause?—Signed by the Governor, I think.

“And the Board may to every person holding or at the passing hereof entitled to a license to reside on or cultivate any lands on any gold-field, or lands adjacent or heretofore dealt with as being adjacent thereto, under the 42nd section of the Act, numbered 237, renew and for such purposes issue yearly licenses, whether the total amount thereof be in excess of twenty acres or not.”

878. That is the Board, not the Governor?—Yes; that is under the present Act.

879. 1869?—Yes; but those applications were under the Act 1865.

880. But with regard to some of them in 1869, after 1869 the licenses were issued for 136 acres?—Yes.

881. That would be a single license?—A single license.

882. That could only be issued by the Board?—Yes, of course; any license under the Act of 1869.

883. Then there must be a record of the Board's proceedings on it?—That would issue as a matter of course.

884. How as a matter of course?—A single license shall issue instead of a number.

885. But by the Board—the Act says by the Board, not by the Minister; and, therefore, I come back to what I said before; there is a record of them, I suppose? If Mr. Morrah went to the office he could bring us those records, could not he?—If there are any records, they could be brought up at once.

886. Am I to assume that those licenses have been issued contrary to the provisions of the Act—that they have not been issued by the Board?—I am not prepared to state in the absence of the minutes of the Board.

887. Will it take any time to ascertain if it is a fact? for it is one of two things—either a record of the proceedings of the Board has not been kept as required by the law creating the Board, or the licenses have been issued by another authority than the Board, if there is no record of them. If it will take any time of course we will leave it?—Mr. Morrah is better able to give evidence as to the administrative branch of the department than I am.

888. How can he, if he is not a member of the Board, nor present at their sittings?—I am not present once a week, perhaps.

889. But still you are a member of the Board, and can tell us what is the practice of the Board; Mr. Morrah cannot?—He prepares the papers for the Board.

890. We want the facts from the members of the Board of Land and Works as to what records are kept by them, and only from a member of the Board can we get that. Let me ask again, if Mr. Morrah cannot go to the office and fetch the documents? In the case of Crudden we had all the books here; that was under the 42nd clause. We want to know why some cases should go before the Board and some not; the law requires that all cases should be there?—Mr. Morrah assures me there are no such records to be had.

891. No such records?—No such records of those 42nd section applications.

892. But the applications under the 42nd clause are dealt with without going before the Board at all?—Dealt with by the Minister, upon the recommendation of one of the professional heads.

A. J. Skene,
continued,
14th Nov., 1875.

893. And the licenses are issued by him?—The licenses are issued by the Governor under the 1865 Act.

894. The Act says that the Board shall issue them?—The Act says that the Board shall issue the consolidated licenses, but those original licenses are issued by the Governor.

895. Is the license there for 136 acres to Mr. J. J. Casey?—There is the application here; of course the license would be with the licensee.

896. But was there a license issued for 136 acres? Will there not be a record, if a license was issued for 136 acres to Mr. J. J. Casey? Will there not be a record of it in the proceedings of the Board of Land and Works?—There is a record here of Mr. Henry Morgan Murphy having received seven licenses for the Honorable J. J. Casey, and four for himself on the 2nd August, 1869.

897. Second May, 1869?—2nd August.

898. Seven licenses for whom?—For the Honorable J. J. Casey, and four for himself.

899. Then were those licenses afterwards consolidated into one for each party?—I cannot speak of my own knowledge.

900. Do not those papers show?—There is nothing in the papers to show that they were.

901. *By Mr. Simson.*—Is there any recommendation attached to those papers?—The recommendations are all here.

902. *By Mr. Mitchell.*—But the applications for these allotments were in March, 1869; according to that the licenses did not issue till August following?—Yes, it would take some short time to prepare the licenses.

903. Will you give us the particular facts as to when the licenses issued to those gentleman?—The licenses were received by Mr. Murphy on the 2nd of August, 1869.

904. They were issued then at that time?—They were issued at that time. Mr. Murphy gives here a receipt for the licenses.

905. But when would the license be dated?—The license would date back to the date of the approval of the Board.

906. Of the Board?—The approval of the application.

907. The license would?—It would date back to that.

908-9. Then would the Board assume under the 21st section, I think it is, of the Land Act, which empowers the purchase of those lands, and which prescribes that the licensee shall have been in occupation of the land for at least two and a half years; would that two and a half years date from the date of the license?—Yes.

910. From the date of the application?—From the date of the license.

911. Though the person was not in occupation of the land till the license issued?—From the date of the license.

912. Then in fact the licenses were ante-dated?—They were not dated on the day of their issue.

913. So that, in this case of license, five months passed between the application and the license?—And the issue of the license.

914. And yet, when the law requires that the applicant shall have been in possession of the land two and a half years, it would be assumed he had been in possession five months before he got the license?—Not quite that; the license does not date as of the day on which the application was made, but as of the day on which the application was approved.

915. Can you tell us that then, when this application was approved?—The license would be dated as of the 1st of March, 1869.

916. But when was the application approved?—That is the approval by the Governor, the 6th March, 1869.

917. The application was only received on the 1st March, 1869?—I am wrong, it is the 22nd March, 1869, it was approved of by the Governor and the license dated from the 1st of March; the applications were made at Schnapper Point or the local land board or commission on the 7th December, 1868.

918. Then when did the consolidated license issue for the 136 acres?—No such license has issued, I am told.

919. There was no such license as that?—No.

920. Then we come back to this; no consolidated license in this case having been issued, the licensee was bound to fulfil the conditions upon each license?—Yes, of course he was.

921. Which required him to have in cultivation one-fifth of the land occupied?—Yes.

922. Then each person, when he sent in his application for his grant, stated that he had fulfilled the conditions of his license. That is the form of the application?—The application runs in this form:—“Having, upon the Crown lands specified in the margin hereof, held by me under license under the 42nd section of the Amending Land Act 1865, erected buildings or other improvements, and having been in possession of the said Crown lands during a period of at least two years and a half,” and so on. There is a piece of paper pasted over a portion of this.

923. It is the usual form?—Yes.

924. We know the applicant makes this declaration, but is not it after he has fulfilled the conditions when he applies for the grant?—Yes.

925. Then the Board has to be satisfied; according to the 31st section, it has to be proved to the satisfaction of the Board that buildings and other things have been done upon it, and then the grant may issue?—Yes.

926. Was it done so in that case?—The Board must have been satisfied, or the Minister must have been satisfied.

927. No, the Minister would not do; the grant must have been issued contrary to law, if it was only the Minister?—The endorsement on this application is “Bailiff’s report submitted to the Board of Land and Works,” signed by Mr. Morrah, and bears then the stamp of the approval of the Board on the 18th of October, 1871.

928. We can have those books at any rate?—Yes.

929. We shall want the case of Tucker, too?—I have Tucker’s case.

930. We shall want the records of the Board of Land and Works in regard to Tucker and Dewhurst?—Dewhurst’s I have also.

931. Have you the records of the Board of Land and Works?—I have the Local Land Board schedules.

932. No, we want the records of the proceedings of the Board of Land and Works; can Mr. Morrah readily send for them?—I will have all the papers for you.

933. *By Mr. Campbell.*—What is your opinion in regard to the working of the present Land Act? I wish to know whether you are aware that a large proportion of the lands that have been selected have gone into the hands of capitalists and large holders?—I think not under the present Act, so far as my knowledge of the present Act and its working goes.

934. Not so much as under the Acts of 1865 and 1862?—The Act of 1860, I think there were somewhere about 550,000 acres selected that went principally into the hands of large proprietors.

935. That was under the Duffy Act?—No; the Nicholson Act.

936. But, under the Duffy Act, dated 1862?—Yes; under that Act of 1862 there were about a million and a half acres selected, the greater portion of which went into the hands of large landed proprietors.

937. How did you ascertain the proportion of the quantity that went in?—I have no official knowledge, but from my own personal knowledge of the surroundings of the country, I came to that conclusion.

938. Then you think a very large proportion of those selections went into the hands of capitalists?—Yes.

939. At what price were those lands disposed of by the State under the Act of 1862?—At £1 per acre.

940. Was not there a term of credit given?—Yes, 10s. cash and 10s. by instalments.

941. Then, it would be scarcely the value of £1 an acre, taking the value of the credit given in the payments?—About 16s. 8d. or 16s. 10d. an acre.

942. What might those lands now fetch generally, if they were in the market and put up to auction?—They vary considerably in value from £3 perhaps to £5 10s. or £5.

943. An average of about £4 perhaps?—That is perhaps a high average.

944. In that case it would show a loss to the State of about £3 an acre?—I do not know that the State would have got £3 an acre if they had been put up to auction at the time they were selected. I doubt it very much.

945. But, if they were put up by auction now, they would realize that, according to the current rates of the day?—I question very much if it would, put up in small allotments of 200 or 300 acres, and then to compete for each allotment, I do not think the land would fetch that price; but a large estate put up at private sale would fetch that.

946. You therefore think that land put up in large quantities would realise a higher price than if put up in small quantities?—Yes.

947. And I suppose the expense of surveys in putting up large blocks would be much less than in disposing of it in small lots?—No doubt of it.

948. Cutting it up?—Yes, a large block of land would be much less in proportion than if it were subdivided into numerous allotments.

949. Your lands have been generally measured into lots of 160 acres?—No, they vary from 80 acres to 640 acres.

950. Do you ever sell any lots as large as 640 acres now?—Not very recently. I should say the largest would be 400 to 450 acres.

951. I want to advert to one other point, that is, with regard to the power of the Minister in defining a locality as a gold-field, or in the vicinity of a gold-field—I understood you to say there was no limit to the distance—he could extend the distance from 30 to 300 miles?—It lies in his discretion to do so, being responsible to Parliament for his action.

952. Under what law—under what clause in the Land Act has he such power?—There is no clause in the Land Act for it.

953. Then is this a power he has assumed himself?—It is a power that he has exercised under regulations approved by the Governor in Council.

954. Regulations framed by the Governor in Council, I presume?—Yes.

955. Which means, I suppose, the Minister of the day himself. Could you point out what those regulations are that give him this power?—The regulations are published in the *Government Gazette*. I scarcely recollect the dates of the various regulations now, but they were duly approved by the Executive and published in the *Gazette*.

956. There was no such power given him under the Land Act?—No, not under the Land Act. Those regulations were laid upon the table of the Houses of Parliament, and received a quasi-sanction from them.

957. Was that Order in Council or regulation proclaimed in May last, dispensing with residence, submitted to Parliament?—I have no doubt it was.

958. Have you any knowledge that such a paper was presented to Parliament?—I have no personal knowledge.

959. What is your opinion?—I am under the impression that they would, as a matter of course, be laid upon the table.

960. *By Mr. Fitzgerald.*—You said about one and a half million of acres, originally selected under the Act of 1862, have passed into the hands of capitalists?—No. I stated that the total selections under that Act were about one million and a half, a large proportion of which passed into the hands of capitalists.

961. As far as you know, were those lands situated principally in the Western district?—Principally.

962. Where, I believe, some of the best agricultural land in the colony is found?—Some of the best.

963. *By Mr. Degraes.*—Are you aware that there are a great many small companies, ranging from ten to twenty owners or selectors, that have been selecting land within this last twelve months, say between the Goulburn to the east and the Loddon to the west; and if it is so, are you aware of it?—I am aware that a very large extent of land has been selected under the present Act in the locality you mention.

964. And are you aware that they are clubbing together in companies, so as to do away with either the cultivation or the residence; and, if they fence in with a ring fence, are you, as one of the Board, prepared to give them a title to the land when they have complied with the payments?—I may mention

that, very recently, I was through that portion of the country, and saw the character and nature of the selections that were made there, and how they were being occupied, and I must say, they were being occupied in an exceedingly *bonâ fide* manner—cultivation, fencing, building, and everything that could be required of a *bonâ fide* selector.

965. Supposing you were informed that in some instances 5,000, 7,000, and even 10,000 acres of land were being fenced in, and some had been fenced in and are now in the occupation of one or two persons, would you, as one of the Board, be prepared to cancel those selections?—It is a power that would have to be exercised by the Minister.

966. Then you have no power in that respect—the Minister could grant it, and you could not interfere?—If the Minister chose to exercise that discretion, I could not interfere.

967. Take, for instance, any run on the Loddon or the Avoca, where the present tenant under the Land Bill has paid his license, you have received the license money and yet you take the license from the second tenant, is that the fact—would you, as one of the Board, do that for the same land?—I scarcely comprehend the scope of the question.

968. I say, A has got a station he bought two years ago under this Land Bill; he has paid his license money; you have received it by the Treasury?—Has paid his pastoral license?

969. His pastoral license. B selects with his friends and others a portion of that run, say 10,000 acres, you receive his deposit of 1s. an acre?—Yes.

970. What is he then but a second tenant?—A pastoral license expressly upon the face of it states that that license is not to prevent the land or any portion of it embraced under that pastoral license being dealt with under Part 2 of the Act. The pastoral tenant, I may mention, also does not pay pastoral rent in advance, therefore he has always the opportunity, one month before the settlement of his pastoral rent, due for the six months ending _____, an opportunity of representing his case to the Board, and obtaining a reduction of his pastoral rent, commensurate with the extent of land that has been taken up by selection on his run under Part 2.

971. Then, is it in your power to do away with that man's right in the Minister's power—could you, as one of the Board, do away with his tenant's right?—I must confess I scarcely comprehend.

972. Can you do away with the tenant's right—the pastoral tenant's right—upon your decision, upon your will as the Surveyor-General?—Certainly not.

973. Can the Minister of the day do it—the Minister of Lands?—The Minister of Lands may sanction the issue of a 19th section license over any pastoral license.

974. But can the Minister of Lands sanction the taking up of any run on your run to give to another person who is not going to cultivate and is not going to reside, without compensation to the pastoral tenant who has invested all he has got?—If a man stated that he would neither cultivate nor reside, certainly I think the Minister would not be justified in taking the land from the pastoral tenant.

975. Suppose he take it up under false pretences—that he does intend to cultivate, and does not reside, what would you do then, as Surveyor-General—would you forfeit his land?—I could do nothing as Surveyor-General.

976. Could the Minister do so—do you think he would?—If any case were represented to the Minister that a selector was not complying with the conditions of his license, he would very likely be called upon to show cause at some local Land Board, or before the Minister himself, why his license should not be forfeited for non-performance of the conditions.

977. Let me understand you. Supposing now, within the last six months or twelve months, some 200,000 or 300,000 acres of land had been swallowed up by selectors who were fencing in the land in blocks of 5,000, 10,000, to 15,000 acres, with no intention whatever of cultivating; would you, as Surveyor-General, recommend the forfeiture of that land?—I believe the conditions of the license would be satisfied if the man performed the cultivation during the last year.

978. Suppose he did not do it during the last year?—I should say he would not have fulfilled his conditions.

979. Would you, as Surveyor-General, recommend his license to be forfeited?—If the matter was submitted for my opinion by the Minister, I should certainly recommend his forfeiture.

980. If you recommended it, could the Minister give the man his grant?—I should place no limit on the discretion of the Minister.

981. Then he could do it?—If he were inclined to take the responsibility upon his shoulders.

982. Supposing facts come under your notice in the next three or four months, that a man had had possession of land for three years, and neither resided nor cultivated; would you, as Surveyor-General, be one of the Board to forfeit the land; can you take away the tenant's right?—I certainly would not be the person that would recommend the lease being issued to such a person, if such a case were submitted for my recommendation.

983. Then you would be a party to cancelling his location order, as it were?—If any case were submitted for my opinion, whether the man had complied with the conditions of his license or not, I would make my recommendations in accordance with the facts. If I considered he had complied with the conditions, I would recommend him; if the facts tended to show he had not complied with the conditions, I would not recommend the Minister to issue the lease.

984. You know Mr. Manifold's run?—I do, well.

985. Do you know that he has lost all his run, or nearly all?—Which?

986. Somewhere near the Terrick?—Yes; I know that the greater portion of that run has been selected.

987. Are you aware that he spent £800 each upon two wells on Government land?—I am aware of one well having been sunk on that station.

988. Supposing you were told there were two costing £800 each?—If the person were able to testify of his own knowledge to the fact, I should take it.

989. Are you aware that he applied for those lands upon which the wells were for himself to purchase them—did he ever apply to you to purchase those allotments?—I would not like to say yes or no. I know he made an application to have a reservation under the 110th section, but whether that was followed by an application to purchase or not, I cannot tax my memory at the present moment.

990. You are aware that all the adjacent lands to those two wells are selected?—I know the greater portion of his run is selected, I do not know the position of the wells referred to, but I know generally.

991. Supposing I say one is here and another is there, and Mr. Manifold's pre-emptive right is down there, and those two wells of no use to him, would you recommend that Mr. Manifold should be refunded the amount of money he laid out on the good faith of his lease?—No, I would not, for the Legislature has provided a remedy for such cases as that, by allowing a reservation around such improvements as are mentioned in the 110th section.

992. What reservation is that?—A reservation of one acre for every pound expended upon improvements, provided always that the total reservation upon any one run shall not exceed 640 acres.

993. Suppose he has selected his pre-emptive right down there, how can he avail himself of those wells?—He gets 640 acres in addition to the pre-emptive rights.

994. Then this man has to lose the benefit of his wells, and it is to go to free selectors, though, as the pastoral tenant, he has to have it for ten years till required for agriculture by the Government?—That is the case; his license is till it is required for other purposes.

995. I suppose no lands in the interior can be surveyed for selection without your knowledge?—It comes to my knowledge ultimately. I may not be immediately informed.

996. Do you know of a tract of land somewhere near Marysville being surveyed now, or about to be surveyed?—I am not aware of any lands near Marysville being applied for, they may be applied for now; but until the surveys came in, I would not be aware of the fact.

997. Do you know the lands I allude to, about three or four miles from the township; very rich soil?—I know the general locality of Marysville, but I know of no special surveys there at present.

998. Is it a state forest, or is it the usual rough country?—I really could not say.

999. *By Mr. Russell.*—Have all applications for pre-emptive sections been granted?—I think so, so long as the statute allowed such pre-emptive rights to be exercised.

1000. Have there been no applications since?—There have been a number of applications by men who did not avail themselves of the facilities offered to them by previous Acts; they are now making application for their homesteads to be put up for sale.

1001. Has Mr. Wood Beilby made an application for his pre-emptive section?—Yes; there has been a large amount of correspondence upon that; it is a very vexed question as to his rights.

1002. Has it been refused?—I would not like to say, unless I had the papers before me. There has been so much correspondence upon the subject, I would not like to state what the ultimate decision was without the papers before me. I may say, being a relative of my own, I have studiously avoided having any dealings with the matter in any shape officially.

The witness withdrew.

John Yeoman further examined.

1003. *By Mr. Mitchell.*—It appears, from the evidence of Mr. Skene, that these different licenses issued in regard to Mr. J. J. Casey's land were never consolidated. The condition of each license therefore would be as follows: "The licensee is required to reside upon the land during the continuance of this license, or within a period of four months from the date hereof, to enclose the same with a proper fence and cultivate at least one-fifth portion thereof." Now, was that condition fulfilled?—Which condition?

J. Yeoman,
14th Nov., 1873.

1004. The condition that each allotment of land, twenty acres, should be enclosed with a proper fence and one-fifth of each cultivated?—There was more than one-fifth cultivated with reference to the number of acres that I went to value in 1871.

1005. That is not the point. This is the form of each license?—I may inform you that I had not anything to do with this land since 1871.

1006. No, it is 1871 I refer to; I want it at that time?—I do not know the number of acres, but just what is here.

1007. These allotments were all in one continuous piece, I presume?—They were.

1008. Then, in fact, that could not have been complied with; one-fifth of each licensed lot?—I should say not.

1009. Each lot was not enclosed with a substantial fence, was it?—No.

1010. Read that, if you please—[*handing a paper to the witness*]?

[*The witness read the same, which is as follows*]:—"Application for Purchase.—Having upon the Crown lands specified upon the margin hereof, held by me under license under the section of the erected buildings or other improvements, and having been in possession of the said Crown lands during a period of at least two years and a half, and having complied with the conditions of such license, I hereby apply to exercise the exclusive right of purchasing the land on which such buildings or other improvements have been erected, at a price to be determined by the Board of Land and Works, and I apply for the certificate of the said Board, specifying the amount of rent and survey fees paid by me in respect of the said land during the period I have been in possession hereof."

1011. Then, if any person signed such an application as that, declaring that he had fulfilled the conditions of each separate license of the 136 acres, that statement, so signed, would not be correct?—Referring to any particular person.

1012. I say, any person signing that—he states here that he has fulfilled the conditions of the license?—If he had not fulfilled them, it would not be correct.

1013. You say, he had not?—Who?

1014. In regard to those seven separate licenses?—I should say, not.

1015. Therefore, you would say, that any person signing that declaration would not be correct?—Under any similar circumstances, it would not be correct.

1016. *By Mr. Simson.*—You say, when you inspected those allotments at Point Nepean, there were about 24 acres under cultivation?—Yes.

1017. What kind of crop had they on them?—I do not remember now—it was ploughed—we call it under cultivation when the land is cleared and ploughed.

1018. You did not notice the crops upon it at all?—The department does not recognise crops at all, inasmuch as a crop can be taken away; if it is worth £40 it could be sold in the market.

1019. You do not know what was upon it?—It was ready for cultivation—some crop had been grown upon it I believe before that.

The witness withdrew.

A. Morrah examined.

A. Morrah,
14th Nov., 1878.

1020. *By Mr. Mitchell.*—You are chief clerk of the Department of Lands and Survey, are you not?—Yes.

1021. Are you in charge of the documents connected with the Board of Land and Works?—No.

1022. What are your duties then?—I have the superintendence of the sale and purchase of land, and a considerable portion of the correspondence and the controlling of the revenue, and so on.

1023. And the occupation of land?—Of the agricultural occupation, not of the pastoral occupation.

1024. Do you prepare documents, then, which are to be sent to the Board of Land and Works for their approval?—Yes.

1025. You have the records of the proceedings of the Board of Land and Works here?—Yes.

1026. Will you have the kindness to turn to the application of J. J. Casey for the purchase of 136 acres of land at Sorrento, Point Nepean?—Yes, I have it here.

1027. Who were the members of the Board who were present and who presided?—The President of the Board and the Assistant-Commissioner of Lands and Survey.

1028. Those two?—Those two—Mr. Hodgkinson.

1029. Who was the President?—Mr. Grant.

1030. Will you have the kindness to turn to the application, and tell us what the record is?—The Honorable J. J. Casey applies under section 31, Land Act 1869, to purchase land in the parish of Nepean. The remark is—"Crown lands bailiff's report submitted." The decision is—"Application approved.—J. M. G."

1031. Have you any means of knowing whether the Crown lands bailiff's report referred to there is the one we have already had submitted to us by the Crown lands bailiff?—Yes, it is the same.

1032. Have you any means of showing whether it was an application under a consolidated license, or under a number of licenses?—It was not a consolidated license.

1033. Then the applicant, I suppose, the papers being complied with, would have had to sign that form of application?—Yes, schedule G.

1034. He would have to sign seven of them, would not he?—No, one; that is the practice.

1035. How can it be the practice?—It has been the practice.

1036. But if a man wishes to purchase seven allotments, each held under a separate license?—It has been the practice to treat them as one block.

1037. Yes, if he has a consolidated license?—Under all circumstances, if the allotments join.

1038. You say this refers to this particular license, and he states that he has fulfilled the conditions of that particular license?—It has been the practice to allow them to apply for the whole in one form.

1039. Then it has been the practice to record the Crown lands bailiff's report as if he had certified that the conditions had been complied with, though they had not?—No.

1040. Then, this is only a special case where the Crown lands bailiff has not certified that the conditions were fulfilled, and yet the record there is as if he had examined the improvements and certified to their being in accordance with the conditions of the license?—The Crown lands bailiff never does certify that the conditions have been complied with; he reports the improvements for the information of the Board.

1041. Then, the Minister and whoever may be on the Board issue the grant as they please, without inquiring whether the condition has been fulfilled or not; they can do as they like?—Yes.

1042. And the practice has been, that they do as they like, without inquiring whether the applicant's statement is true that he makes, in fact?—Yes.

1043. And though the Crown lands bailiff certifies that the condition has not been fulfilled?—The Crown lands bailiff has not so certified in this case.

1044. Is it any part of your duty, or do you recommend whether grants should issue or not?—Under the 31st section?

1045. Yes?—Yes.

1046. You do?—Yes.

1047. Did you recommend in this case?—No.

1048. It passed through your hands without recommendation?—I merely submitted it.

1049. Though the Crown lands bailiff did not report that the conditions had been fulfilled, yet the Minister at the Board, and with a member of the Board, ordered the grant to issue; those are the facts?—Yes.

1050. Now I come to Mr. Tucker's case. There was an application by a man of the name of Tucker?—Yes.

1051. Which was referred to the Land Board at St. Arnaud?—Yes.

1052. The Land Board ascertained that this man had already selected all the land to which he was entitled under the existing land law—is not that so?—Yes; the Local Land Board did not recommend it.

1053. What is the report of the Local Land Board—will you read it?—"Benjamin Tucker, farmer, Evansford, selected 616 acres under the 12th section, Land Act 1865, which he used for a grazing farm; used site for one and a half years, when his cattle died of pleuro-pneumonia; advertised site for sale, and eventually sold site to a Mr. Murson, to whom he sold site for 27s. 6d. an acre all round. The purchaser was to pay balance to the Crown; spent from £300 to £400 on improvements. Sold for £847."

1054. What do they recommend?—"The Local Board is of opinion that there are no objections to the occupation of the land, but that no sufficient reasons have been given to entitle applicant to select again."

1055. In fact, he was debarred by the Land Act 1869, was not he, from selecting again?—That is a matter for a legal opinion.

1056. I will read you the clause—"No license shall be issued to any person who, under the provisions of any previous Land Act or Acts shall have selected the maximum number of acres allowed by this Act." The maximum allowed by this Act is 320 acres, and this man had 616 and sold at 27s. 6d. per acre?—Yes.

1057. Then, according to law, he was doubly debarred from selecting. Now, what were the proceedings at the Board of Land and Works on that?—On the 1st of September, Tucker addressed a letter to the President of the Board of Land and Works, which is as follows:—"In 1862, I took up 616 acres of land in Caralulup—paid for half freehold at once. I almost immediately fenced and improved the same—

the land was poor, only fit for grazing, I put my stock upon it. The following year 73 head out of 78 died from pleuro-pneumonia. I was thus reduced to comparative poverty, and compelled to sell my land. I advertised it for sale in the local paper in March, 1864, and sold some months after to a Mr. C. G. Murson, of Melbourne, bank clerk, in August, 1864. I then leased a farm of 232 acres in the same locality, and have been living there with my wife and seven children since, and am now a tenant farmer. I now, most respectfully, ask permission to select. I am a *bonâ fide* farmer, and well known as such. I have the honor to be, Sir, your most obedient servant, Benjamin Tucker."—Appended to that was a statutory declaration to the effect "That the attached letter marked A is true in substance and in fact," upon that, the Minister granted the application.

1058. Was not it sent back again to the Land Board?—No, I think not.

1059. The local Land Board?—No, it does not appear so.

1060. We were told so yesterday?—I think not, it does not appear so.

1061. Now, what was the proceeding of the Board of Land and Works upon that, the record in the book?—It came before the Minister on the 24th of September, 1873.

1062. I want the Board of Land and Works' record?—This is not the record of the Board of Land and Works.

1063. Did not it go before the Board of Land and Works?—No; the minute is "Application approved. J. J. C."

1064. Then it is a mere matter of fancy on the part of the Minister, whether he disposes of the thing himself, or sends it to the Board of Land and Works?—These schedules are not approved by the Board of Land and Works; the local land boards are appointed by the Minister, and he approves of their proceedings, or disapproves of them.

1065. Then it is very clear that that license was issued contrary to the provisions of the 21st section of the present Land Act?—It is a matter for a legal opinion. I am not prepared to say.

1066. You have got in your hands the statement that, whilst he would not be allowed, having selected even 320 acres, to select again, that man selected 616 and sold the land for 27s. 6d. an acre; if there ever lived a man who had the full benefit of the land laws of the country, surely this man had. Are there any recommendations of any of the officers of the department upon that?—No.

1067. Is that addressed to the Minister?—To the President of the Board of Land and Works.

1068. But he dealt with it as Minister of Lands only?—Yes.

1069. He did not take it to the Board of Land and Works at all?—No.

1070. Are you aware of any other facts in the case at all?—No.

1071. You do not know whether the man came personally to the office?—I am not aware; it came into my hands two days afterwards.

1072. You do not know anything about it?—No.

1073. You do not know whether any person came for him?—No.

1074. There it is in your hands—there are the facts?—Yes.

1075. There are some statutory declarations on his part, and whom are the others by?—There is a testimonial—"We, the undersigned, have known Benjamin Tucker of Evansford as a *bonâ fide* farmer for the last ten years." Signed, James S. Stewart and 18 others.

1076. Who is James S. Stewart?—I believe he is a member of the Assembly.

1077. Have you any record in the Board of Land and Works in the case of a family of the name of Dewhurst?—No, I have not.

1078. Did not they go before the Board of Land and Works?—I think not; I think Mr. Skene has all the papers; it was before the local land board only.

1079. I believe it is the case that a Mr. Dewhurst and his sisters have obtained licenses to occupy land?—There are six applications approved in that name.

1080. Five from the young ladies and one from their brother?—Five from ladies, and one from Mathew G. Dewhurst.

1081. And they are all granted in one lump; is anything known to the department, or known to you, as to the way in which that land is being used?—No, I have no knowledge upon the subject.

1082. *By Mr. Russell.*—Has any application been made by selectors for land which Mr. Beilby Woods has made application for, under right of pre-emption—under the Orders in Council; have those applications been entertained?—I cannot say.

1083. You do not know anything about it?—No.

1084. I thought I saw you prompting the Surveyor-General; I thought you might know something about it?—No, I know nothing on the subject.

1085. *By Mr. Mitchell.*—In the event of it being necessary to cancel any act or deed under the seal of the Board, what is the proper course to take if you cancel a license?—The cancellation should be also under the seal of the Board.

1086. It must be under the seal of the Board, according to the Act?—If the license is issued by the Governor in Council, the cancellation is by the Governor.

1087. Is it always done so?—Licenses are usually cancelled by the Governor; in fact, always are.

1088. Can any one member of the Board act in such a case?—No, one member cannot; the cancellation must be made by the Governor, and not by the Board.

The witness withdrew.

APPENDICES.

APPENDIX A.

MEMO. RELATIVE TO HENRY WATSON'S CLAIM TO OBTAIN A PORTION OF GROUND COMPRISED IN THE AREA HELD UNDER 42ND SECTION OF THE AMENDING LAND ACT BY THE HONORABLE J. J. CASEY.

Henry Watson was entitled, with the concurrence of the Board of Land and Works, to occupy, under a Fisherman's license, twenty perches, comprising the cottage wherein he resided at the foot of the bank facing the beach.

Without the cognizance of the Lands Department he had irregularly used, for gardening purposes, a small plot of ground in the Police Paddock, so far from his cottage as not to admit of any part of such plot being deemed part of the twenty perches comprising his cottage.

When Mr. Contract Surveyor Bage surveyed the land ultimately granted under license to the Honorable J. J. Casey, the small plot of cleared ground alluded to apparently was not noticed by him, as its existence is not shown on Mr. Bage's plan of the land surveyed by him, and is not alluded to in the third column of the application, in which column the Government Contract Surveyor is required to report on the claims of other persons to occupancy of the whole or any portion of the land applied for. Consequently, when the application of the Honorable J. J. Casey was approved by the Governor in Council in 1869 it was not known that Henry Watson had made any use of a plot of ground in the area allotted to the Honorable J. J. Casey, who was informed of approval of his application by the Governor in Council on 4th May, 1869. The Department was first made aware of the irregular occupation of the plot of ground by H. Watson in the Police Paddock by a letter from him dated 28th November, 1870, applying for six acres to comprise such plot.

In this letter, and also in a subsequent letter dated 15th February, 1871, he represented that the Honorable J. J. Casey was not complying with the conditions of his license (which had been issued in May, 1869).

On 20th February, 1871, the Board of Land and Works ordered that Mr. H. Watson (and also another applicant, Mr. Hobson) be informed that it was not deemed expedient to cancel Mr. Casey's licenses for reasons specified in a minute by me dated 12th January, 1871, which minute was as follows:—

"The Honorable J. J. Casey has expended a considerable sum of money on this land, which he obtained with a view to occasional residence thereon during the summer season, for which purpose other land near Point Nepean was also taken up. As a general rule the licensees at Nepean have not fulfilled the condition which requires the cultivation of one-fifth portion of their holdings, and I think it would be very undesirable to compel them to do so, and thereby destroy the indigenous shrubbery (which is the principal ornament to the land) and lay bare the sandy soil which is not adapted for ordinary agriculture."

This decision was communicated to H. Watson in a letter dated 21st February, 1871. In writing this minute, I was no doubt influenced to some extent by my predilection for the very diversified indigenous vegetation which pervades the land at Nepean, and by the opinion consequently expressed by me, years prior to the throwing open of the land for selection under 42nd section of the Amending Land Act, that the clearing away of such vegetation would deface the land.

On March 2nd, 1871, H. Watson sent, in reply to letter to him dated 21st February, a communication containing a statement that, during the tenure of office by the Honorable J. J. Casey, some show of complying with the conditions of his holding was made; but since then there has been almost nothing done beyond the erection of the hut covered with old iron; also that there had been no residence on the land. He also again adverted to his application for six acres of the land granted to the Honorable J. J. Casey.

On this communication I wrote, on 11th March, 1871, the following minute:—

"I beg to recommend that Mr. Watson be informed that, if any land is now forfeited for non-fulfilment of conditions under which it is held, the informer, who gave the evidence or particulars which caused the forfeiture, receives under the Land Act 1869 no preferential consideration with regard to his application for the land so forfeited. Mr. Watson's application cannot therefore be taken cognizance of. Further inquiries will, however, be made to ascertain the nature and value of the improvements made by the Honorable J. J. Casey. I beg also to recommend that Mr. Casey be made aware of this complaint, and be requested to state the nature and value of the improvements made by him on the land in question, and if he has occasionally visited it."

This recommendation was adopted by the Board of Land and Works on 13th March, 1871, and letters were sent in accordance therewith to Messrs. Casey and Watson on the following day.

My remark in this minute, that the informer who gives particulars which cause forfeiture of any land receives no preferential consideration with regard to his own application for such land, was written because, although during the tenure of office by Messrs. McKean and MacPherson as Presidents of the Board of Land and Works, the practice of allowing informers preferential claims to obtain lands forfeited on their representations had been discontinued, it was not generally known that such practice had been suspended, and that no informal applications for lands held under licenses could be taken cognizance of so long as such licenses remained uncancelled.

In reply to letter addressed to the Honorable J. J. Casey on 14th March, he sent on 16th March, 1871, a letter, of which the following is a copy:—

"In reply to your favour of 14th March, I have the honor to enclose you vouchers for the expenditure of nearly two hundred pounds in effecting improvements at Point Nepean. It will be seen from them that I began effecting improvements under the superintendence of the Honorable H. M. Murphy (who at that time volunteered his assistance in that respect) about the month of June, 1869, or within three months from the date of the license, and I believe very shortly after the issue of the license.

"I made the following payments to Mr. Murphy on account of improvements:—

19th July, 1869	...	...	...	£50	0	0
26th October, 1859	...	...	...	40	0	0
17th December, 1869	...	...	...	20	0	0
28th January, 1870	...	...	...	25	3	3
				£135	3	3

"It will also be seen, on reference to the enclosed vouchers, that I have made other payments in small sums to other persons.

" Since September, 1870, I have employed an agriculturist and his family. They have been residing on the land for over four months. On referring to my book, I find that I have actually expended on the land up to present date £240 11s. This is exclusive of some outstanding accounts which may perhaps amount to about £50.

" The details of the improvements I have effected I can furnish by sending down to Point Nepean for them.

" I presume, however, the character and extent of the improvements may be gathered from enclosed papers. It should, however, be borne in mind that, since my man has gone down, he has effected considerable improvements; put up a house, cleared a good deal of land, found water and sunk a well, and planted three tons of potatoes, and other works of a similar character.

" As regards my personal residence at Point Nepean, I was in hopes that I might have been enabled to spend the present summer there.

" The general election rendered that impracticable, and my visit has been, therefore, of a limited character. I do occasionally visit, and am always anxious to visit the place, whenever my public and other duties will permit me to do so."

On 8th April, 1871, the Board of Land and Works decided that this explanation and accompanying vouchers justified the refusal of the application to forfeit Mr. Casey's licenses.

On 22nd May, 1871, H. Watson addressed a letter to the Honorable H. M. Murphy (which he forwarded to the Lands Office) complaining generally of the favor shown to the Honorable J. J. Casey; and on which I wrote the following minute, which was approved by the Board of Land and Works on 1st June, 1871:—

" Recommended that Mr. Murphy be informed that, although the improvements made by Mr. Casey on this land would not justify the granting of an application for it under 31st section, they are such as to warrant the Board of Land and Works in declining to take steps to forfeit Mr. Casey's licenses to occupy such land. Members of the Legislature who are licensees under the 42nd section should not receive less consideration than ordinary licensees; and no ordinary licensee who had made such improvements as those alluded to in this correspondence would be deprived of his land for not strictly fulfilling the conditions of his licenses."

The decision of the Board was communicated on same day to the Honorable H. M. Murphy.

Deeming it desirable that a report by a bailiff of Crown Lands on Mr. Casey's holding should be obtained, I issued on 1st June, 1871, the following order.—" Mr. Bailiff of Crown Lands Yeoman to proceed to Point Nepean and report what improvements have been made on the land held under the 42nd section by the Honorable J. J. Casey; also, what is the position, nature, and extent of the clearing made by Henry Watson on the land held by Mr. Casey.

" Mr. Yeoman can also report generally on the nature and extent of the improvements made by other licensees in the parish of Nepean."

On 8th July, 1871, Mr. Yeoman reported that Mr. Casey's land is nearly all fenced (posts and rails). There is a house and stables said to be worth £85, but which Mr. Yeoman valued at £33. There are twenty-four acres under cultivation and twenty-five acres cleared for ploughing. A well has been sunk said to have cost £30, but Mr. Yeoman thought £20 would represent the value of it. Mr. Yeoman also reported that there were two horses and a cow on the land. He further stated that Henry Watson formerly held about one acre and a half of land, but which is now held by the Honorable J. J. Casey as a garden, fencing with posts and woven rails worth about £20. He has a cottage and out-houses worth £25. The cottage is situated about a chain and a half from the garden, which is as near as possible to have a dwelling.

This report was deemed satisfactory with regard to improvements made by the Honorable J. J. Casey.

It is evident, from foregoing statements, that Henry Watson did not inform the Department of his occupation of the small plot of land in question until two years after date of the application of the Honorable J. J. Casey.

He must have been aware, from seeing the pegs on the ground, that the plot of ground in question was comprised in the area pegged out; and his neglect to make any communication to the department relative thereto during the period of six months which elapsed between the date of Mr. Casey's application and the date of the communication to that gentleman of the approval of the application by the Governor in Council obviously precluded the Board of Land and Works from entertaining Mr. Watson's informal application for six acres, made about eighteen months after issue of licenses to Mr. Casey.

Crown Lands Office,
22nd November, 1873.

C. HODGKINSON,
Assistant-Commissioner of Lands and Survey.

APPENDIX B.

SELECTIONS AT NEPEAN.

Précis of Correspondence.

1868, 2nd and 4th November.—Henry M. Murphy and James Joseph Casey respectively made applications for 42a. 2r. 32p. and 62a. 3r. 16p. under the 42nd section of the Amending Land Act 1865, at Nepean, county of Mornington, and the applications here considered by the Local Land Board at Mornington on the 7th December, 1868, and the decision thereon announced was as follows, viz. :—

The applications of Messrs. Casey and Murphy were for portions of the Police paddock. These applications were objected to in writing by Mr. James Ford, jun., and verbally by some other persons who considered that the land was too valuable to be granted under the 42nd section, and that, if allowed to be taken up under that section, that intention ought to have been generally made known, so that other persons might have competed for it.

There was also a letter from the Chief Medical Officer objecting to the occupation of this land, owing to its proximity to the quarantine station, and which letter had been forwarded by the Honorable the Chief Secretary for the favourable consideration of the Honorable Commissioner of Lands and Survey.

Owing to the extent of the Quarantine Reserve, I think it unnecessary to withdraw from settlement the land outside of it; I, however, deemed it expedient to inform applicants that the decision relative to their respective applications would be postponed pending consideration by Board of Land and Works of the objections thereto.

The Chief Commissioner of Police has consented to the reduction of the area of the Police Reserve to 10 acres, it being of course understood that time be allowed for removal.

James Purves, 100 acres, refused, as this land had been previously applied for by Messrs. Casey.

(Signed) C. HODGKINSON.
7 | 12 | 68.

The Honorable the Chief Secretary having, on a subsequent communication from the Chief Medical Officer, asked that this land be withdrawn from the operation of the 42nd section, no further action has been taken relative to the applications of Messrs. Casey and Murphy.

(Signed) C. HODGKINSON.
12 | 12 | 68.

18th November.—Letter from Chief Medical Officer, requesting that steps may be taken to have land adjoining Sanatory Station withdrawn from sale.

18th November.—James Ford, jun., requests that the Police paddock at Nepean be not allowed to be taken up under the 42nd section.

To be considered by Commission.

C. H.
15 | 11 | 68.

26th November, 1868.—Assistant-Commissioner of Lands and Survey asks Chief Commissioner of Police if the Police paddock at Nepean is now required.

5th December.—Chief Commissioner of Police states that ten acres will be sufficient for police purposes.

5th December.—Chief Medical Officer again urges that Police paddock adjoining Sanatory Station be withdrawn from selection.

14th December.—Assistant-Commissioner's minutes :—]

The land in question was applied for by the Honorable J. J. Casey, Mr. N. J. Casey, and the Honorable H. M. Murphy. I postponed when at Mornington any decision relative to their applications, pending consideration of the Board of Land and Works of the objections made thereto. It seemed to me, before seeing the minute of the Honorable the Chief Secretary ("that the land should be withdrawn") that the objection of the Chief Medical Officer would be met by the reservation outside of the fence of the Sanatory Station of a strip of land of an average width of ten chains, and extending from the shores of Port Phillip Bay to the back beach. The proposed arrangements, as indicated by red lines and letter A on plan attached to the Honorable H. M. Murphy's application herewith, would leave a portion of the Police paddock still available for occupation.

(Signed)

C. HODGKINSON.

14 | 12 | 68.

Postponed by the Board of Land and Works.

L. B. Sch. 68 | 51.

JOHN L. LEWIS.

15 | 12 | 68.

10 | 12 | 68.—Richd. Watkin and others request that land known as the Police paddock, Point Nepean, be withdrawn and put up for sale.

10 | 12 | 68.—H. M. Murphy forwards tracing of land granted to him on the 7th December.

13 | 1 | 69.—H. M. Murphy urges his application under the 42nd section.

27 | 1 | 69.—H. M. Murphy inquires if his selection under the 42nd section has been granted.

Assistant-Commissioner states that Honorable Commissioner of Lands and Survey during an interview this day with the Honorable C. G. Duffy and the Honorable H. M. Murphy, expressed an opinion favorable to the granting of the applications of Messrs. Casey and Murphy, subject to the reservation of a strip of land about 3 chains wide along the eastern boundary of the Sanatory Station reserve, and Mr. Grant, the President, desired that a letter be written to Dr. McCrae, asking his opinion thereon.

C. H.

15 | 2 | 69.

22 | 2 | 69.—Chief Medical Officer finally states that he inspected the land, and suggests that the 3½ chains wide strip be reserved from selection along the coast boundary of the Sanatory Station reserve.

26 | 2 | 69.—Chief Commissioner of Police has no objection to the Police paddock being selected.

1 | 3 | 69.—The Board of Land and Works approved of the granting of the application of the Honorable H. M. Murphy, and also those of Messrs. Casey, subject to the excision of the strip of land aforesaid.

9 | 6 | 69.—The Honorable President approves of the modification of boundaries between H. M. Murphy and Messrs. J. J. and N. J. Casey, and the issue of the licenses to the Honorable H. M. Murphy and J. J. Casey.

2 | 8 | 69.—Licenses to H. M. Murphy and J. J. Casey prepared and issued to them accordingly.

28 | 11 | 70.—Henry Watson applies for 6 acres adjoining his cottage, being part of the land held under license by the Honorable J. J. Casey, and which was unimproved, and which applicant had occupied for years as a garden, as stated by him.

28 | 12 | 70.—Wm. H. Hobson makes application for 20 acres of the land granted to the Honorable J. J. Casey, as the conditions had not been complied with.

21 | 2 | 71.—Messrs. Watson and Hobson informed that, as the Honorable J. J. Casey had expended a considerable sum of money on the land with the view to occasional summer residence during the season, for which purpose other land near Point Nepean was also taken up, as a general rule, the licensees at Nepean have not fulfilled the condition which requires the cultivation of one-fifth portion of the land; and it would be very undesirable to compel them so to do, and thereby destroy the indigenous shrubbery which is the principal ornament to the land, and lay bare the sandy soil, which is not adapted for ordinary agriculture.

15 | 2 | 71.—Henry Watson calls attention to his letter of the 28th November, applying for a portion of the land granted to the Honorable J. J. Casey, and on which he has improvements.

14 | 3 | 71.—Mr. Watson, &c., and the Honorable J. J. Casey informed that, if any land is now forfeited for non-fulfilment of conditions under which it is held, the informer who gave the evidence or particulars which caused the forfeiture receives, under the Land Act 1869, no preferential consideration with regard to his application for the land so forfeited. Further inquiries will, however, be made to ascertain the nature and value of the improvements made by the Honorable J. J. Casey, who will be requested to state the nature and value of the improvements made by him on the land in question, and if he has occasionally visited it.

9 | 3 | 71.—The Honorable H. M. Murphy applies for 6a. 3r. of land fronting his present holding, and also applies for 23 acres granted to the Honorable J. J. Casey, as he has failed to comply with the conditions of the license.

17 | 3 | 71.—Mr. Murphy informed of the nature of reply sent, on the 14th March, to Messrs. Watson, Hobson, and J. J. Casey, previous applicants for this land.

16 | 3 | 71.—Honorable J. J. Casey, in reply to letter of the 14th instant, encloses vouchers for the expenditure of nearly £200 in effecting improvements at Point Nepean.

8 | 4 | 71.—The Board of Land and Works approved of the above explanation and accompanying vouchers, which justified the refusal of the applications to forfeit Mr. Casey's licenses.

29 | 3 | 71.—H. M. Murphy, in reply to letter of the 17th March, informing him that Messrs. Watson and Hobson have already applied for the same land.

21 | 4 | 71.—Mr. Murphy informed of the substance of the statements made by Mr. Casey, dated 16th March, and that the Board of Land and Works declines to take any action to forfeit Mr. Casey's licenses.

25 | 4 | 71.—Wm. H. Hobson replies to letter of the 14th March, and states that the Honorable J. J. Casey has not resided on the land, and that the expenditure thereon is of very little money value.

10 | 5 | 71.—Mr. Hobson informed that no grant will be issued to Mr. Casey under the 31st section of the Land Act 1869 until the conditions are complied with; the nature and value of the improvements made by Mr. Casey on his holding would not justify the revocation of his licenses, and the Board, therefore, declined to take any steps for such revocation.

22 | 5 | 71.—Letter from Henry Watson to Mr. Murphy, urging his claims to portion of land applied for, which he considers Mr. Casey had forfeited for non-fulfilment of conditions, and, further, impugning the Assistant-Commissioner of Lands and Survey's well known impartiality.

1 | 6 | 71.—Mr. Murphy informed that, although the improvements made by Mr. Casey on the land would not justify the granting of an application for it under 31st section, they are such as to warrant the Board of Land and Works in declining to take steps to forfeit Mr. Casey's licenses to occupy such land. Members of the Legislature who are licensees under the 42nd section should not receive less consideration than ordinary licensees; and no ordinary licensee who had made such improvements as those alluded to in this correspondence would be deprived of his land for not strictly fulfilling the conditions of the license.

8 | 7 | 71.—Crown Lands Bailiff Yeoman reports result of his inspection of the improvements effected on the various holdings at Nepean.

13 | 7 | 71.—The Assistant-Commissioner reviews the various applications for portions of the land held under the 42nd section by the Honorable J. J. Casey, and submits the Crown Lands Bailiff's report on the improvements effected by Mr. Casey on his land.

25 | 7 | 71.—The Board approved of Mr. Casey's application.

27 | 7 | 71.—The Honorable J. J. Casey informed that the improvements reported by the Bailiff to have been made on the ground are deemed satisfactory.

18 | 7 | 71.—Henry Watson requests attention to his letter of 28th November, 1870, for land at Nepean.

18 | 8 | 71.—Mr. Watson informed of decision of the Board of Land and Works on 71 | 10705.

15 | 8 | 71.—Honorable J. J. Casey applied under the 31st section to purchase the land held by him under the 42nd section Amending Land Act 1865.

18 | 9 | 71.—Crown Lands Bailiff's report submitted to the Board, and Mr. Casey's application under the 31st section approved by the Board of Land and Works, in which application is stated, that a further sum of money had been expended on the land.

FRED. HARDING.

Crown Lands Office,
Melbourne, 22 | 11 | 73.

APPENDIX C.

PETITION.

TO THE HONORABLE PRESIDENT AND MEMBERS OF THE LEGISLATIVE COUNCIL.

The humble Petition of Henry Watson, of Point Nepean, Fisherman :

HUMBLY SHEWETH—

That, for eleven years I, your Petitioner, have lived and followed my calling on the beach close to the land lately taken up by the Honorable J. J. Casey.

That before Mr. Casey's arrival I had occupied and cultivated a plot of about one acre or thereabouts, close to my cottage, and on the land pegged out by Mr. Casey, that I had so occupied by virtue of my fisherman's license, and by authority from the Board of Land and Works, granted to my predecessor, and transferred to me, and that from this land I was evicted by the Honorable Mr. Casey, to the great loss of myself and family.

That, in 1871—two years having then elapsed since Mr. Casey took up the land—I wrote to the Board of Land and Works, praying that, as Mr. Casey had neither resided, nor cultivated, nor fenced it, my old garden might be restored to me. I received a letter in reply, signed "C. Hodgkinson," stating that, as the Honorable Mr. Casey had obtained the land "for an occasional summer residence," the Board waived the residence condition in his case. I replied that, if Mr. Casey took up the land for an occasional summer residence, he had never used it as such, for he had not resided one day upon the land; and then pointing out that the other conditions had also been neglected. I received in reply a second letter with same signature, stating that the Board had waived the cultivation condition in favor of Mr. Casey "lest he should injure the indigenous shrubbery." I replied that there was no shrubbery upon the land, but plenty of scrub-berry in the shape of tea-tree and fern, and that as Mr. Casey's neighbours were cultivating, I did not see why he should be exempt, and reminding Mr. Hodgkinson that neither had Mr. Casey fenced in the land. The rest of the correspondence, all of which can be submitted to your Honorable House, consisted of an intimation that the Board would give me no redress, calling me an informer, and saying that any future application would not be attended to. I have since humbly approached Mr. Casey and prayed him to return my old garden, but to no purpose, and I now, as a last resource, lay my humble Petition before your Honorable House, believing that the intention of the Land Act was to settle *bonâ fide* occupants on the land, as residents and cultivators, and not to evict such, that the land might be given to non-residents; for up to the present time, although four years and a half have elapsed since the land was pegged out, Mr. Casey has not resided one day upon the land.

Your Petitioner humbly prays that your Honorable House will take the premises into your consideration to the end that such relief may be extended to me as in your wisdom shall deem fit.

And your Petitioner, as in duty bound, will ever pray.

HENRY WATSON.

Nepean, 17th November, 1873.

APPENDIX D.

I, Henry Watson, of Point Nepean, solemnly and sincerely declare, that the statements contained in the Petition signed by me, and presented to the Legislative Council on the 18th instant by the Honorable Robert Simson, are strictly true, and that I am prepared to prove the same by the testimony of witnesses on oath, and that I make this affirmation, well knowing that, if false, it is punishable as perjury.

HENRY WATSON.

Declared before me, one of Her Majesty's Justices of the Peace for this district at Queenscliffe, on the 22nd day of November, 1873.

(Signed) JOHN MACFARLANE, J.P.

1873.

VICTORIA.

RAILWAY TO GIPPSLAND.

PETITION.

ORDERED BY THE LEGISLATIVE COUNCIL TO BE PRINTED, 28TH OCTOBER, 1873.

TO THE HONORABLE THE LEGISLATIVE COUNCIL OF THE COLONY OF VICTORIA IN PARLIAMENT ASSEMBLED.

The humble Petition of the Shire Council of Avon in Council assembled:

SH EWETH—

That the want of easy and rapid communication between the district of Gippsland and the city of Melbourne is felt by your Petitioner to be an intolerable grievance which, as your Petitioner respectfully suggests, in effect restricts the commerce of the colony by the consequent exclusion in the meantime of so much of the indigenous products of Gippsland that would otherwise be available in augmentation of the general wealth.

That the grievance complained of is the more insufferable, owing to the fact, that there has never existed any main road fit for traffic between Gippsland and Melbourne.

That, as your petitioner believes, the construction of a railway by the State binding this district and its extensive network of navigable lakes and rivers with Melbourne, would, while conferring a lasting boon on its inhabitants, be the means of opening up a valuable province for the benefit of the entire colony.

Your Petitioner would, therefore, most humbly pray that your Honorable House would take into your serious consideration the grievance and premises aforesaid, and that your Honorable House will act with respect thereto as in your wisdom may seem meet.

And your Petitioner will ever pray, &c., &c.

(SHIRE SEAL.)

THOMAS LLOYD, President.
W. LEONARD BOLDEN, Secretary.

VICTORIA.

BRANCH LINE OF RAILWAY TO KILMORE.

PETITION.

ORDERED BY THE LEGISLATIVE COUNCIL TO BE PRINTED, 28TH OCTOBER, 1873.

TO THE HONORABLE THE PRESIDENT AND THE MEMBERS OF THE LEGISLATIVE COUNCIL OF VICTORIA IN
PARLIAMENT ASSEMBLED.

The Petition of the Inhabitants of Kilmore and the adjacent districts :

HUMBLY SHEWETH—

That your Petitioners beg that your Honorable House will be pleased, when the Railway Extension Bill shall come under your consideration, to add thereto a branch or loop line from the main trunk line of the North-Eastern Railway to Kilmore ; and they respectfully submit the following claims of the district to the branch line asked for, which is essentially necessary for the development of its resources, and the protection of its trade and vested interests :—

1. That when the land in the new township was sold, the North-Eastern Railway was marked on the Government maps as coming through the town, thereby causing that land and the lands adjoining to realize a very high price.

2. That the Report of the Select Committee of the Legislative Assembly on Railway Extension, ordered to be printed 8th June, 1865, recommended—“ That the question of a direct line from Melbourne to Albury, and the divergence of a branch line from the main trunk line at several points nearer to Melbourne than the one recommended (*via* Goornong), did not escape the consideration of your Committee ; and they hope, when full consideration is given by Parliament to the policy of constructing branch lines from populous localities to the main trunk line of Railways, that the wants and interests of the inhabitants of Kilmore and the other towns in the route to Albury will not be overlooked.”

3. That the branch line of railway to the town of Creswick, and the branch from Wangaratta to Beechworth, are cases precisely similar to that of Kilmore.

4. That it has been ascertained from the carriers of these districts that the tonnage of goods to and from Melbourne is about 160 tons weekly ; and, in reference to the passenger traffic, since the North-Eastern line has been opened, it will be found greater from Kilmore than from any other station on the line ; and the goods traffic would be considerably increased were it not for the high cost of cartage from the station to Kilmore, being at the rate of 5s. and 7s. per ton.

5. That the town of Kilmore was founded in 1843 ; is the centre of a well recognized rich agricultural district, offering advantages, as regards profits, to the main line as a feeder for traffic, not only to Melbourne, but also supplying agricultural products to the pastoral districts on the Murray.

6. That the total population of the colony, by the last census, is 729,654, and the general revenue for the year ending 30th September, 1873, was £3,809,567—which makes an average taxation of £5 4s. 5d. for each individual. And the population of the following districts, which feel deeply interested in having a branch line to Kilmore, is over 14,000, who proportionally contribute a sum of £73,091 annually to the general revenue, and for which they have never received any adequate return :—

Population of Kilmore and adjacent districts.		General Revenue, 1873.	
Kilmore Borough	1571	I. Customs	£1,720,198
Bylands Road Board	1751	II. Excise and Inland Revenue	75,610
Heathcote Borough	1554	III. Territorial	736,215
Lancefield Shire (part)	1828	IV. Public Works	827,264
Springfield Shire	1222	V. Ports and Harbors	19,033
Pyalong Shire	1748	VI. Post and Telegraph Offices	182,910
McIvor Shire (part)	3222	VII. Fees	87,188
Willowmavin Road Board	516	VIII. Fines	6,835
Broadford Road Board (part)	600	IX. Miscellaneous	154,312
Population	14,015	Total Revenue	£3,809,567

7. That the present road from Kilmore to the North-Eastern Railway is, and always shall be, inconvenient, dangerous, and expensive for goods and passenger traffic ; and, if continued as the only means of access to the Railway, must effectually destroy the trade and prosperity of Kilmore.

Your Petitioners trust the justice of their claims will be acknowledged by your Honorable House, when you consider that the town of Kilmore is now 30 years in existence, and during that period must have largely contributed to the general revenue of the colony ; that the land sold by the Government then in existence showed the proposed Railway in the maps of that land as running through Kilmore, and thereby receiving a large increase in the price at the time of sale ; that the Select Committee of the Legislative Assembly, in their Report on Railways in 1865, amply acknowledged the claims of Kilmore to Railway accommodation ; and that not conceding to Kilmore that Railway accommodation to which it is justly entitled, as shown on the map, would be a repudiation of an implied contract of a former Administration—a thing unprecedented in the annals of Constitutional Government ; and, finally, if the branch line be granted, the traffic of the district would be so considerably increased as to yield ample returns for the outlay of construction.

And your Petitioners will ever pray.

GEO. HUDSON, Mayor,
Chairman of Kilmore Railway League.

1873.

VICTORIA.

THE BLACK LINE OF RAILWAY.

PETITION.

ORDERED BY THE LEGISLATIVE COUNCIL TO BE PRINTED, 28TH OCTOBER, 1873.

TO THE HONORABLE THE PRESIDENT AND MEMBERS OF THE LEGISLATIVE COUNCIL OF VICTORIA IN PARLIAMENT ASSEMBLED.

The Petition of the undersigned Inhabitants of Queenscliffe :

SHEWETH—

That for several years past Queenscliffe has been increasing in importance as the chief watering-place of the colony.

That all the year round the Mail Passenger and Fish Traffic between Queenscliffe and Geelong is very considerable, and frequently during the summer months the demand for transit is beyond the supply.

That a Railway to Queenscliffe would supply a great want in uniting the greater portion of the Western District to the sea-board for sanatory and recreative purposes.

That Queenscliffe being admittedly the key of the Colony, Railway communication is absolutely necessary for defence purposes.

That the "Black Line" of Railway would be the most convenient and economic for the construction of a Branch Line to Queenscliffe; and your Petitioners therefore pray your honorable House to adopt that Line.

And your Petitioners, as in duty bound, will ever pray.

[*Here follow One hundred and twenty-five signatures.*]

By Authority : JOHN FERRES, Government Printer, Melbourne.

VICTORIA.

SUPREME COURT BILL.

PETITION.

(F. Wilkinson.)

ORDERED BY THE LEGISLATIVE COUNCIL TO BE PRINTED, 4TH NOVEMBER, 1873.

TO THE HONORABLE THE PRESIDENT AND MEMBERS OF THE LEGISLATIVE COUNCIL IN PARLIAMENT ASSEMBLED.

The humble Petition of Frederick Wilkinson, Esquire, Master-in-Equity of the Supreme Court of the Colony of Victoria :

SHEWETH—

That your Petitioner was appointed to the above-mentioned office of Master-in-Equity in the year 1852, by Letters Patent from Her Most Gracious Majesty the Queen.

That the duties of Master-in-Equity are, and always have been since the creation of the office by the Act 15 Victoria No. 10, similar to those of the late Masters in Chancery in England, and which were primarily and essentially of a judicial character ; the persons appointed to such offices being either Queen's Counsel or barristers of long standing at the Bar.

That such was the view of the character of the duties and nature of the office of Master-in-Equity taken by the Legislature which passed the Act 15 Victoria No. 10 is evident from the provision contained in it requiring the same qualification in the holder of the office of Master-in-Equity as that required for the Judges of the Supreme Court themselves (sections 3 and 7).

That by the 36th section of the Bill relating to the Supreme Court now before your Honorable House it is proposed to be enacted that the Master-in-Equity shall, from and after the coming into operation thereof, perform the duties of a Registrar of the Court, and which duties are to be prescribed by Rules of Court.

That your Petitioner has been informed and verily believes that the scope and intention of such provision is to withdraw from your Petitioner all the judicial duties and functions belonging to him as Master-in-Equity, and that such duties are hereafter to be performed by the judges themselves ; thus in fact, though not in name, abolishing the office of Master-in-Equity.

That the duties intended to be performed by the Registrars under the Bill will be wholly of a clerical or ministerial character, and for the performance of which no professional qualification is required by the Bill.

That your Petitioner was, at the time of his acceptance of the office of Master-in-Equity, of eleven years' standing at the bar, and is now of upwards of thirty-two years standing at the bar.

That your Petitioner would not have accepted the office of Master unless the duties of it had been of a judicial character, similar to those of a Master-in-Chancery in England.

That your Petitioner respectfully submits that such a radical change in your Petitioner's position as that contemplated by the provision referred to would be a breach of faith towards him.

That the change proposed by the said clause, while in effect abolishing the office accepted and so long held by your Petitioner, proposes to compel him to accept a new office for the first time created by this Bill, and one of a totally different and much inferior character, and the duties of which will be derogatory to your Petitioner.

That, on the abolition of the Masters in Chancery in England, when their duties devolved upon the Judges of the Court of Chancery, and the office of Chief Clerk to the judges was created, it was not attempted, nor even proposed, to require the Masters in Chancery to accept the position of such Chief Clerks, which would have been a provision analogous to that contained in the Bill now before your Honorable House, proposing to compel your Petitioner to become a Registrar.

That, on the occasion of the abolition of such Masters in Chancery, and in every case of the abolition of any office under the Crown with a view to effecting a reform or improvement, the invariable practice in England has been either to allow the gentlemen whose offices were abolished to retire on full salary or to provide them with some other offices they might be willing to accept.

That your Petitioner has no desire to be relieved of his office of Master-in-Equity, nor of the judicial duties hitherto devolved upon him.

That the salary of the office of Master-in-Equity is included with those of the Judges of the Supreme Court in Schedule D of the Constitution Act of the Colony of Victoria, as part of the "Civil List" thereby granted to Her Majesty.

That by section 60 of such Constitution Act it is provided that it shall not be lawful to present to the Governor for Her Majesty's assent any Bill by which an alteration in the said Schedule D may be made, unless the second and third readings of such Bill shall have been passed with the concurrence of an absolute majority of the whole number of the members of the Legislative Council and of the Legislative Assembly respectively, and further requires that every Bill that shall be so passed shall be reserved for the signification of Her Majesty's pleasure thereon.

That in clause 13 of the despatch of the Right Honorable Lord John Russell (then Secretary of State for the Colonies) to Governor the late Sir Charles Hotham, K.C.B., transmitting such Constitution Act, his lordship says, referring to the Civil List,—“The Legislature of Victoria has thought proper to protect the interests of existing holders, whether of salary or pension, by the general condition that all enactments touching the Civil List should be reserved for Her Majesty's pleasure. That general condition is liable to repeal, but should it be at any time repealed you will continue to reserve for Her Majesty's pleasure any Bill which may affect those existing interests to maintain which the faith of the Crown is pledged by the transactions which have resulted in the present measures.”

That the provision as to the office of Master contained in the 36th clause of the said Bill now before your Honorable House, amounting, as your Petitioner humbly contends, to a virtual abolition of the office of Master-in-Equity, your Petitioner respectfully submits that the said Bill itself falls within the provisions of the 60th section of the Constitution Act.

Your Petitioner, therefore, humbly prays that he may be heard by counsel at the Bar of your Honorable House, and that your Honorable House will be pleased to make such provision in respect of the premises complained of as will preserve to your Petitioner the exercise of the judicial functions belonging to the office of Master-in-Equity, and maintain the status hitherto held by your Petitioner as such Master.

And your Petitioner will ever pray, &c.

Master-in-Equity's Office,
4th November, 1873.

FRED. WILKINSON,
Master-in-Equity.

VICTORIA.

REGULATION AND INSPECTION OF MINES BILL.

PETITION.

ORDERED BY THE LEGISLATIVE COUNCIL TO BE PRINTED, 4TH NOVEMBER, 1873.

TO THE HONORABLE THE PRESIDENT AND MEMBERS OF THE LEGISLATIVE COUNCIL OF THE COLONY OF VICTORIA
IN PARLIAMENT ASSEMBLED.

The Memorial of certain Miners, Managers, and others, in public meeting assembled, held at Ballarat, 1st
November, 1873 :

HUMBLY SHEWETH—

That your Memorialists, as practical miners of long experience in this district, view the Bill introduced by the
Honorable Mr. Mackay for the Inspection and Regulation of Mines, as a measure calculated to seriously injure and
retard mining enterprise.

That, whilst your Memorialists are fully impressed with the necessity of legislating for the better protection and
safety of the miner, they are of opinion that the said Bill should be amended and rendered more equitable ; many of
the regulations being utterly impracticable, and, if required to be carried into effect, would cause heavy loss to
many mines, and probably their abandonment.

That your Memorialists, having carefully considered the Bill, respectfully submit—

- 1st. That the responsibility of any accident, and the liability arising therefrom, should not be fixed upon
any manager, it being both inequitable and illogical to hold him personally to blame for the laches of
others ; and in the event of such a measure becoming law, it will be difficult to induce competent men
to take such a grave responsibility, under which both property and liberty are at stake.
- 2nd. That it is obviously unfair to make an accident *primâ facie* evidence that the company was in fault,
as it is often impossible to ascertain how some accidents arise.
- 3rd. That it is impossible to use covers over the cages working in the shafts of this district, as in such case
no rails, pipes, or long timber could be lowered below.
- 4th. That in many instances it is utterly impossible to fix a shaft ladder, except vertically. In pump
shafts, where there are two or more columns of pipes, there is no space to fix a ladder upon an angle ;
and it might be the utter ruin of the mine to attempt to enlarge the shaft, in consequence of the drift,
rock, or difficult strata through which such shaft might be sunk.
- 5th. That to prohibit persons under eighteen years of age from having charge of stampers, trucks, &c.,
will cause large numbers of youths now employed to be thrown out of work.
- 6th. That to prohibit persons in charge of machinery from working more than eight hours in any one day
will act prejudicially in numerous cases where small quartz companies work only eight hours per day,
and consequently employ but one enginedriver for this purpose ; and further, repairs in the shaft, and to
the machinery, and looking after the pumps may, and occasionally does, require a longer attendance
than eight hours per diem.
- 7th. That if companies are held liable for the general health of their workmen, they must in self protection
cause those workmen to submit to a medical examination, and decline to employ any man who
exhibits any incipient signs of disease, and that such a proceeding would press most harshly upon
many deserving men.
- 8th. That your Memorialists submit, that mining surveyors as a body are neither practical miners nor
mechanical engineers, and are therefore incompetent to act as mining inspectors ; and that such
mining inspectors should be thoroughly qualified men in whom the mining community could repose
implicit confidence.

- 9th. That for mining surveyors to inspect only when a complaint is made to them, is to encourage a system of informers who would be in a position to subject companies to unnecessary annoyance, and delay their operations.
- 10th. That it is unjust to hold either the company or manager responsible for negligence on the part of any workmen; and it is unjust that, whilst the offending workman is liable to a fine, the maximum amount of which is only Ten pounds sterling, the company and manager are liable for any damage that may be given against them resulting from such neglect.
- 11th. That the proposal to render the machinery of a company liable to a first charge in respect to any claim arising out of any accident is calculated to greatly injure mining adventure, as it would tend to destroy the value of any security a company could offer to its bankers.
- 12th. That the regulation compelling mining companies to test their boilers every six months is alike uncalled for and injurious.

Your Memorialists therefore respectfully and urgently desire that you will be pleased to take into consideration the importance of the interests affected by the said Bill for the Inspection and Regulation of Mines in its present form, and that you will be pleased to modify or amend the said Bill.

And your Memorialists, as in duty bound, will ever pray.

A. T. MORRISON,

Chairman,

By direction, for and on behalf of a public meeting,
held 1st November, 1873.

Dated at Ballarat, 3rd November, 1873.

1873.

VICTORIA.

NEPEAN—OCCUPATION OF LAND AT.

PETITION.

ORDERED BY THE LEGISLATIVE COUNCIL TO BE PRINTED, 18TH NOVEMBER, 1873.

TO THE HONORABLE PRESIDENT AND MEMBERS OF THE LEGISLATIVE COUNCIL.

The humble Petition of Henry Watson, of Point Nepean, Fisherman :

HUMBLY SHEWETH—

That, for eleven years I, your Petitioner, have lived and followed my calling on the beach close to the land lately taken up by the Honorable J. J. Casey.

That before Mr. Casey's arrival I had occupied and cultivated a plot of about one acre or thereabouts, close to my cottage, and on the land pegged out by Mr. Casey, that I had so occupied by virtue of my fisherman's license, and by authority from the Board of Land and Works, granted to my predecessor, and transferred to me, and that from this land I was evicted by the Honorable Mr. Casey, to the great loss of myself and family.

That, in 1871—two years having then elapsed since Mr. Casey took up the land—I wrote to the Board of Land and Works, praying that, as Mr. Casey had neither resided, nor cultivated, nor fenced it, my old garden might be restored to me. I received a letter in reply, signed "C. Hodgkinson," stating that, as the Honorable Mr. Casey had obtained the land "for an occasional summer residence," the Board waived the residence condition in his case. I replied that if Mr. Casey took up the land for an occasional summer residence, he had never used it as such, for he had not resided one day upon the land; and then pointing out that the other conditions had also been neglected. I received in reply a second letter with same signature, stating that the Board had waived the cultivation condition in favor of Mr. Casey "lest he should injure the indigenous shrubbery." I replied that there was no shrubbery upon the land but plenty of scrub-bery in the shape of tea-tree and fern, and that as Mr. Casey's neighbours were cultivating, I did not see why he should be exempt, and reminding Mr. Hodgkinson that neither had Mr. Casey fenced in the land; the rest of the correspondence, all of which can be submitted to your Honorable House, consisted of an intimation that the Board would give me no redress, calling me an informer, and saying that any future application would not be attended to. I have since humbly approached Mr. Casey and prayed him to return my old garden, but to no purpose, and I now, as a last resource, lay my humble Petition before your Honorable House, believing that the intention of the Land Act was to settle *bonâ fide* occupants on the land, as residents and cultivators, and not to evict such, that the land might be given to non-residents; for up to the present time, although four years and a half have elapsed since the land was pegged out, Mr. Casey has not resided one day upon the land.

Your Petitioner humbly prays that your Honorable House will take the premises into your consideration to the end that such relief may be extended to me as in your wisdom shall deem fit.

And your Petitioner, as in duty bound, will ever pray.

HENRY WATSON.

Nepean, 17th November, 1873.

VICTORIA.



VOTES

AND

PROCEEDINGS

OF THE

LEGISLATIVE

COUNCIL.

SESSION

1873.